

Via Email

September 26, 2022

Nicole Hay, Planning Administrator
Planning and Building Department
Morgan County Government
231 Ensign Street
Fort Morgan, CO 80701

RE: Response to Morgan County Board of Commissioners File Summary—Areas and
Activities of State Interest Permit Application for Colorado's Power Pathway (Pathway)

Dear Ms. Hay,

Xcel Energy has reviewed the Morgan County Board of Commissioners File Summary dated September 21, 2022 (File Summary), regarding questions raised during the Commission hearing on Pathway on September 14, 2022. This letter provides additional information to address the three concerns raised by the Commissioners which are discussed in the File Summary as well as the Revised Recommended Conditions and Proposed Recommended Conditions.

Below are excerpts from the File Summary and Xcel Energy's responses.

1. **From the File Summary – Wells:** A member of the public expressed concern that transmission lines, if directly above existing wells or the radius within which existing wells may be redrilled under their permits, would interfere with or prevent work on existing wells or their redrilling. This is because drilling equipment may not be able to be operated under the lines and some companies are unwilling to operate under the lines even if their equipment can be operated. Xcel has responded that there are several solutions to this issue. Xcel can install higher towers so there is more clearance for drilling equipment. This is one reason why Xcel has requested a maximum height of 190 feet. Xcel is also able to make micro adjustments to the alignment of the lines so that they are not above existing wells or the area within which they may redrilled. Xcel is also able to pay for obtaining new well permits and redrilling new wells, when appropriate. Finally, Xcel would be required to compensate landowners for any interference with wells and their redrilling if no other solution is available. Consequently, Xcel is of the position that no special condition is required to address the well issue.

Xcel Energy's Response: Xcel Energy has communicated with the individual who expressed concern regarding the line location relative to wells at the Commission hearing on September 14, 2022. It has been clarified that the Pathway transmission line is not proposed to cross that property and is not proposed to be over or near the well located on the property.

Generally, Xcel Energy will attempt to minimize impacts to landowners when selecting pole placements on individual properties. The locations of existing wells (including those used for irrigation) are identified using publicly available data, discussion with landowners, and survey of the proposed right-of-way and are factored into the final designed location of the transmission line.

Xcel Energy adheres to the minimum required distance for operational safety of the well and transmission line by designing the transmission line to maintain 20 feet of horizontal clearance from the wires or poles to an existing well. If 20 feet of clearance cannot be achieved with the design of the transmission line, or upon landowner request, Xcel Energy will work with the landowner to relocate the existing well or drill a new well outside of the 20-foot safety clearance area. If a landowner identifies the potential for an existing well to be relocated or redrilled in the future, Xcel Energy will consider that in the final designed location of the transmission line. Each well has specific considerations that must be factored into the design of the transmission line (use, location, permitted future well drilling area, etc.) and therefore Xcel Energy works with each landowner directly to address their specific needs related to any well on their property.

If a condition were imposed on the Pathway line to remain a certain distance away from existing wells, it would limit Xcel Energy's ability to work with individual landowners regarding the specific conditions of their property and how they would prefer to have any concerns about the line location addressed. The nature and type of well can impact what a landowner needs. Some wells can co-exist within the easement and some cannot, but stating a setback can impact the location of the easement as opposed to defining location of poles and wires. Xcel Energy would prefer to provide options to each landowner and discuss their preferences to reach a satisfactory outcome that is reflected in the designed transmission line location and negotiated easement agreements.

Xcel Energy does not believe pole alignment in relation to wells will be a significant issue in the County and therefore requests to not impose a condition. However, if the Commissioners believe a condition is necessary, the following is an option:

"Xcel Energy shall use reasonable efforts to minimize the impacts to the use of farming equipment, wells, and agricultural operations when selecting pole placements."

2. **From the File Summary – Pole Height:** Planning staff had recommended a condition requiring Xcel to obtain advance permission prior to installing a pole in excess of 140 feet out of a concern that the taller poles had greater visual impacts. Xcel's position is that it will likely need to install poles in some locations that exceed the typical 140 in height up to 190 feet. This will be necessary in some locations due to topographic considerations, pole spacing (to account for line sag resulting from greater distance between poles), and the need to accommodate farming equipment and well drilling equipment. Because higher poles cost more money, Xcel will not be using them when unnecessary. Xcel does not believe obtaining prior approval from the County Planning Department is necessary and Xcel is of the position that it is an unnecessary burden on both Xcel and the County Planning Department. Rather, Xcel has proposed providing the County Planning Department with notice of the locations where poles in excess of 140 feet will be located along with an explanation of the reason for the increased height.

The Planning Department supports Xcel's proposal. The Planning Department is satisfied that the taller poles will only be installed when necessary to accommodate a reasonable need.

Xcel Energy's Response: Xcel Energy appreciates Morgan County's continued evaluation of this condition. Factors that influence the necessary height of each transmission pole

include voltage, conductor sag, pole type, terrain, length of span between transmission poles, and minimum clearances. Typically, the longer the span between poles, the taller the required pole heights. If pole heights are limited, more poles will be required to maintain clearance under the line.

Xcel Energy's 1041 permit application presented the range of typical pole heights as 105 to 140 feet and noted, "poles will not exceed 190-foot maximum height". The maximum height was determined by Xcel Energy's transmission line engineering team based on conditions along the route in Morgan County. The taller structures (up to 190 feet) are necessary in some locations to allow farm equipment to pass unimpeded below the transmission lines thus facilitating safe access and allowing continued farming within the easement area. Having the ability to utilize taller structures (up to 190 feet) in some areas will also allow for ongoing coordination with landowners to resolve concerns such as well height by allow for additional clearances gained by installing taller structures.

Xcel Energy works with individual landowners to assess land uses on their property relative to the proposed location of the transmission line. Based on feedback from each landowner, reasonable accommodations are made in the final transmission line design to minimize impacts to agricultural operations by careful pole placement and determination of the pole height and clearance beneath the wires.

3. **From the File Summary – Road Impacts:** The Commissioners expressed concern over the impact of construction traffic on County roads. A draft roadway agreement has been prepared and provided to Xcel for its review, which is designed to address these concerns. It is designed to mitigate the damage to County roads, minimize interruptions to the traveling public, and compensate the County for the costs of repairing any damage to the County roads and any increased maintenance costs resulting from the project. In short, it requires Xcel to propose a roadway mitigation plan to limit damage to the roads and address traffic and safety concerns. It requires Xcel to prepare a baseline inventory of the roads to verify their condition prior to Xcel's use. It requires Xcel to repair any damage resulting from Xcel's use. Finally, it requires Xcel to provide financial security to ensure Xcel complies with the terms of the road use agreement.

Staff believes that this will adequately address County roadway issues resulting from the project.

Xcel Energy's Response: Xcel Energy understands that Morgan County will provide a draft roadway agreement. Xcel Energy will work with the County to sign a mutually agreeable Road Use Agreement prior to the beginning of construction in Morgan County.

Revised Recommended Conditions

Xcel Energy acknowledges the revised conditions of approval 1–15 as described in the File Summary and respectfully requests the following modification to Condition #7. Xcel Energy acknowledges the remaining conditions and does not request any modifications to them.

7. The County will require temporary use permits for ~~all temporary construction areas, any staging or laydown areas, or other temporary areas for construction activities~~ ("Temporary Areas"). Xcel is required to obtain a temporary use permits for all Temporary Areas prior to placing any equipment, materials or any other items associated with the Pathway Project in

the temporary construction area. To obtain a temporary use permit, at a minimum, Xcel must provide a map showing the Temporary Area by size (acreage and perimeter), a list of materials and equipment to be stored on the Temporary Areas, activities within the area (e.g., grading, storage, etc.), the length of time the temporary construction or staging or laydown areas will be in use and in the case of concrete batch plants, a copy of the APEN issued by the Colorado Department of Public Health and Environment. Temporary use permits issued for Temporary Areas may not be issued for a period longer than one year. There is no limit on the number renewals for the temporary use permits; however, Xcel must notify the County at least thirty (30) days prior to the end of a permit of its intent to renew. It shall be a condition of every temporary use permit issued under this provision that all equipment and materials must be removed from the Temporary Areas and the area returned to a condition similar to its condition prior to construction, in accordance with paragraph 10 below. No permanent structures may remain in the Temporary Areas unless approved by the County pursuant to the applicable Morgan County Zoning Regulations.

Response: Xcel Energy respectfully requests this change to clarify that Temporary Use Permits will be required only for work areas outside of the transmission line easements. Xcel Energy understands that the approved 1041 Permit, any required public works permits (such as stormwater and right of way permits) and signed easements with landowners will suffice to allow construction activities to proceed in the transmission line easement areas and within the Canal Crossing Substation parcel.

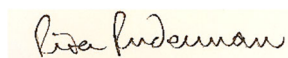
Potential Additional Conditions

Xcel Energy agrees with Morgan County Staff that additional conditions are not necessary to address well concerns or to mitigate impacts to agricultural operations. Should the Commissioners choose to add conditions, Xcel Energy respectfully proposes replacing Potential Additional Conditions #16 and #17 with the following combined condition.

Xcel Energy shall use reasonable efforts to minimize the impacts to the use of farming equipment, wells, and agricultural operations when selecting pole placements.

We look forward to working with you during the permit process. Please feel free to contact me by telephone at (303) 571-7159 or email at Rita.C.Ruderman@xcelenergy.com or contact permitting consultant, Stephanie Phippen with Tetra Tech Inc., at (303) 980-3515 or Stephanie.Phippen@tetrattech.com.

Sincerely,



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Siting & Land Rights
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