

# **SAN MIGUEL COUNTY PLANNING COMMISSION AGENDA**

**January 11, 2017**

**Glockson Building, County Offices, 1120 Summit St., Norwood**

- 8:30 AM Leave Courthouse for Norwood
- 9:30 AM Approval of 12/14/16 Minutes; Planning Commission and Staff Comments  
Election of Officers for 2017  
Set Planning Commission meeting dates for 2017
- 9:40 AM Special Use Permit Recommendation: Tri-State Transmission Line Rebuild  
of an Above-ground 115-kilovolt (kV) Electric Transmission Line to operate  
at 230-kV, West End Zone District
- Special Use Permit: 60-acre construction Staging Area off State Highway  
141 in Disappointment Valley via CR 19Q on property by Steve and Pamela  
Suckla, located within the West End Zone District
- Adjourn

**For more information on the above proposal contact the  
Planning Department at (970) 728-3083**

**Times are approximate; items may begin earlier (except public hearings)  
or later than scheduled.**

[Tri-State Maverick to Cahone 230-kV Transmission Line Complete Application](#)

[Tri-State Temporary Staging Area Complete Application](#)

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**SAN MIGUEL COUNTY PLANNING COMMISSION  
MINUTES – REGULAR MEETING**

**December 14, 2016**

**Placerville School House, 400 Front Street, Placerville**

Present: Lee Taylor, Chair  
Pamela Hall, Vice-chair  
Marty Schmalz, Secretary  
Ian Bald, Regular Member  
M.J. Schillaci, Sr. Alternate  
Josselin Lifton-Zoline, Jr. Alternate

Absent: Kevin Kell, Regular Member

Planning Staff Present: Michael Rozycki, Planning Director  
Karen Henderson, Senior Planner  
John Huebner, Planning Technician

Other County Staff Present: Steve Zwick, County Attorney  
Mike Horner, County Road and Bridge Superintendent  
Ryan Righetti, new County Road and Bridge Superintendent

9:03 a.m. Called to Order.

**County Road Vacation Recommendation: CR 60M, east end of San Miguel County on East Wilson Mesa, and west of Telluride**

Mike Rozycki, County Planning Director, recognized Mike Horner, County Road and Bridge Superintendent, who is retiring from the county on January 6, 2017 after 41 years of service. He also introduced Ryan Righetti who is the new County Road and Bridge Superintendent.

Mike Rozycki updated the Planning Commission on a Memorandum dated December 14, 2016 regarding a Road Vacation Recommendation for a Portion of County Road 60M that is located on East Wilson Mesa west of Bilk Creek. He said the application was submitted by Michael Hockersmith, Attorney, on behalf of the applicants, Homewood Limited Partnership and Alexander Ranch, LLP, requesting an approximately 4.75 mile portion of CR 60M be vacated. The road, except for a short stretch that briefly enters public lands administered by the US Bureau of Land Management, is located entirely on the Homewood and Alexander properties.

Rozycki said the application was submitted in accordance with Land Use Code Section 5-501 L. Review Standards, which states what has to be submitted in order for an application to be considered. He identified that the proposed road vacation requires two-step County Planning Commission (CPC) and Board of County Commissioner (BOCC) review [according to Land Use Code Section 3-601 J.], and specific noticing requirements required by [Colorado Revised] Statutes [C.R.S. 43-2-303 (2)(b), which requires the proposal be advertised two times after the CPC recommendation and prior to BOCC consideration. He noted that the application requesting

to vacate a portion of CR 60M is subject to a Legislative Act that may or may not be approved by the BOCC in their sole discretion following receipt of a recommendation from the CPC.

Mike said the Planning Department after it certified the application complete sent it to referral agents including the County Attorney, County Sheriff, Telluride Fire Protection District, Bureau of Land Management, and other county departments. He included that the Applicants sent notice of the proposed road vacation application to all owners within 500 feet of the subject parcels as required by statute, and to all property owners adjacent to or along CR 60M from its intersection with CR 59H to the beginning of proposed vacation at the Homewood property, and posted signs on the subject properties noticing the Planning Commission meeting. He said the county received comments from referral agencies, county staff and from owners along CR 60M and the general public, and that copies of these comments were provided to the Planning Commission. Mike said two letters were received just before the meeting, one from Dave Foley of the Telluride Mountain Club, and one from Tim Force a Montrose County resident.

Rozycki said background was included in the Memorandum about how CR 60M was established as a public road by virtue of a prescriptive easement acquired by adverse possession [in excess of 20 years pursuant to C.R.S. §43-2-201 (1)(c).] He said the width of the right-of-way for CR 60M prescribed by this Court Order is 20.7 feet with no provision for a vehicle turnaround. The County has maintained the road [since at least 1975] providing summer maintenance only.

Mike listed the agencies who provided referral comments: Telluride Fire Protection District, Bureau of Land Management, County Parks and Open Space Coordinator and County Government Services and Natural Resources Department. Lee Taylor, Planning Commission Chair, announced for the record that on November 9, 2016 the County Planning Commission visited the portion of CR 60M proposed to be vacated.

Mike Rozycki presented power point slides showing maps submitted in the application, a map included with comments from the BLM, maps provided by the county, and three alternatives identified by Planning staff for the CPC to consider in making a recommendation to the BOCC.

Rozycki said the first alternative was the Planning Commission could recommend approval of the road vacation as recommended by County Road & Bridge Superintendent, Mike Horner, subject to the five (5) specific conditions of approval set forth in his November 16, 2016 email addressed to the Planning Director, finding that the vacation of this section of CR 60M meets all Land Use Code standards in Section 5-501 L. Road Vacation and the road vacation will not leave any adjoining land without access to a public road.

1. To be consistent and not create a dead end for pedestrian access across Wilson Mesa, the road vacation, if approved should be subject to the same non-motorized recreational access easement that was approved in BOCC Resolution 2000-19 for that portion of CR 60M that traverses the Price property.
2. A sign should be placed on each end of the vacated section to indicate, "NON-MOTORIZED PEDESTRIAN ACCESS, STAY ON ROAD". The Road Department could install these signs in the spring, if approved.
3. All gates must remain unlocked or the property owners must install pedestrian access gates sufficient to allow unrestricted passage of bicycles or horses.

4. While access to public land may be an issue, the first section of BLM land is only .53 miles from the west property gate and the second is 1.15 miles from the west gate. Hunters or hikers will still have reasonable pedestrian access to the public land. There are no motorized trails on this section of public land so foot or horseback travel is simply extended about a half mile.
5. If approved by the County Planning Commission to the BOCC it is requested that the BOCC public hearing notice also include language according to CRS 43-2-110 to consider the exclusion of CR 60M from the County Road Maintenance System.

Mike stated the second alternative was the Planning Commission could recommend conditional approval of the road vacation as recommended by Mr. Horner, but only recommend approving the road vacation from the point on the ground where the road leaves public land at the furthest northeast corner of Lot 9, Section 33, T. 43 N., R10#, NMPM, shown as an X on the map enclosed with the November 18, 2016 letter from, Acting BLM Field Manager, Samuel Dearstyne; this location is also identified as Lat 37.944585 and Long -107.967574, which is near the area where the "old road" that appears to have accessed public land takes off from CR 60M as identified during the CPC November site visit. If the CPC were to make this recommendation to the BOCC it is suggested that there be a provision for non-motorized users to pass through a gate at this location and that there also be a provision for a vehicle turnaround at this end of CR 60M. In staff's opinion this recommendation would be consistent with LUC Section 2-32 and the County's policies concerning access to public land.

Rozycki said the third alternative identified was the Planning Commission could recommend denial of this road vacation application in its entirety as requested by the Ptarmigan Ranch Owner's Association, Board of Directors and several other land owners on Wilson Mesa and the general public citing that this section of CR 60M provides public access to important and desirable scenic vistas occurring along this portion of Wilson Mesa. Additionally, unlike the 2000 vacation of a portion of CR 60M on and over the "Bilk Creek" parcel the applicants have not offered or proposed any substantial benefits to the County or the public for divesting its property interest in this section of CR 60M. It is acknowledged that this road vacation application differs from the one that was approved by the BOCC in 2000 in that at that time CR 60M was a looped roadway and at present CR 60 M is not a continuous looped public road but rather it currently dead ends at the Price property. In addition he added that the public has requested that emergency access to the road still be provided to landowners on the Mesa.

Lee Taylor opened the floor to public comments and questions from the Planning Commission. Marty Schmalz, Planning Commission, summarized the reasons stated for the application are trespass, conflict with the ranching vehicles, and the public and then asked the applicant if that had increased over the years and how often and what the impetus was to submit their application at this time. Ryan Homewood, Applicant, replied that the activities in San Miguel County have changed over the years; it was once a ranching community people weren't bicycling, climbing rock walls, taking photography and it's increased over the years and basically they are at a point that they are tired of it. They ask 95% of the people caught off the road and trespassing to leave and they do not make a big deal of it or they'd be calling the County Sheriff or Colorado Parks and Wildlife every time. Ryan said that they live in Montrose and that on one out of five of their visits someone is not where they are supposed to be. Duane Homewood, Applicant, stated there

has been lots of theft over the years, including break-ins of their cabin, backpackers campsites, poaching incidents, elk shot dead and left lying, and Tibetan prayer flags placed in their pastures. Chris Homewood, Applicant, said that the Alexanders have had livestock shot dead and left, it's been sickening having hunters trespassing over and over not identifying where they are at because it is a small portion of BLM land. She related that they have found elk cows shot and still alive and its baby trying to nurse. Lee Taylor asked if the BLM boundaries are marked. Chris said that over time there has been added pressures on ranching livestock and wildlife.

Ryan Homewood, read a prepared statement describing the Homewood Family Partnership's history of property ownership, ranching heritage in the region, conservation protection improvements made to their land. Ryan said the intent of the application was to stop vehicular access through a portion of CR 60M for a number of reasons: lack of respect to private property owners, constant problem with people hiking, mountain bike riding, horseback riding, picnicking, driving of vehicles across pastures, leaving livestock gates open, prayer flags in the trees, looting of historic homesteads, illegal hunting, vehicle trespass during hunting season is the major problem, animal guts left by roadside, animal carcasses left on property, Colorado Game and Fish and County Sheriff called multiple times, multiple trespassing incidents, the 20'7" width of road is impossible to turn around on without trespassing unless on BLM land, two vehicles are unable to pass head on. Ryan spoke to the public comments and BLM comment letter received by the county and that were included in the Planning Commission packets. He said the CR 60M only entered the public lands at two points not three as indicated on BLM and county maps. Mike Rozycki stated he was unsure if CR 60M touched at the third point as indicated on BLM map, but re-iterated there were at least two points of contact.

Josselin Lifton-Zoline, Planning Commission, asked if the applicant favored restricting access to pedestrians and bicycles if the road was vacated. Ryan Homewood responded no and that he would leave pedestrian access remaining on the road as long as they stayed on the road. Mike Rozycki asked if the Applicant had seen the recommendation from Mike Horner, Road and Bridge Superintendent. Ryan said he had and they were Ok with it. Rozycki pointed out that it included pedestrian access. Michael Hockersmith, Attorney for Applicants, added they had no objections to Horner's recommendation, and explained they used the term pedestrian access in application because they were unsure of the uses allowed on the portion of CR 60M that had already been vacated in 2000. Rozycki explained that he wished to clarify several points made during Ryan's preceding comments. He did not disagree concerning the accuracy of BLM comments that the most northern point may not access public lands and that the public lands are not demarcated and that probably could or should happen. Mike said he thought the BLM letter is consistent with county LUC policy that does encourage preservation of existing access to public lands regardless to how limited the acreage is. He stated that this is a public road by prescriptive easement as declared by a court decision in a quiet title claim brought by the Homewoods in 1992, and that the limited width of the right-of-way makes it challenging to turn around on that particular road. He said he would not call the matter of providing a public benefit "deal making" since this is a solely a legislative act and different from a quasi-judicial action the Board of Commissioners has a right and probably a public fiduciary responsibility to seek benefits to the public if they are giving up a property interest in making a decision like this.

Lee Taylor asked if the application had been referred to the County Sheriff and Mike Rozycki answered that it had. Rozycki clarified the Sheriff hadn't submitted a written comment but the Fire Protection District had, and although they did not oppose the vacation the fire marshal commented that if a gate was installed and locked that a certain lock called a Knox lock be used so that emergency access is maintained. Mike stated that landowners on Wilson Mesa had commented they were concerned about egress along CR 60M in the event of a true emergency. Mike asked if the applicants would be amenable to granting such egress in the event of a bonafide emergency on the mesa because he thinks it is a legitimate issue. Michael Hockersmith said he could discuss that with the applicants. Dave Alexander, Applicant, said there is egress on the Fall Creek [CR 59L] road access. Lee Taylor asked if any representative was present from the BLM [none was]. Marty Schmalz, Planning Commission, asked for clarification of the private access easement from below the road mentioned in BLM comments. Rozycki said he thinks BLM is saying that there is still access to public lands from Silver Pick Road below, but that it is not a reasonable alternative access. Ryan Homewood said it was mentioned as private access. Mike said he hadn't noticed or understood that either, nonetheless, the crux of the BLM letter was they were supportive of access to public lands from the top of the mesa, but that he would clarify this point before the BOCC meeting.

Duane Homewood, Applicant, commented that the ownership along the whole hillside is unclear and 90% of the trespass problems occur there where the slope is steep. Marty Schmalz asked if more of the issues are in the canyon or on top. Ryan Homewood replied people are trespassing off the top because they know no one will come down and look for them on the canyon walls. Rozycki added that unless hunters have a GPS application on their phones or can read topographic maps it is difficult to identify their location, but that locals and landowners who have lived in the area a long time would recognize their location and know where they're at.

Ian Bald, Planning Commission, asked if the Alexanders had secondary access to their property other than from the road proposed for vacation. Dave Alexander described the secondary access to their property goes through the Price's property. Rozycki added that the Homewoods, Alexanders and Prices would grant reciprocal access easements, and a utility easement acceptable to San Miguel Power Association if the application is approved. Pam Hall, Planning Commission asked if the BLM would be able to access the public land if they only had access to the property from where it first touches CR 60M. Rozycki explained that the BLM in their comments would object to losing any access point from CR 60M. He added that the best access to the public lands is through the second access point in his opinion. Michael Hockersmith commented that the public road CR 60M was established by the 1994 court decree through the Homewood property up to the Alexander property, and that Dave Foley subsequently prepared a survey of the road from the centerline of the existing road. He asserted that the final point of the public lands said to touch the road by the BLM does not in fact touch the road as evidenced in the site visit, and one would have to cross private property at that point to gain access to the BLM lands at the third touch point on the BLM map. Rozycki responded the BLM stated it does not want to see the road vacated before it leaves public land. He said if the information from Ryan Homewood, Dave Alexander and Hockersmith that the last point identified by BLM is incorrect and not accurate, and although a full detailed survey was not required as part of the application, we will look at what we have and determine if it touches. He clarified that the Planning Commission is not being requested to provide an additional access point to public lands

that does not exist today. He said if the Planning Commission wished to follow the intent of the BLM letter he would recommend that language in condition number two be modified to not identify the specific points of contact, but instead to refer to the last place the road actually touches and provides access to public land. Hockersmith said he concurred with that change if the body were to make a recommendation to the BOCC based upon the second alternative presented by the Planning Department.

Josselin Lifton-Zoline asked if the applicant had made efforts to resolve trespass conflicts they have had and worked with the county to either post a sign where there is access to BLM land or if they would consider a small turnaround at the second BLM access point. Ryan Homewood replied that they and the county had put up the signs that were court ordered, but said the BLM had failed to put up any signs to inform the public where their property is. He added that as a private property owner it is not their responsibility to explain to the public where their public lands are. Josselin added that it seems like it might be an opportunity for compromise. Ryan answered he understood that, but the public should inform themselves where public land is. Josselin replied that she disagreed.

Mike interjected an alternative being discussed was to vacate the road after leaving BLM land and providing a public turnaround at that point could improve the situation. Ryan replied that turnarounds or parking lots are difficult to keep clean and commented that if it were located on their private land it would degrade the value of that area. Mike said there are pros and cons to it but if there was not a turnaround the public would likely still turnaround anywhere and everywhere. Hockersmith inferred from the court decree that the judge viewed the road as a two track road and not a highway. Hockersmith conceded that the judge needn't have considered a turnaround at that time since the road was looped.

Pam Hall, Planning Commission, asked if a proposed turnaround would be on public or private land. Mike said that was a good question. Duane Homewood iterated that the applicant was not trying to keep the public off public lands and the public could still access them by bicycle, hiking or horseback, but there is hardly room for a motor vehicle parking lot on top of the mesa.

Dave Alexander, Applicant, said he concurred with the previous comments spoken by Ryan Homewood, and then read prepared comments concerning the ranching use, conservation and preservation of their land for ranching and wildlife. He lamented the lack of respect today for the land and land owners and noted the Homewood and Alexander ranches are among the last working ranches and large open parcels in the area, and that he would hate to see their land subdivided. He noted their fences had been cut and heard folks brag they carry cutters for that purpose. He said cattle had been shot and that they have rights to lock their gates that are not located on the CR 60M, and that they also have been within gunfire from hunters. He added their property has been vandalized and possessions stolen. He stated the road should be closed because conditions are only going to worsen. Dave related that ATV traffic has increased as a result of the county allowing them on more roads, and he will be starting to call the Sheriff when there is trespass by ATV's. He commented the portion of road proposed to be vacated is minimally maintained and vehicles can become stuck for days. He said dogs have been let off their leashes and chased their cattle and that makes it difficult for them to gain weight, and added that fire danger is a threat to their pastures and homes. He said the BLM public lands accessed

by the road on the mesa are negligible in size and the public can really only access the canyon rim, and he reasoned that the BLM nationwide is closing thousands of acres to the public and closing miles of roads. He reiterated that he thinks the road should be closed to vehicular traffic but remain open to pedestrians and bicyclists as long as users remain on the road and respect the landowners and keep dogs leashed. Mike asked Dave what he thought about allowing the public emergency access to the road. Dave said that access during a real emergency would be a reasonable request and the roads would be opened immediately to those who need it. He said they had no plans to sell the property, and wanted to keep ranching for another hundred years.

Lee Taylor asked if the county had regulations equivalent to designating evacuation routes seen in coastal areas. Mike said Jennifer Dinsmore, County Emergency Manager, has established evacuation routes within the county but didn't know how specific they were in rural areas, and if this road would qualify since it is a single track. He thought it would provide peace of mind to folks on the mesa if they knew they could use the road during an emergency.

Marty Schmalz asked if the Alexanders had considered putting a conservation easement on their property since they planned on ranching it for the foreseeable future. Dave answered no because there are too many restrictions.

Michael Hockersmith stated from the County Land Use Code (LUC) Policy Section 2-32 Access To Public Lands that it is county policy to [2-3202] "Favor pedestrian and non-motorized forms of access in pursuit of exercise, camping, hunting and fishing, nature study and similar uses minimizing impacts and preserving the natural environment over other types of access." He also cited the LUC Policy [Section 2-27] Compatibility with Agricultural Lands and Operations that it is the "policy of the county to promote the economic viability of agricultural lands and operations within San Miguel County..." and also from LUC Policy [2-3104] that it is county policy to "favor low-impact land uses that support non-motorized dispersed recreation and the preservation of wildlife habitat, scenic quality and air and water quality" in regards to LUC Policy [Section 2-31] Compatibility with Adjacent or Nearby Public Lands. He summarized that the application with the conditions recommended by Mike Horner would meet all those policies.

Note: A short recess was taken prior to public comments.

Marvin Schmid, Schmid Family Ranch, stated that CR 60M also goes through their property like Homewood and Alexander, and that they had posted signs which helps limits folks from trespassing on their property and shows it can be done in a friendly manner. He said that he opposes the vacation of the road as a basic principle since it benefits a few and jeopardizes many, and that the public should have every right to go onto public land. He added that he has seen roads close all over the country and that he will be handicapped soon and won't be able to access public lands by walking.

Mike Shimkonis, County resident, stated the existing signage posted at the end of the Ptarmigan Ranch side of CR 60M is conflicting. He said he is respectful of private property and since four to five signs posted at the gate entering the Homewood property seem to indicate the property and the road are private or have ominous warnings so he hasn't opened or even touched the gate to gain further access to CR 60M. He commented it should be incumbent upon the county,

depending on the outcome of the application, to assist in posting more descriptive signage to indicate the public can use the road.

Patricia Homewood, Applicant, commented that none of their signs say stay out or do not enter and the county signs say to stay on the road surface and there is a no through access sign, which is the truth cause the connecting road is closed to motorized traffic.

Samantha Lyn Samuelson, County resident, stated that she contacted the county to see what her rights were to proceed on the road and has not trespassed on the private land when using the road. She said she avoids the portion of road that is difficult to drive on and uses her camera lens to capture unique scenic pictures. She expressed she is sympathetic to the issues trespassing has brought to the private property, but as a law abiding citizen opposes the request to vacate the public road. She commented that she had called the BLM and they had been unaware of today's meeting, and the dead ending of the road was created by the previous BOCC road vacation.

Jerry Davidian, Wilson Mesa landowner, expressed concern that if the county gave up this access route it would close the door to the future. He said the region's priorities change over time and the land use on these properties could change and the county giving up the road could preclude future land uses that have genuine merit. He posited that the county could put temporary limitations on the use of the road while retaining the right to later lift them. Lee Taylor asked if there were an action available to the county to temporarily restrict the motorized use of road. Mike Rozycki said there were only very limited methods to restrict use of county roads. Steve Zwick, County Attorney said it was very problematic to restrict motorized use on county roads whose main purpose is for use by motor vehicles. He said if the county wished to limit motorized use on a public road it would typically vacate a road and obtain a recreational access easement for non-motorized use from the landowner. Lee Taylor asked if the county could maintain the road even if the width is narrower than normal road standards. Mike replied it is accepted for summer maintenance by the county, and Steve said it is on the county road system. Marty Schmalz asked if restrictions could be placed on a road with a review after a certain time period without totally vacating the road. Steve answered that the road is either vacated or not.

Tim Cannon, Wilson Mesa Landowner, stated he was opposed to the application, and requested the Planning Commission to just say no since it is a public right-of-way and not a driveway. He commented that the application would only benefit the landowners not the public, and would restrict handicapped persons from using the road. He asked why the Price's gate has two locks.

Bo Nerlin, Attorney for Charles and Jessie Price family, stated his clients are in support of the application to vacate a portion of CR 60M, and have viewed the Homewood and Alexanders as good neighbors and stewards of the land. He said that trespass has been an issue for the three landowners and there is constant evidence of it, and it has limited the applicant's business operations. He said the actions in 2000 that resulted in an earlier road vacation of a portion CR 60M was a different scenario and it is not on the table for consideration today. He said that request included benefits from a conservation easement, recreational access easement, and access to a climbing area. Mike Rozycki stated there is a possible issue with the gate at the Price / Homewood property that if it is locked, which is his understanding, there needs to be a

pedestrian access gate to Forest Service lands. He said he will follow up on this irrespective of the outcome of this application.

Amy Cannon, Wilson Mesa Landowner, stated she was a law abiding neighbor and rides her horse on the road. She stated her concern about access in the event of a catastrophe like a forest fire. She said she did not want to have to seek permission from the landowner to seek egress off the mesa, and wanted to have corridors of access. Mike said the court decision acknowledged the importance of having a ditch to ditch width of road available for the county to maintain the road and it identified 20.7 feet as the road width, but it did not include turnarounds and pullouts. Mike Horner added that CR 60M was a looped road when the court determined the road width.

Ian Bald said he was concerned with the issue of locked and unlocked gates. He reasoned that there is a recreational access easement across Price property on paper but if the gate(s) is locked citizens are effectively denied access. He added that it sounds as if the Homewood/Alexander gate has been locked as well. He stated that if the road vacation is approved and if citizens are unsure if they may open the Homewood gate or if it is locked it would be equivalent to losing access to public lands. Lee Taylor stated that in light of evidence today he would encourage the Planning Department to investigate whether aspects of the Price Agreement are being upheld. Mike Rozycki responded that there is an issue with the gate being locked and the original approval required that there be an alternative access if the gate was locked, but people in the community are aware that the area is open for pedestrian and bicycling activities as evidenced by the letter received from Dave Foley on behalf of the Telluride Mountain Club.

**MOTION** by Josselin Lifton-Zoline to recommend denial of this road vacation application in its entirety as requested by the Ptarmigan Ranch Owner’s Association Board of Directors and several other land owners on Wilson Mesa and the general public citing that this section of CR 60M provides public access to important, and desirable scenic vistas occurring along this portion of Wilson Mesa, and an easement for San Miguel Power Association. **SECONDED** by M.J. Schillaci.

**AMENDMENT TO MOTION** by Josselin Lifton-Zoline to direct staff to follow up with the Price locked gate and to explore making the signage more descriptive. **ACCEPTED** by Josselin Lifton-Zoline and M.J. Schillaci. **VOTE PASSED 3-2.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	Aye	<u>Nay</u>	Abstain	Absent
Marty Schmalz	Aye	<u>Nay</u>	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	Aye	Nay	Abstain	<u>Absent</u>
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	Aye	Nay	Abstain	Absent

Marty Schmalz stated she voted no because there is significant evidence of major impact for the landowners. Ian Bald expressed this was a difficult vote, and that although he voted yes he is sympathetic to the working ranch families and would like to see them stay for as long as they can, but he stands by the principle of public access to public lands. Pam Hall said she voted yes since she has serious concerns about cutting off public access where it exists because it will not reopen once it is gone. Lee Taylor said he also voted no because of the reasons that Marty

Schmalz stated, and he thought an equitable solution that addresses all the conditions and concerns exists, but voting no precludes us from getting a chance to work on it.

Mike Rozycki noted that the Planning Commission's recommendation of denial on the road vacation application would be presented to the Board of County Commissioners at a duly noticed public hearing, and the Planning Department will provide information regarding the hearing date to each of the applicants and individuals who had spoken or contacted us.

Others Present: Kathryn Alexander, Alexander Ranch LLP; Brian DiPaola, Alexander Ranch LLP; Madison Alexander, Alexander Ranch LLP; Shelly Kennett, County resident; Stanley Kipfer, County resident; Toni Abrams, County resident

**Special Use Permit Worksession: Tri-State Transmission Line Rebuild of an Above-ground 115-kilovolt (kV) Electric Transmission Line to operate at 230-kV, located in the within the West End Zone District**

Mike Rozycki, County Planning Director, stated that Tri-State had submitted applications for a Special Use Permit for its 230-kV project and for staging yard in Disappointment Valley, and also noted that the Planning Commission did a site visit to parts of the Tri-State transmission line in Dry Creek Basin and also to the proposed sixty-acre staging yard. He said Planning would advertise these items for formal consideration at the January 11, 2017 CPC meeting. Due to the size and complexity of the project a worksession was also scheduled today for Tri-State to provide an overview for their application. He said that it was an important issue for the county that the transmission line be rebuilt in its current alignment; which spans approximately 25 miles within San Miguel County the majority in public lands. He explained the Board of County Commissioners entered into a cooperative agreement in 2014 with the Bureau of Land Management for the purpose of preparing an assessment of the proposed transmission line. At that time there were two alternatives and the BLM appeared to favor changing a portion of the alignment to run along HWY 141 corridor. Mike said the BOCC and Planning staff worked very hard to encourage BLM to designate the current alignment as the preferred alternative for construction, and for Tri-State to present a robust conservation plan for Gunnison Sage-Grouse.

Karl Myers, Tri-State Generation and Transmission Association, Inc. Siting and Permitting Manager, introduced Jon Davis, Tri-State Land Management Specialist; Sarah Carlisle, Tri-State External Affairs representative; Jonah Martin, Tri-State Project Manager; Germaine French, Tri-State Environmental and Permitting Lead; and John Olson, Tri-State Project Engineer.

Germaine French, Tri-State Environmental and Permitting Lead, presented a power point presentation titled Montrose-Nucla-Cahone 230kV Transmission Line Project Overview, San Miguel Planning Commission, December 14, 2016. Lee Taylor asked why Tri-State was replacing the existing fiber optic cable if it is underground. Germaine replied it is an opportunity to replace all infrastructure at once and is actually atop the pole of the static line. Ian Bald asked if the increase in county tax revenues would last the length of project or line's life. Germaine explained that the investment would depreciate over time and property taxes would also. Marty Schmalz asked if a homeowner would need to contact SMPA regarding connecting a residential renewable energy project to electric distribution line and if a major project like a solar farm to

Tri-State to connect to a transmission line. Karen Henderson, County Senior Planner, asked if there are ramifications of the rebuilt transmission line connecting to the new Maverick substation rather than to the Nucla substation from which the power line to San Miguel County connects. Germaine said no since a double circuit will be installed from the Maverick to Nucla substation. Karen asked on average how often Tri-State performs maintenance on new lines. John Olson, Tri-State Project Engineer replied that lines are normally inspected annually and needed repairs are made, but after five years major maintenance is performed on the entire line. Marty Schmalz asked if increased maintenance on the current line was a factor in the decision to replace the line. Germaine said ultimately there were increased maintenance and hazards associated with the older line. Lee asked if customers should expect rate increases to pay for the line. Karl Myers, Tri-State Siting and Permitting Manager, replied the Line Rebuild project had been budgeted for over ten years.

Mike Rozycki asked how planning for increased transmission capacity factored into Tri-State's decision to rebuild the line. Germaine acknowledged the line would have larger capacity and that would provide reliability to the regional power grid. Mike asked if the larger capacity of the line would be tying San Miguel Power Association and Tri-State to coal power production for a longer time irrespective of the potential of alternative energy providers to connect to the new line. Germaine said the new line would potentially increase line capacity nine-fold and whether the capacity is filled by solar, coal or gas or whatever combination Tri-State and its members determine, this project is about replacing infrastructure to move generated power. She added that currently Tri-State does not have any alternative power proposals.

Lee Taylor asked if Tri-State would be subject to the State rules on alternative energy by building the line which would boost transmission capacity nine-fold. Sarah Carlisle said State capacity guidelines are based upon power generation capacity not transmission capacity, and Tri-State board policy still is 5% of generative power should be from alternative power. Germaine answered Marty that the percentage of alternative power is set by Tri-State members like SMPA. Josselin Lifton-Zoline asked if SMPA could as an individual cooperative up its level of alternative power generated. Sarah responded that coops are limited to the 5% generation limit. Jonah Martin, Tri-State Project Manager, said that its transmission planning process is transparent and Tri-State could transmit more generated alternate power to users other than its 42 coops as a result of this project, but there are no pending projects, and Tri-State is not increasing its percentage of alternative power generated.

Lee Taylor commented that the Planning Commission could look at this project as both necessary from a high maintenance cost and a network reliability and transmission capacity standpoint. Marty Schmalz asked how big a solar farm for example would need to be to offset the cost of tying into the Tri-State transmission system. Jonah replied that Tri-State offers guidance on how to scale a project to minimize network expenses, and in response to a question from Josselin, it has not consulted with any alternative energy producers regarding this project. Karen Henderson asked if a project could tie into an existing substation. Jonah said that expansion capability is built into the new substations.

Mike Rozycki asked if there were a time schedule Tri-State was attempting to meet in regards to the planned outages at the Tri-State Craig power plant and if they will meet that schedule. Jonah

Martin answered they are coordinating the planned outages with this project construction schedule and anticipate meeting it.

Josselin Lifton-Zoline asked if the county had oversight over weed control on the private lands. Mike Rozycki said it typically does but there have been situations when the county worked with the ranching community if it wanted a particular seed mix, but that the county encourages the use of native grasses for revegetation. Germaine said they have worked with the US Forest Service to coordinate treatment of weeds, and with individual landowners to meet their preferences. She said Tri-State will consult with Ron Mabry, San Miguel County Weed Manager, regarding the priority weeds in the county, type of herbicide to use, and the timing of treatments. She added they plan to pre-treat weeds prior to soil disturbances at pole sites and temporary staging area, and to post-treat disturbed areas. Josselin asked if the Planning Commission will know if the parties have agreed to that plan prior to consideration of application. Mike answered that the goal is to see if they are in agreement with the terms and conditions that address county issues. Mike added that Germaine did address the issue with weeds and that the application was referred to Ron Mabry who was on the site visit and we are wanting his comments on the application.

Mike asked if Tri-State typically discusses the seed mix when it negotiates for an expanded right-of-way of 100' to 150' with a private landowner. Jon Davis, Tri-State Land Management Specialist, replied it can but that easement language differs in specificity of seed mix from one landowner to another. Mike asked if the BLM and CPW provided a preferred seed mix for revegetation to Tri-State. Germaine replied a specific seed mix for Dry Creek Basin Gunnison Sage-Grouse habitat, subject to approval by the USFWS, was provided by the BLM and Tri-State included it within the application. She said Tri-State would propose to use it on private lands subject to acceptance by the landowner. Mike said the county would like to know the contents of proposed seed mix and to have input if a private landowner in Dry Creek Basin requests a variation from the approved BLM mix. Jon Davis countered that he would hate for it to be a stumbling block to upcoming negotiations with landowners. Mike said the purpose of the worksession is to let Tri-State what may come up at the PC and BOCC meetings. Karen Henderson asked how much of the right of way would be disturbed and need to be revegetated and which party is responsible for the ongoing service of the disturbed areas. Germaine responded that Tri-State is ultimately responsible for the right-of-way for entirety of project life.

Josselin asked if the county could be involved with the process of hiring and working with the third party environmental monitor on the project. Germaine French said the environmental contractor would report to the Bureau of Land Management not Tri-State regarding public lands, and the intent is the same contractor will be employed in maintaining protection measures on the private landholdings. Karl Myers cited the Nucla-Sunshine transmission line project and the robust environmental program and the weekly variance reports filed with the landowners and county. Rozycki added the county was pleased with the outcome of that project. Karl said it was the prerogative of the county to add another set of eyes to the project but that the environmental monitor is a professional who helped plan the project and knows every road and pole site. Karen Henderson related that the monitor contacted the county and accompanied them on visiting environmentally sensitive areas. Marty Schmalz asked if Tri-State was the only party to receive a variance report for private lands or does the BLM also receive a copy too. Karl said they would probably also report to BLM because Tri-State is taking a holistic approach to project and

has detailed construction plans (plan of development) that must be approved by the BLM. Rozycki commented that the Environmental Assessment required by the BLM is mirrored onto private land and provided the county with valuable information.

Lee Taylor asked if there are jobs related to this project for people in the west ends of Montrose and San Miguel Counties included in the \$118M cost estimate. Germaine said the labor force is very specific for this project but that some of the dirt labor and other work are contracted to by locals when possible. She said maintenance facilities are already in place in Montrose and Cortez. Mike commented the project timing is difficult with the listing of Gunnison Sage-Grouse by USFWS and the announced closure of the Nucla power plant by Tri-State. Lee Taylor asked if there would be a benefit to running additional fiber optic cable. Jonah Martin said dark fiber is available in the replacement line, but lighting fiber for commercial use would require easements.

**Approval of Minutes**

**MOTION** by Marty Schmalz to approve the minutes from the May 11, 2016 meeting with corrections as noted. **SECONDED** by Pam Hall. **VOTE PASSED 6-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

**MOTION** by Marty Schmalz to approve the minutes from the September 14, 2016 meeting as submitted. **SECONDED** by Pam Hall. **VOTE PASSED 6-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

**Planning Commission and Staff Comments**

Michael Rozycki, County Planning Director, said a meeting is planned on January 11, 2017 in Norwood to consider Tri-State application, to elect officers and to schedule 2017 meeting dates. He noted that Marty Schmalz's term concludes then, and Marty indicated she would re-apply. He announced Karen Henderson was promoted to Senior Planner and that it was long overdue. He said the Board of County Commissioners conditionally approved final plans for the San Miguel Valley Corp Mill Creek and Deep Creek Mesa Subdivisions. He added the county has requested that SMVC develop a master plan for their Society Turn parcel, the Colorado Department of Transportation has earmarked \$1.5 M for the county Intercept Lot Park & Ride project, and he is planning to present the Big Dog Holdings HUB Lot 2B project development permit application to BOCC on December 20, 2016.

12:50 p.m. Adjourned.

Respectfully Submitted,

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John Huebner, Planning Technician

Approved on \_\_\_\_\_.

SAN MIGUEL COUNTY PLANNING COMMISSION

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Marty Schmalz, Secretary

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DRAFT

Public Meeting Record

County Planning Commission

Application: Special Use Permit Recommendation: Tri-State Transmission Line Rebuild and Staging Area, West End Zone District

Date: January 11, 2017

1. San Miguel County Land Use Code (Adopted 11/30/90) with all amendments to date (By Reference Only).
2. San Miguel County Comprehensive Development Plan (Adopted 8/3/78) with all amendments to date (By Reference Only).
3. Memorandum to the San Miguel County Planning Commission from the San Miguel County Planning Director dated January 11, 2017.
4. Draft Minutes from the December 14, 2016 County Planning Commission meeting.
5. Application for Special Use Permit dated October 19, 2016, submitted by Tri-State Generation and Transmission Association, Inc for Maverick to Cahone 230-kV Transmission Line.
6. Decision Granting Certificate of Public Convenience and Necessity for the Montrose-Nucla-Cahone Transmission Improvement Project in Proceeding No. 13A-0489E from Public Utilities Commission of the State of Colorado dated July 22, 2013.
7. Applicant's "Certification of Compliance with the Public Noticing Requirements" of C.R.S. § 24-65.5-103(1) and County Land Use Code Section 3-9 dated December 21, 2016 (By Reference Only).
8. Email from Mike Horner, County Road & Bridge Superintendent, to John Huebner dated November 11, 2016.
9. Email from Ron Mabry, County Weed Manager, to Karen Henderson dated January 3, 2017.
10. Email from Germaine French, Tri-State Senior Transmission and Permitting Environmental Planner, regarding GuSg habitat to Mike Rozycki and Karen Henderson dated January 3, 2017.
11. Application for Special Use Permit dated October 26, 2016, submitted by Tri-State Generation and Transmission Association, Inc for Temporary Staging Area for the Montrose-Maverick-Cahone 230-kV Transmission Line Project.
12. Letter from Germaine French, Tri-State Senior Transmission and Permitting Environmental Planner, regarding information requests on Tri-State's proposed Temporary Staging Area to Michael J. Rozycki dated November 21, 2016.
13. Email from Germaine French, Tri-State Senior Transmission and Permitting Environmental Planner, regarding Suckla Staging Area to Mike Rozycki and Karen Henderson dated January 3, 2017.

**TO:** San Miguel County Planning Commission  
**FROM:** San Miguel County Planning Director, Michael Rozycki   
**RE:** 1. Special Use Permit Application for the portion of the Tri-State Maverick to Cahone 230-kV Transmission Line Rebuild Project located in the West End of San Miguel County  
2. Special Use Permit Application for a Temporary Construction Staging Area on a 60-acre parcel located off CR 19Q in Disappointment Valley to store materials, equipment and vehicles in conjunction with the Tri-State Transmission line rebuild Project.  
**DATE:** January 11, 2017 [text/word/tri.state.rebuild.we]

**Summary of Tri-State's SUP Application for the Transmission Line**

Tri-State Generation and Transmission Association, Inc. (applicant) seeks a Special Use Permit for the rebuild of the existing Montrose-Nucla-Cahone 115 kilovolt (kV) above-ground transmission line to 230-kV. The project will be rebuilt above-ground entirely along the existing 115-kV transmission line route and right-of-way within San Miguel County (SMC). The portion of the transmission line within San Miguel County is about 25-miles in length: six miles crossing private lands, two miles crossing state lands, 0.3 miles crossing Town of Telluride land and 16 miles crossing BLM-managed lands. The applicant is also seeking a 60-acre Temporary Construction Staging Area south of State Highway 141, on the east side of CR 19Q in Disappointment Valley on property owned by Steve and Pamela Suckla. This Temporary Construction Staging Area is the primary staging site for the transmission line project and is to be used for storage of materials, equipment and vehicles through construction of the Maverick-Cahone line segment which is scheduled to be complete in 2020-21. The Transmission Line Rebuild project and the proposed Temporary Construction Staging Area are both located in the West End (WE) Master Plan Area and the WE Zone District. A map showing the transmission line alignment and the property ownership is included in the CPC packet.

Purpose & Need: Tri-State has indicated the upgraded transmission line is needed because the existing 115-kV line has exceeded its 50 year lifespan and the existing line requires more frequent and substantial repairs. The upgraded transmission line is needed to support Tri-State's member systems existing and future loads and to improve the overall performance of the regions electrical grid. Tri-States states that the benefits of the new line include it being safer to maintain, it will have fewer outages, strengthens the regional grid in western Colorado, and increases capacity for all power resources including renewable energy. The overall impacts to the environment and area landowners will be reduced or minimized by rebuilding the 230-kV line in the existing transmission line alignment and ROW footprint. The Purpose & Need for this 230-kV Transmission line project was reviewed and approved by the Colorado Public Utilities Commission, who issued a Certificate of Public Convenience and Necessity for the Montrose-Nucla-Cahone Transmission Improvement Project on July 17, 2013. A copy of this PUC Certificate Decision is included in the CPC packet for this item.

In summary the project improvements in San Miguel County would consist of the following components:

- A new 230-kV transmission line from the Maverick 230-kV substation to the existing Cahone substation near Dove Creek including 25-miles across SMC.
- The project will follow the existing route and use the existing access roads for construction and maintenance
- Less than 0.5 miles of additional spur routes for construction and long-term operation maintenance of the line.
- Replacement of the existing optical ground wire fiber cable used for communications.
- Removal and/or reclamation of the existing 115-kV transmission line facility and any roads not needed for operation of the new line.
- The overall Transmission Re-build project includes adding one and modifying two substations but none of these proposed substation improvements are located within San Miguel County.
- This entire transmission line rebuild project extends approximately 80 miles from the Tri-State sub-station in Montrose to the Cahone sub-station near Dove Cree.

The portion of the transmission line that crosses SMC is currently called the Nucla to Cahone 115-kV transmission line. However, the new line segment will be called the Maverick to Cahone 230-kV transmission line since the new line will connect at the proposed new Maverick 230-kV substation in Montrose County instead of at the Nucla 115-kV substation (at the Nucla Generating Station). Within SMC no new landowners will be affected since the line is being rebuilt in place. While Tri-State has 100-foot right-of-way easements for the existing 115-kV line they have not yet perfected the new expanded 150-foot easements with the landowners together with any existing access roads currently without easements.

A comprehensive NEPA/Environmental Assessment (EA) process was conducted for the Project. The Final EA for this Transmission Line Project was issued by the BLM and USFS in September 2016. The evaluation of action alternatives involved a detailed study of the natural and socio-economic environment resulting in a preferred alternative to rebuild the existing 115-kV line to 230-kV along its existing route in San Miguel County. As the existing 115-kV line has been in place for 58 years, the impacts to the environment are minimized when new or upgraded facilities are placed within existing utility corridors. While new easements are required for the expanded 150-foot ROW, no new landowners will be affected by the rebuild of the line. Tri-State has committed to a number of design measures, Environmental Protection Measures and conservation measures and strategies to avoid, minimize, and mitigate effects to the natural and human environment during project construction and long-term operation and maintenance activities.

The proposed project meets the intent of the County Master Plan by creating the least amount of impact on county residents and the natural environment. Rebuilding the line in its current alignment reduces effects to new private land owners and reduces new environmental and land use effects. The new 230-kV substation must be operational before the line is completed, and the existing fiber optic cable must remain in service at all times. Tri-State expects the line to be completed by 2019-20 which includes the Montrose and Cahone substation expansions. Materials will be stored on site at the Temporary Construction Staging Area beginning in summer of 2018 and the site will continue to be used through construction of the Nucla-Cahone

line segment, with some additional wreck-out (existing line removal) and reclamation to follow in 2021.

Using the existing road system, much of the transmission system can be built using traditional construction techniques. However, given rugged terrain, seasonal timing constraints and the outage timeframe, some portions of the line may be constructed using helicopters.

#### Structure Design & Types

The new 230-kV line will typically be constructed using wood H-frame structures with three-pole turning structures where the line changes direction. These will average 80 feet in height about 30 feet taller than the existing 115-kV structures. The average span is about 7 structures per mile. Wood or steel structures will be used for all 3-pole turning structures; wood structures will be guyed and steel will be un-guyed structures on concrete foundations. The single steel pole structures are proposed for the portion of the line that crosses critical habitat for Gunnison Sage-Grouse in the Dry Creek Basin. These structures range from 80 to 115 feet in height and will be fitted with perch discouragers to reduce avian perching and nesting. These self-supporting steel structures eliminate the need for guy wires to reduce potential collision risk to Gunnison Sage-Grouse.

#### Transmission Line Construction

The transmission line will be constructed in phases in order to maintain electrical service. Outages must be planned in advance in cooperation with other electric utility companies to allow for the system to be supported by other portions of the grid while this line is being improved. Tri-State began construction at the Montrose substation in 2016 beginning with grading to prepare for installation of equipment in 2017 coinciding with outages associate with scheduled maintenance at one of the Craig generating station units. The project is expected to be completed in 2019.

#### Floodplain Hazard Areas

Tri-State currently has five structures located within the 100-year floodplains of Nelson Creek, Dry Creek, and Dead Horse Creek, which have been in place since 1958 without any impacts from floods, which will be removed as part of this project. While four of these structures will be replaced and will occur within the contour elevation mapped in 1988 as the 100-year floodplain, it is likely this elevation is no longer the actual floodplain boundary. Structures adjacent to Dry Creek have been located up and outside of the arroyo walls. Tri-State is proposing to rebuild the line within an existing transmission corridor to reduce cumulative effect to the floodplain beyond existing conditions and was able to reduce the overall number of structures in Dry Creek Basin through a new design and structure type which is a single pole, steel, self-supporting structure. The structures located in the 100-year floodplain will be steel monopoles designed by a Professional Engineer who will verify that the structures are adequate to withstand the flood depths, pressures, velocities, and other factors associated with the 100-year base flood determined by FEMA, and verify that the placement will not affect hydraulic capacity of the floodway or increase flood levels.

### Geologic Hazards

The applicant submitted a Preliminary Geologic Hazard Report dated October 11, 2016 by J. Kevin White, P.E., Kleinfelder, Inc. that presents a review of the location of potential geologic hazards. Geotechnical soil borings and investigations will be done for the Nucla-Cahone segment, including SMC, in 2017. The hazards may include but are not limited to: landslides, unstable slopes, slopes great than 30%, alluvial fans, talus slopes, Mancos shale, faults, expansive soil and rock and ground subsidence. The information in the report will inform final design for transmission line structures.

No landslide areas or alluvial fans were identified within the study area. No specific "Potentially Unstable Slope" hazard mapping is readily available but will be evaluated during the investigation phase.

### Wildfire Areas

The transmission line occurs in rural areas with native vegetation that is at risk for wildfire. While Tri-State cannot manage wildfire risk outside the authorized transmission ROW, Tri-State manages the ROW to reduce the potential for vegetation outages and focuses on maintaining ROW's with compatible, low growing vegetation.

### Wetlands

Tri-State has avoided wetlands to the greatest extent possible in SMC by routing access routes around them and creating areas of no-downline access across arroyos and canyons. Unavoidable impacts to wetlands are very limited and new transmission line structures would be located entirely outside of wetlands with several located within the 100 foot buffer zone. There may be temporary and minor effects to wetlands at the Nelson Creek crossing in Dry Creek Basin and during the removal of the existing structure on the southwest side of Disappointment Creek. Given the short-term nature of the activities it is likely the area will reclaim itself in a short-period of time without the need for additional reclamation efforts. The environmental monitor will be present when the contractor is working in this area to ensure impacts are minimized and to monitor and make recommendations on future reclamation efforts in coordination with San Miguel County and U.S. Army Corps of Engineers staff. A wetlands mitigation plan is not proposed since no wetland losses are expected from the proposed development.

### Environmental Protection Measures

The applicant has submitted a complete list of Environmental Protection Measures (EMPs) that provides proponent-committed measures to address potential impacts from construction of the Transmission Line Improvement Project including contracting an agency with approved and qualified transmission construction environmental monitor(s) who will be present at all times when working on federal and state lands as well as private lands when work will occur in proximity to sensitive biological, paleontological or cultural resources and will be responsible for keeping Tri-State and its contractors in compliance with the Final Plan of Development and associated permits/easements.

### Wildlife Habitat

Tri-State has a comprehensive Avian Protection Plan/Program that addresses avian management on the entire transmission system. The Program works toward protecting avian species by

minimizing collision and electrocution hazards for birds on its existing electrical facilities and outlines the process for proactively minimizing avian impacts during the routing, construction, and maintenance of new facilities. The applicant has provided a list of protection measures for specific construction buffers and seasonal restrictions for raptors known to occur in the project area.

The Biological Resource Protection Plan included in Tri-State's Plan of Development and this Special Use Permit application details practices designed to address potential impacts to biological resources, particularly Gunnison Sage-Grouse (GuSG) during construction. It will be the responsibility of Tri-State and its project contractor, working with the designated environmental inspector, to comply with the protection measures identified in the Plan.

#### Gunnison Sage-Grouse Habitat

Approximately seven (7) miles of the 25-mile length of transmission line within SMC crosses GuSG Critical and Occupied Habitat identified by the U.S. Fish and Wildlife Service (USFWS) when they designated the GuSG as a "Threatened Species" in 2014 under the provisions of the Endangered Species Act.

Tri-State has provided a summary of protection measures for wildlife, including a Voluntary Conservation Strategy for Gunnison Sage-Grouse (GuSG) associated with the build in place alignment. The conservation strategy includes the purchase of a 500-acre parcel of land near Miramonte Reservoir that contains the last remaining non-protected lek in this population and is a priority for acquisition by SMC and CPW. In addition to the purchase of the aforementioned parcel, Tri-State has voluntarily committed \$100,000 for habitat improvements in the Dry Creek Basin both on and off BLM administered lands. The BLM will plan, implement, manage and monitor these habitat improvement projects; examples of potential habitat improvement projects are listed in the Conservation Strategy for Gunnison Sage Grouse. This conservation strategy will provide a net benefit to the long-term conservation of the San Miguel Basin GuSG population and is consistent with San Miguel County's policy on sage-grouse preservation.

Tri-State has proposed and committed to multiple engineering and design modifications to their proposed project in order to minimize project related effects to GuSG and critical habitat. They will utilize single-pole steel structure configurations to minimize avian predator nesting and perching on structures in GuSG habitat. These steel structures will reduce the frequency of routine maintenance needed on the line, thereby reducing temporary disturbance to GuSG. The steel structures also reduce the number of structures across GuSG critical habitat from 72 to approximately 50. These structures along with the installation of perch discouragers on the pole top and davit arms will result in a reduction of ravens or other avian predators perching on the transmission line.

#### Revegetation Plan and Weed Control

The revegetation plan includes overland access roads, pad sites and Temporary Construction Staging Areas. The reclamation plan outlines specific seed mixes provided by federal land management agencies and Colorado Parks & Wildlife for the project. Tri-State will reseed private lands with seed mixes proposed by or acceptable to the landowners affected. Reclamation will be deemed complete once vegetation has been reestablished to 70 percent of

pre-construction cover as required by Colorado Department of Public Health and Environment stormwater regulations and Tri-State's federal permitting requirements.

Noxious weed data has been collected throughout the past three years as part of the engineering and environmental field reviews. This information has been supplemented with available noxious weed data provided by the BLM and USFS.

For noxious weeds on private lands Tri-State will consult with landowners and contract with certified weed sprayers to pre-treat-weeds prior to construction and to treat them post-construction in the appropriate season according to species occurring in the ROW.

All heavy equipment, including all-terrain vehicles (ATV's), utilized during construction will be washed prior to departure from the equipment storage facility and will be regularly inspected and washed as required by the environmental monitor. All seed mixtures and mulch used for reclamation activities will be certified weed-free. Pre-construction treatment of weeds in staging or temporary used areas and within the existing ROW will be conducted to suppress weeds before the ground is disturbed.

### **Special Use Permit for Temporary Construction Staging Area**

Tri-State plans to lease a 60-acre parcel off County Road 19Q in Disappointment Valley as a Temporary Construction Staging Area from Steve and Pamela Suckla. Materials will begin to be stored on site in summer of 2018 and the site will continue to be used through construction of the Nucla-Cahone line segment, which is scheduled to be complete in 2020 with some additional wreck-out and reclamation to following 2021.

### **Revegetation Plan and Weed Control Plan**

The revegetation plan includes a seed mix recommended by the BLM office for salt desert shrub lands. The final seed mix for the Temporary Construction Staging Area would be reviewed and approved by the private landowner prior to the start of reclamation activities. Reclamation will be deemed complete once vegetation has been reestablished to 70 percent of pre-construction cover or when approved by the landowner and the Colorado Department of Public Health and Environment.

A noxious weed plan for the entire rebuild project, which includes treatment of the Temporary Construction Staging Area, has been submitted. Tri-State will pre-treat weeds before brush removal and staging of construction equipment and after the site has been reclaimed and materials and equipment have been remove from the Temporary Construction Staging Area. All heavy equipment utilized during construction will be washed prior to departure from the equipment storage facility.

### **Tri-State Comment Letter**

In a November 21, 2016 letter Germaine French, Senior Transmission and Permitting Planner, provided a response to questions raised during the November 9, 2016 County Planning Commission site visit:

1. *Weight of Materials Transported.* Initial estimates of the materials and equipment to be transported to the site are estimated to exceed 3 million pounds. A rough estimate of the weight was calculated at about 6 million pounds. This will be addressed in the access permit secured from the County Road and Bridge Department.
2. *Access.* A new driveway access of CR 19Q will be required to enter the Temporary Construction Staging Area. The driveway will have a 50-foot turning radius to allow for large trucks that will be bringing poles and equipment to the site. The staging area will be secured with a 50-foot metal gate. Tri-State will secure a driveway permit from the County Road and Bridge Department prior to any work at the site.
3. *Fencing.* The Staging Area will have an additional length of wire (2,500 feet) installed on the norther boundary of the site to secure the staging area. Tri-State will consult with the Sucklas before designing and installing the fence. The driveway, gate and fencing will remain after Tri-State leaves the site for future use by the Sucklas.
4. *Brush Removal.* Tri-State is proposing to cut brush within the 60-acre yard in order to facilitate access for equipment and vehicles on the site. The saltbrush and greasewood removed from the site will be burned as requested by the Sucklas.
5. *Weed Management.* Prior to removing vegetation from the staging area, Tri-State will pre-treat the area with herbicide to suppress the growth of weeds that could be stimulated by disturbance of the site. Tri-State will not use soil sterilants on the staging area; only herbicides approved for use on public lands and applied by certified applicators. The County Weed Advisor would be consulted prior to any weed spraying to target species, identify suitable herbicides and schedule the best time for treatment. Equipment brought to the staging yard will be clean and free of mud or debris that could introduce new weed species to the site. Tri-State will continue to monitor and control noxious weeds during the period Tri-State occupies the Temporary Construction Staging Area.
6. *Revegetation.* Tri-State will reclaim and revegetate the site with seed and/or mulch as required by the Sucklas.
7. *Water Use.* Potable drinking water will be brought to the staging area for human consumption. Currently no water for washing vehicles on-site is planned.
8. *Lighting.* Some temporary lighting of the Temporary Construction Staging Area may be required for short periods in early morning for construction preparation. Major construction activities will be confined to daylight hours.
9. *Short-term and Long-term Land Use.* Tri-State will begin occupying the site as early as May of 2017 and the site will have use as a staging area through May 2021. Most activity is likely to occur from May 2018 to May 2020. Upon Tri-State's leaving the site, the fence, gate and access driveway will remain in place for use by the Sucklas for their ongoing ranching operation.

### **Review Process**

Utility Transmission Lines require a Two-step Planning Commission and Board of County Commissioner review process pursuant to Land Use Code Section 5-320F. III and Section 5-709 Public Utility Structures and Electricity Transmission and Distribution Lines. The Review Standards for all WE Zone District Special Uses are set forth in LUC Section 5-320 K. These special uses standards include consistency with the County Master Plan, as noted above the subject transmission line upgrade is within the WE Master Plan Area, Section 5.3 of the WE

Master Plan ‘More Specific Guidelines for the Siting of Utilities and Utility Lines Throughout the County; the County LUC Policies in Section 2-12 Scenic Quality policies as they apply to this application as well as the Wildlife Protection Policies in LUC Section 2-16 and specifically LUC Section 2-1601, the County Policy to protect, enhance and preserve Gunnison Sage Grouse populations and their habitats to include considering the range-wide conservation strategies set forth in the most current Gunnison Sage-grouse Range-wide Conservation Plan. In addition Section 5-22 Wetland Permits, Section 5-4 Areas & Activities of Local and State Interest “1041” Environmental Hazard Review.

The Temporary Construction Staging Area is subject to a One-step review by the County Planning Commission for a Temporary Construction Staging Area Special Use Permit pursuant to Land Use Code Sections 5-320 D. IV. Construction Contractors, 5-320 J. General Development Guidelines, 5-320 K. Review Standards for Special Uses, 5-1002 Standards for All Special Uses and other Uses Requiring One-step and Two-step Review. While this will be treated as a separate SUP application per LUC Section 3-8 Consolidation of Applications, these two requests for Special Use Permits will be “consolidated so that the different but related requests for approvals are considered comprehensively by the Planning Commission and the Board of County Commissioners.” \* *In further review of the Special Use Permit application for Tri-States proposed Temporary Construction Staging Area and the County LUC it is my interpretation that this proposed use is more accurately and appropriately considered and reviewed as a Contractor (Construction) Staging Area in the WE Zone District and not as a Public Utility Service Center, as initial identified in staff’s August 5, 2016 Pre-application Conference Summary letter.*

#### Referral Agents

This application was referred to the County Attorney, the County Road & Bridge Superintendent, the County Open Space Coordinator, the County Weed Advisor, the Colorado Department of Transportation (CDOT), the Colorado Parks & Wildlife (CPW), T.J. Holmes, Disappointment Wild Bunch Partners, and the Bureau of Land Management (BLM) for their review and comment. Comments received to date include emails from County Road & Bridge Superintendent, Mike Horner and County Weed Advisor, Ron Mabry.

#### County Road Superintendent Comments

In a November 11, 2016 email, County Road Superintendent Mike Horner provided the following comments:

1. The Road Department will require a Driveway Permit application to access the proposed staging area off of CR 19Q. It must be specified on the application that the driveway is proposed to remain in place as a permanent access after the project is complete.
2. The Road Department is requesting “intersection symbol” warning signs with 25 MPH advisory plates be installed approximately 300 feet on either side of the new driveway. “Heavy Construction Traffic” signs will also be required at the entrance of CR Q19 at Hwy. 141 and on the south side of the staging area to warn motorists of the construction activity and traffic. All warning and traffic control signs must comply with the Manual on Uniform Control Devices (MUTCD).

3. A Road and Bridge Special construction Permit will be required if hauling of material will exceed 3 million pounds in a 12 month period. The permit will address potential impacts to the haul routes for excessive hauling.
4. Any temporary construction staging areas along county roads for the purpose of stringing power cable must have proper traffic control devices in place. No temporary road closures are permitted without advance notice to the Road Department.

### **County Weed Advisor Comments**

In a January 3, 2017 email, Ron Mabry, County Weed Advisor, states he has reviewed the revegetation and weed control plans and recommended seed mixes. He finds the weed plan is adequate but would like to know if there is one person responsible for weed control and/or revegetation and who that contact person will be. If there are multiple people involved who they are and how decisions will be made. The revegetation plan states that the seed would be drilled in those areas where a range drill can access the site, which is the best method and highly recommended.

The seed mixes are fairly standard mixes for this area. Mr. Mabry questions the additional forbs and more importantly the quantities suggested and some of the percentages of certain species of "native grass" seed. The seed mix from Rich Hamilton recommends 65 lbs. per acre which is acceptable for a park setting but the standard recommendation for rangeland are 20 to 22 lbs. per acre.

### **Noticing**

Tri-State sent notice of the County meeting date and place to the property owners within the transmission right-of-way line and posted signs in two State Highway locations and one at the Suckla parcel along County Road 19Q regarding the proposed SUP applications meeting date. A list of the land owners who were notified concerning the SUP for this Transmission line project is included in the CPC packet. No public comments have been received to date.

### **County Planning Department Comments and Recommendation**

In addition to applying for a Special Use Permit from San Miguel County because portions of the existing and proposed transmission line crosses public lands administered by the BLM and the USFS and in order to implement the project BLM needs to consider amending the approved ROW for this proposed project on public land and the USFS needs to consider whether or not to issue a new Special Use Authorization on its public lands. As the designated lead federal agency, the BLM Office (SWDO) had determined that an Environmental Assessment (EA) is required before the agencies can render decisions on the proposed Tri-State project. The Board of County Commissioners (BOCC) in August 2014 entered into an MOU with the BLM to participate as a Cooperating Agency for the purpose of preparing an Environmental Assessment for Tri-State's proposed Transmission Line Project. As a cooperating agency County staff and the BOCC have provided comments and expressed our concerns regarding the rerouting option BLM developed as an alternative to Tri-State's proposal to rebuild the line in place. In participating as a Cooperating Agency we also provided the BLM with information and analysis of the proposed Transmission Line project as it relates to the applicable provisions of the San Miguel County

Master Plan and County Land Use Code. The Master Plan encourages the location of utility lines on public and government lands as priority lands to create the least amount of impact on county residents and the natural environment. The LUC standards address scenic quality such as minimizing adverse scenic effect of roads and other facilities by regulating their alignment, design and construction so as to reduce their impact on visual quality, in particular public roads, by avoiding paralleling major transportation routes, avoiding impacts on wildlife and wildlife habitat, and preserving the natural landscape as much as possible. The upgrade-in- place alignment is consistent with these LUC and Master Plan objectives and development standards.

In February 2016 the BOCC wrote to Barb Sharrow, BLM Acting Southwest District Manager advising her that San Miguel County (SMC), as a Cooperating Agency continues to support the proposed up-grade-in-place alignment in Dry Creek Basin proposed by Tri-State, and identified as Alternate A, in the Preliminary Assessment dated November 3, 2015. During the development of the Preliminary EA San Miguel County consistently asked for and recommended that the applicant, the BLM, CPW, and the U.S. Fish & Wildlife Service (USFWS) work together cooperatively to identify viable mitigation strategies that will benefit GuSG and their habitat within San Miguel Basin to include land acquisition within or outside of the Dry Creek Basin. As a part of this letter the BOCC also let the SWDO District manager know that SMC supports the voluntary conservation measures proposed by Tri-State in conjunction with their proposed plan to rebuild the transmission in its current alignment.

In September 2016 the BLM and the USFS issued the Final EA that was prepared to disclose and analyze the environmental effects of Tri-State's Transmission Line Improvement Project. Based on the analysis in the EA and after consideration of the public comment on the Preliminary EA, the BLM and USFS identified Alternative A, Tri-State's proposed action which is the up-grade-in-place, as these agencies preferred alternative. Details of the proposed project are presented in Tri-State's draft Plan of Development. The Final Plan of Development will reflect the terms and conditions for mitigation, construction, maintenance, and reclamation stipulated in the agencies' decision documents as well as any as-built variances incorporated into the completed project. Tri-State's SUP application to the County is for the "agency" identified preferred alternative and the application includes much of the information contained in their draft Plan of Development and is intended to be consistent with the information and findings in the Final EA.

On December 20, 2016, the USFWS provided a copy of its Biological Opinion regarding the effects of this Transmission Line project to Gunnison Sage-Grouse to the Southwest District Manager of the BLM in Montrose. This Biologic Opinion is required where a federal action may affect a listed species, such as the GuSG or its critical habitat, before the BLM, the lead agency in this case, can make its final decision to grant the requested ROW and issue Tri-State a Notice to Proceed with this project. Staff has provided an excerpt from this 21 page USFWS Biological Opinion, page 16, which includes the "Conclusion Regarding Jeopardy/Adverse Modification." This section of the written opinion states that the Service agrees that the proposed action may result in adverse effects to GuSG and may adversely affect GuSG critical habitat; the opinion goes on to state that "After reviewing the current status of the Gunnison Sage-Grouse, the environmental base line for the action area, the effects of the proposed action and the cumulative effects, it is the Service's biological opinion that the action as proposed, is not likely to jeopardize the continued existence of the Gunnison Sage-Grouse nor result in destruction or

adverse modification of Gunnison Sage-Grouse critical habitat. This conclusion is based on conservation measures included in the project that will minimize effects to the species.” It is staff’s understanding that with this Biological Opinion from the USFWS, and receipt of a concurrence from the State Historic Preservation Office (SHPO) that this transmission line project will not adversely affect cultural resources, the BLM will have the information needed to make their final decision on this project.

The Revegetation Plans and Weed Control Plans outline specific seed mixes provided by federal land management agencies and Colorado Parks & Wildlife for the project. The applications go on to state that Tri-State will reseed private lands with seed mixes proposed by or acceptable to the affected landowners. There is also a statement that Reclamation will be deemed complete at 70% coverage or when approved by the landowner and the Colorado Department of Public Health & Environment. In the responses from Germaine French regarding Revegetation of the temporary construction staging area that Tri-State will reclaim and revegetate the site with seed and/or mulch as required by the Sucklas (land owner). In light of the review comments from County Weed Advisor, Ron Mabry, staff has included a condition that Tri-State provide the County a list of on-site contacts for this construction project, including the environmental monitor, which would include the name of the person that will be responsible for and make decisions on behalf of Tri-State concerning implementation of the Revegetation and Weed Control Plans for both the transmission line project and the temporary staging area. Additionally, as discussed with the applicant it is staff’s recommendation that the approval of these SUP’s identify the preferred seed mixes as those recommended by the BLM and CPW with the condition and/or understanding that if a private owner requests or proposes a different seed mix such proposed modification will be reviewed by the County’s Weed Advisor, which at this time is Ron Mabry, to determine if the proposed alternative seed mix is appropriate for the subject site or not. As far as determining if the revegetation has been adequately reestablished I would suggest that this be determined by the BLM, CPW, the private landowner and the County’s Weed Advisory. I’m not aware of the CDPHE having a role in overseeing the revegetation and weed control plans unless this is specified in the Final Plan of Development required in the BLM final decision document.

Planning Department staff finds that Tri-State’s application as submitted is consistent with the San Miguel County Master Plan, meets the Land Use Policies in Section 2 of the LUC, meets the purpose of the West End Zone District and complies with the Review Standards of Section 5-709 Review Standards for Public Utilities, and the applicable review standards in LUC Section 5-22 Development in Wetlands and Section 5-4 Areas & Activities of Local and State Interest “1041” Environmental Hazard Review and in particular West End Master Plan Section 5.3 which contains specific guidelines for the siting of Utilities and Utility Lines throughout the County where such lines are located to create the least amount of impact on County residents and the natural environment and after reviewing the site plans and materials finds that upgrading the Transmission Line in place would result in the least possible adverse impact on visual, environmental and unique features of the land, including broad ecosystems, topography, soils hydrology, geology, vegetation, and wildlife, and further finds the proposed route to be consistent with County Land Use Policies to protect and preserve Gunnison Sage Grouse populations and their habitats and therefore recommends approval of the Tri-State Special Use

Permit for the rebuilding of the Maverick-Cahone Transmission Line in San Miguel County to the BOCC.

The Special Use Permit recommendation approval should also be contingent upon Tri-State:

1. Obtaining a County Road & Bridge Special Construction Permit for the County Road crossings and the use of CR 19Q, and a Driveway Access Permit for CR 19Q.
2. Obtaining a Development Permit and contacting the Planning Department and County Sheriff's Office prior to start of construction.
3. Providing a list of onsite contacts for the construction project, including the environmental monitor(s).
4. The revegetation and weed control will be periodically reviewed by the County to assure successful reclamation of the site.
5. Complying with all County Road Superintendent comments.
6. This Special Use Permit conditional approval shall not take effect until such time as the BLM and the USFS have issued their final approvals for the project.
7. The project mitigation, construction, maintenance and reclamation shall be consistent with and comply with the applicable provisions of the Final Plan of Development as approved by the BLM and USFS in their final decision documents unless specifically modified in the County's SUP approval action.
8. Providing the County a copy of all extended powerline easements which must be perfected prior to start of construction on that section of the line.
9. All written representations of the applicant, in the original submittal and all supplements, are deemed to be conditions of approval except to the extent modified by this approval.

Staff also recommends approval of the Tri-State 60-acre Temporary Construction Staging Area on the Suckla property in Disappointment Valley as presented finding the proposed use is consistent with the San Miguel County Master Plan, and Land Use Code standards for a Public Utility Area Service Center Special Use Permit pursuant to Land Use Code Sections 5-320 F. III. Utility Services Facilities, 5-320 J. General Development Guidelines, 5-320 K. Review Standards for Special Uses, Section 5-4 Areas and Activities of Local and State Interest, 5-1002 Standards for All Special Uses conditioned upon the BOCC approving the transmission line upgrade Special Use Permit.

If approved the Temporary Construction Staging Area approval should be conditioned upon:

1. Obtaining a County Road & Bridge Special Construction Permit for the County Road crossings and use of CR 19Q, and a Driveway Access Permit for CR 19Q.
2. Obtaining a Development Permit and contacting the Planning Department and County Sheriff's Office prior to start of construction.
3. Providing a list of onsite contacts for the construction project, including the environmental monitor(s).
4. The Temporary Construction Staging Area Special Use Permit is issued specifically to Tri-State Generation and Transmission Association for the duration of the Rebuild Project and does not run with the land.

5. The revegetation and weed control will be periodically reviewed by the County to assure successful reclamation of the site.
6. Complying with all County Road Superintendent comments.
7. This Construction Staging Area Special Use Permit is issued specifically to Tri-State Transmission and Generation for this specific transmission line rebuild project as proposed and does not run with the land.
8. All written representations of the applicant, in the original submittal and all supplements, including all applicable provisions of Tri-States Plan of Development dated Sept. 2016, are deemed to be conditions of approval except to the extent modified by this approval.

Schmalz stated, and he thought an equitable solution that addresses all the conditions and concerns exists, but voting no precludes us from getting a chance to work on it.

Mike Rozycki noted that the Planning Commission's recommendation of denial on the road vacation application would be presented to the Board of County Commissioners at a duly noticed public hearing, and the Planning Department will provide information regarding the hearing date to each of the applicants and individuals who had spoken or contacted us.

Others Present: Kathryn Alexander, Alexander Ranch LLP; Brian DiPaola, Alexander Ranch LLP; Madison Alexander, Alexander Ranch LLP; Shelly Kennett, County resident; Stanley Kipfer, County resident; Toni Abrams, County resident

**Special Use Permit Worksession: Tri-State Transmission Line Rebuild of an Above-ground 115-kilovolt (kV) Electric Transmission Line to operate at 230-kV, located in the within the West End Zone District**

Mike Rozycki, County Planning Director, stated that Tri-State had submitted applications for a Special Use Permit for its 230-kV project and for staging yard in Disappointment Valley, and also noted that the Planning Commission did a site visit to parts of the Tri-State transmission line in Dry Creek Basin and also to the proposed sixty-acre staging yard. He said Planning would advertise these items for formal consideration at the January 11, 2017 CPC meeting. Due to the size and complexity of the project a worksession was also scheduled today for Tri-State to provide an overview for their application. He said that it was an important issue for the county that the transmission line be rebuilt in its current alignment, which spans approximately 25 miles within San Miguel County the majority in public lands. He explained the Board of County Commissioners entered into a cooperative agreement in 2014 with the Bureau of Land Management for the purpose of preparing an assessment of the proposed transmission line. At that time there were two alternatives and the BLM appeared to favor changing a portion of the alignment to run along HWY 141 corridor. Mike said the BOCC and Planning staff worked very hard to encourage BLM to designate the current alignment as the preferred alternative for construction, and for Tri-State to present a robust conservation plan for Gunnison Sage-Grouse.

Karl Myers, Tri-State Generation and Transmission Association, Inc. Siting and Permitting Manager, introduced Jon Davis, Tri-State Land Management Specialist; Sarah Carlisle, Tri-State External Affairs representative; Jonah Martin, Tri-State Project Manager; Germaine French, Tri-State Environmental and Permitting Lead; and John Olson, Tri-State Project Engineer.

Germaine French, Tri-State Environmental and Permitting Lead, presented a power point presentation titled Montrose-Nucla-Cahone 230kV Transmission Line Project Overview, San Miguel Planning Commission, December 14, 2016. Lee Taylor asked why Tri-State was replacing the existing fiber optic cable if it is underground. Germaine replied it is an opportunity to replace all infrastructure at once and is actually atop the pole of the static line. Ian Bald asked if the increase in county tax revenues would last the length of project or line's life. Germaine explained that the investment would depreciate over time and property taxes would also. Marty Schmalz asked if a homeowner would need to contact SMPA regarding connecting a residential renewable energy project to electric distribution line and if a major project like a solar farm to

Tri-State to connect to a transmission line. Karen Henderson, County Senior Planner, asked if there are ramifications of the rebuilt transmission line connecting to the new Maverick substation rather than to the Nucla substation from which the power line to San Miguel County connects. Germaine said no since a double circuit will be installed from the Maverick to Nucla substation. Karen asked on average how often Tri-State performs maintenance on new lines. John Olson, Tri-State Project Engineer replied that lines are normally inspected annually and needed repairs are made, but after five years major maintenance is performed on the entire line. Marty Schmalz asked if increased maintenance on the current line was a factor in the decision to replace the line. Germaine said ultimately there were increased maintenance and hazards associated with the older line. Lee asked if customers should expect rate increases to pay for the line. Karl Myers, Tri-State Siting and Permitting Manager, replied the Line Rebuild project had been budgeted for over ten years.

Mike Rozycki asked how planning for increased transmission capacity factored into Tri-State's decision to rebuild the line. Germaine acknowledged the line would have larger capacity and that would provide reliability to the regional power grid. Mike asked if the larger capacity of the line would be tying San Miguel Power Association and Tri-State to coal power production for a longer time irrespective of the potential of alternative energy providers to connect to the new line. Germaine said the new line would potentially increase line capacity nine-fold and whether the capacity is filled by solar, coal or gas or whatever combination Tri-State and its members determine, this project is about replacing infrastructure to move generated power. She added that currently Tri-State does not have any alternative power proposals.

Lee Taylor asked if Tri-State would be subject to the State rules on alternative energy by building the line which would boost transmission capacity nine-fold. Sarah Carlisle said State capacity guidelines are based upon power generation capacity not transmission capacity, and Tri-State board policy still is 5% of generative power should be from alternative power. Germaine answered Marty that the percentage of alternative power is set by Tri-State members like SMPA. Josselin Lifton-Zoline asked if SMPA could as an individual cooperative up its level of alternative power generated. Sarah responded that coops are limited to the 5% generation limit. Jonah Martin, Tri-State Project Manager, said that its transmission planning process is transparent and Tri-State could transmit more generated alternate power to users other than its 42 coops as a result of this project, but there are no pending projects, and Tri-State is not increasing its percentage of alternative power generated.

Lee Taylor commented that the Planning Commission could look at this project as both necessary from a high maintenance cost and a network reliability and transmission capacity standpoint. Marty Schmalz asked how big a solar farm for example would need to be to offset the cost of tying into the Tri-State transmission system. Jonah replied that Tri-State offers guidance on how to scale a project to minimize network expenses, and in response to a question from Josselin, it has not consulted with any alternative energy producers regarding this project. Karen Henderson asked if a project could tie into an existing substation. Jonah said that expansion capability is built into the new substations.

Mike Rozycki asked if there were a time schedule Tri-State was attempting to meet in regards to the planned outages at the Tri-State Craig power plant and if they will meet that schedule. Jonah

Martin answered they are coordinating the planned outages with this project construction schedule and anticipate meeting it.

Josselin Lifton-Zoline asked if the county had oversight over weed control on the private lands. Mike Rozycki said it typically does but there have been situations when the county worked with the ranching community if it wanted a particular seed mix, but that the county encourages the use of native grasses for revegetation. Germaine said they have worked with the US Forest Service to coordinate treatment of weeds, and with individual landowners to meet their preferences. She said Tri-State will consult with Ron Mabry, San Miguel County Weed Manager, regarding the priority weeds in the county, type of herbicide to use, and the timing of treatments. She added they plan to pre-treat weeds prior to soil disturbances at pole sites and temporary staging area, and to post-treat disturbed areas. Josselin asked if the Planning Commission will know if the parties have agreed to that plan prior to consideration of application. Mike answered that the goal is to see if they are in agreement with the terms and conditions that address county issues. Mike added that Germaine did address the issue with weeds and that the application was referred to Ron Mabry who was on the site visit and we are wanting his comments on the application.

Mike asked if Tri-State typically discusses the seed mix when it negotiates for an expanded right-of-way of 100' to 150' with a private landowner. Jon Davis, Tri-State Land Management Specialist, replied it can but that easement language differs in specificity of seed mix from one landowner to another. Mike asked if the BLM and CPW provided a preferred seed mix for revegetation to Tri-State. Germaine replied a specific seed mix for Dry Creek Basin Gunnison Sage-Grouse habitat, subject to approval by the USFWS, was provided by the BLM and Tri-State included it within the application. She said Tri-State would propose to use it on private lands subject to acceptance by the landowner. Mike said the county would like to know the contents of proposed seed mix and to have input if a private landowner in Dry Creek Basin requests a variation from the approved BLM mix. Jon Davis countered that he would hate for it to be a stumbling block to upcoming negotiations with landowners. Mike said the purpose of the worksession is to let Tri-State what may come up at the PC and BOCC meetings. Karen Henderson asked how much of the right of way would be disturbed and need to be revegetated and which party is responsible for the ongoing service of the disturbed areas. Germaine responded that Tri-State is ultimately responsible for the right-of-way for entirety of project life.

Josselin asked if the county could be involved with the process of hiring and working with the third party environmental monitor on the project. Germaine French said the environmental contractor would report to the Bureau of Land Management not Tri-State regarding public lands, and the intent is the same contractor will be employed in maintaining protection measures on the private landholdings. Karl Myers cited the Nucla-Sunshine transmission line project and the robust environmental program and the weekly variance reports filed with the landowners and county. Rozycki added the county was pleased with the outcome of that project. Karl said it was the prerogative of the county to add another set of eyes to the project but that the environmental monitor is a professional who helped plan the project and knows every road and pole site. Karen Henderson related that the monitor contacted the county and accompanied them on visiting environmentally sensitive areas. Marty Schmalz asked if Tri-State was the only party to receive a variance report for private lands or does the BLM also receive a copy too. Karl said they would probably also report to BLM because Tri-State is taking a holistic approach to project and

has detailed construction plans (plan of development) that must be approved by the BLM. Rozycki commented that the Environmental Assessment required by the BLM is mirrored onto private land and provided the county with valuable information.

Lee Taylor asked if there are jobs related to this project for people in the west ends of Montrose and San Miguel Counties included in the \$118M cost estimate. Germaine said the labor force is very specific for this project but that some of the dirt labor and other work are contracted to by locals when possible. She said maintenance facilities are already in place in Montrose and Cortez. Mike commented the project timing is difficult with the listing of Gunnison Sage-Grouse by USFWS and the announced closure of the Nucla power plant by Tri-State. Lee Taylor asked if there would be a benefit to running additional fiber optic cable. Jonah Martin said dark fiber is available in the replacement line, but lighting fiber for commercial use would require easements.

**Approval of Minutes**

**MOTION** by Marty Schmalz to approve the minutes from the May 11, 2016 meeting with corrections as noted. **SECONDED** by Pam Hall. **VOTE PASSED 6-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

**MOTION** by Marty Schmalz to approve the minutes from the September 14, 2016 meeting as submitted. **SECONDED** by Pam Hall. **VOTE PASSED 6-0.**

Pamela Hall	<u>Aye</u>	Nay	Abstain	Absent
Lee Taylor	<u>Aye</u>	Nay	Abstain	Absent
Marty Schmalz	<u>Aye</u>	Nay	Abstain	Absent
Ian Bald	<u>Aye</u>	Nay	Abstain	Absent
Kevin Kell	<u>Aye</u>	Nay	Abstain	<u>Absent</u>
M.J. Schillaci	<u>Aye</u>	Nay	Abstain	Absent
Josselin Lifton-Zoline	<u>Aye</u>	Nay	Abstain	Absent

**Planning Commission and Staff Comments**

Michael Rozycki, County Planning Director, said a meeting is planned on January 11, 2017 in Norwood to consider Tri-State application, to elect officers and to schedule 2017 meeting dates. He noted that Marty Schmalz's term concludes then, and Marty indicated she would re-apply. He announced Karen Henderson was promoted to Senior Planner and that it was long overdue. He said the Board of County Commissioners conditionally approved final plans for the San Miguel Valley Corp Mill Creek and Deep Creek Mesa Subdivisions. He added the county has requested that SMVC develop a master plan for their Society Turn parcel, the Colorado Department of Transportation has earmarked \$1.5 M for the county Intercept Lot Park & Ride project, and he is planning to present the Big Dog Holdings HUB Lot 2B project development permit application to BOCC on December 20, 2016.

12:50 p.m. Adjourned.

Respectfully Submitted,

John Huebner, Planning Technician

Approved on \_\_\_\_\_.

SAN MIGUEL COUNTY PLANNING COMMISSION

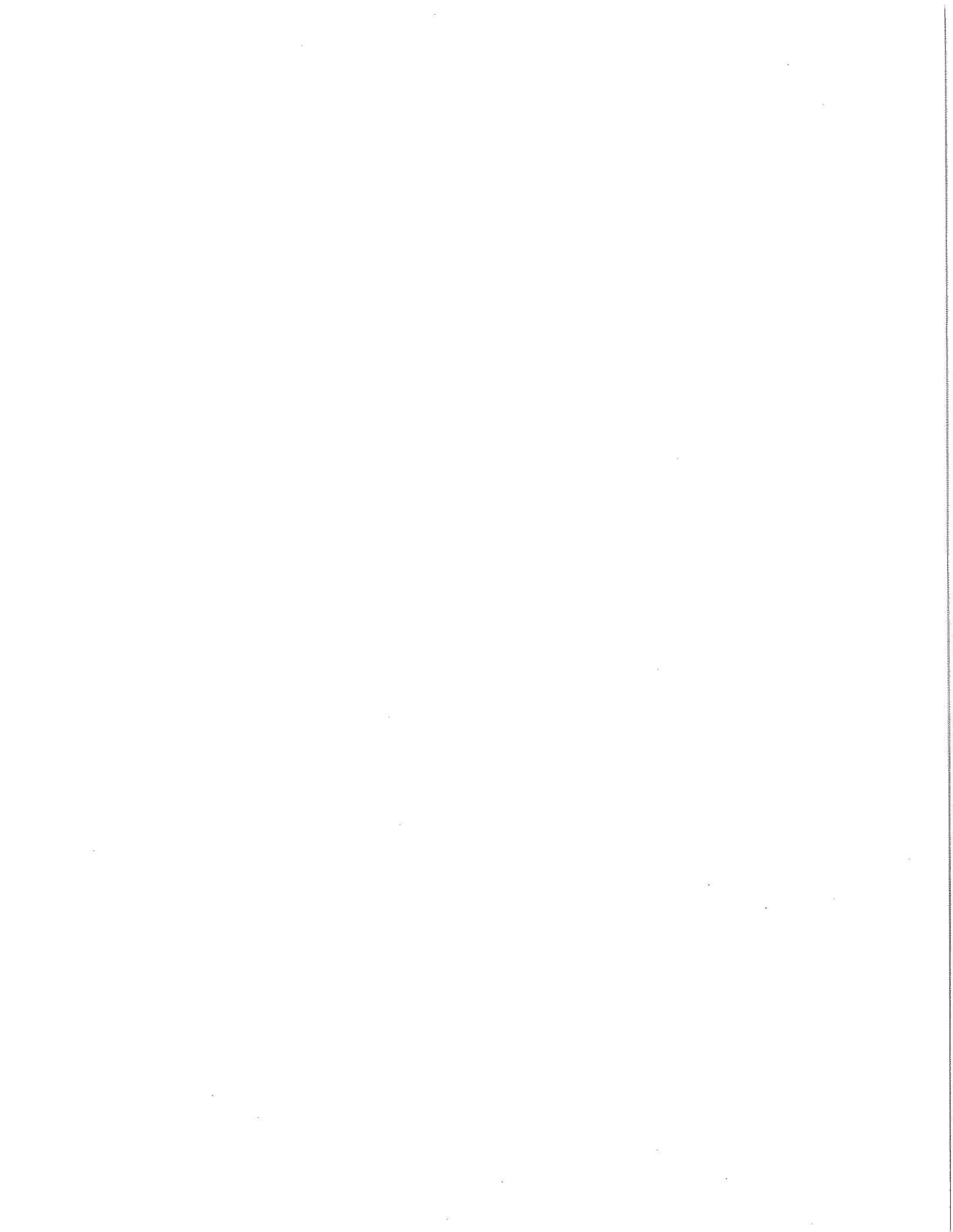
Marty Schmalz, Secretary

[X:\text\PC\PC Minutes\2016\pc.12.16.minutes.draft.docx]

DRAFT

TRI-STATE GENERATION  
TRANSMISSION LINE REBUILD  
APPLICATION

<http://www.sanmiguelcountyco.gov/DocumentCenter/View/2526>



RECEIVED  
10.20.16



**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.**

HEADQUARTERS: P.O. BOX 33695 DENVER, COLORADO 80233-0695 303-452-6111

October 19, 2016

Michael J. Rozycki  
Planning Director  
San Miguel County Planning Department  
P.O. Box 548  
Telluride, Colorado 81435

Re: Montrose-Nucla-Cahone Transmission Improvement Project  
Transmittal of Special Use Permit Application

Dear Mr. Rozycki:

Tri-State Generation and Transmission Association, Inc. (Tri-State) plans to replace our existing above-ground 115-kilovolt (kV) electric transmission line with a new 230-kV electric transmission line. The existing Montrose-Nucla-Cahone (MNC) 115-kV system extends approximately 80 miles from the Montrose substation west of Montrose, Colorado, to the Nucla substation at the Nucla Power Plant, to the Cahone substation near Dove Creek, Colorado. The project is known as the MNC Improvement Project.

San Miguel County has been a cooperating agency in the environmental process that the Bureau of Land Management (BLM) has been leading per the National Environmental Policy Act (NEPA). San Miguel County provided excellent input during the NEPA process and helped to ensure that the Project and the action alternatives were analyzed with respect to West End (WE) Master Plan goals and objectives as well as science-based recommendations pertaining to Gunnison Sage-Grouse. The final approved Gunnison Sage-Grouse conservation strategy (as detailed in Appendix 13 of this application) is the result of coordination between Colorado Parks and Wildlife, San Miguel County, U.S. Fish and Wildlife Service (FWS), the BLM, as well as third party sage-grouse experts who provided substantial support to the Environmental Assessment (EA) analysis.

The BLM initiated formal Section 7 consultation with the U.S. Fish & Wildlife Service (FWS) on the project on September 1, 2016, based on an updated Biological Assessment that included Tri-State's conservation measures proposal. Based on the BLM coordination with the FWS, it is anticipated that the FWS will issue a Biological Opinion (BO) on October 31, 2016, that with implementation of the terms and conditions of the Incidental Take Statement, the proposed action (including mitigation measures) is not likely to jeopardize the continued existence of the species or destroy or adversely modify Gunnison sage-grouse critical habitat. Issuance of the BO would conclude BLM's formal Section 7 consultation with the FWS. Meanwhile, Tri-State has secured the option on the Miramonte parcel and will purchase as soon as the NEPA and county decisions are complete.

The Final EA was issued by the BLM and Forest Service on September 2, 2016. The draft Decision Document and Finding of No Significant Impact (FONSI) that accompanied the EA affirms Alternative A, Tri-State's preferred alternative, which was also San Miguel County's preferred alternative, to rebuild the line in place in the Dry Creek Basin.

The portion of the Project in San Miguel County, and the subject of the attached application and appendices, involves:



Michael J. Rozycki  
October 19, 2016  
Page 2

- 24.56 miles of 230-kV transmission line between the Maverick and Cahone Substations (the new Maverick Substation is located a mile south of Nucla off Highway 141 in Montrose County);
- Removal of the existing 115-kV structures and line following construction of the 230-kV line;
- Replacement of the existing fiber optic cable; and
- Use of approximately 30 miles of existing roads (including existing authorized, maintained access roads and other roads such as county roads ) crossing state, National Forest Service, county, and private lands.

The existing line crosses the WE Master Plan Area and the WE Zone District in San Miguel County. Of the 24.56 miles total, 15.97 miles is on federal land (BLM), 2.12 miles is on State of Colorado land, 0.34 miles is on Town of Telluride land, and 6.13 miles is on private land.

Tri-State met with San Miguel County Planning on July 13, 2016, for a pre-application meeting. That meeting was summarized in your pre-application conference summary letter dated August 5, 2016 (included as Appendix 3 in the application). Tri-State has prepared the enclosed application (eight copies and two electronic copies of the application on USB) and related appendices in accordance with San Miguel County Land Use Code and is hereby submitting it together with a check for \$1,000. The check covers fees for this application (\$500) as well as the separate SUP application being filed for a temporary, 60-acre staging area to be located on private property to store poles, equipment, and vehicles related to the rebuild of the transmission line (\$500). The staging area application will be submitted under separate cover October 26, 2016.

Please note that Chapter 3.0 of the Application is intended to serve as the 'stand-alone' Standards Report required per Section 4-206.

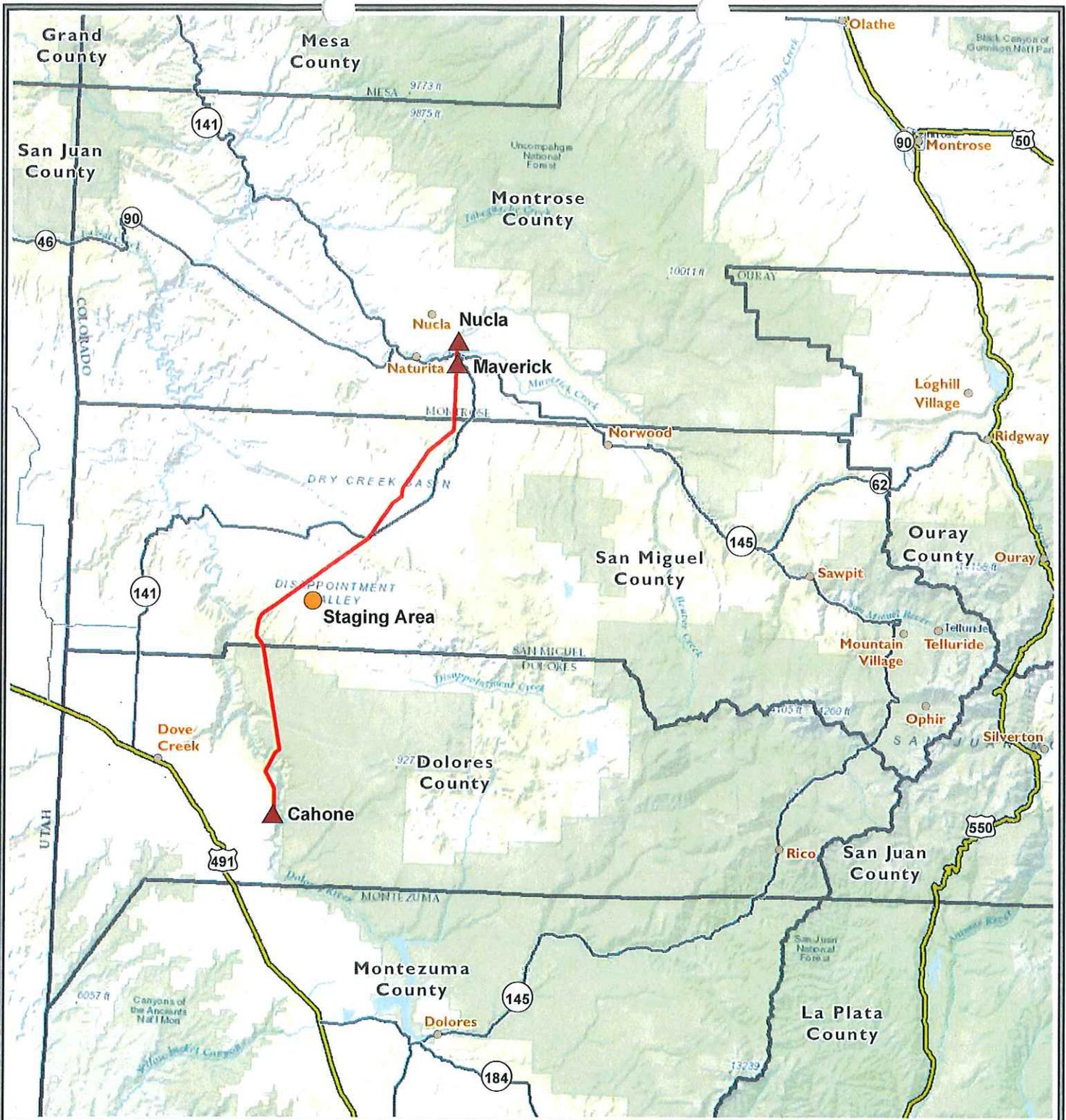
Please call me (303-254-3448) or Germaine French (303-254-3942) with any questions or concerns and you proceed with your completeness review.

Sincerely,

Karl W. Myers  
Transmission Siting, Permitting and Environmental  
Planning Manager

Enclosures:

8 copies of SUP Application and Appendices  
2 electronic copies of the SUP Application and Appendices on USB  
Application Fee of \$1,000



Tri-State Generation and Transmission

Temporary Staging Area Vicinity Map Figure 1

- ▲ Substation
- Staging Area
- City
- Transmission Center Line (150' ROW)
- ▭ County Boundary

0 2.5 5 10 Miles

Updated By: ydavnul  
Updated: 9/26/2016



This map includes confidential information of Tri-State and third parties. The GIS data and maps may not be disclosed to any third party. The user agrees to keep this information confidential and not disclose it to third parties. If you have any questions regarding this, please contact the Tri-State legal department. GIS data and maps available to Tri-State Generation and Transmission Association employees are provided as general information to aid Tri-State transmission maintenance. No user of Tri-State's GIS data and maps may sell any portion of the information provided therein. Tri-State makes no warranty regarding accuracy or completeness of the data and maps. Users shall rely only upon proper field verification of Tri-State GIS data.



Tri-State Montrose-Nucla-Cahone Transmission Line Improvement Project  
 Final Environmental Assessment  
 (DOI-BLM-CO-S000-2013-0001)

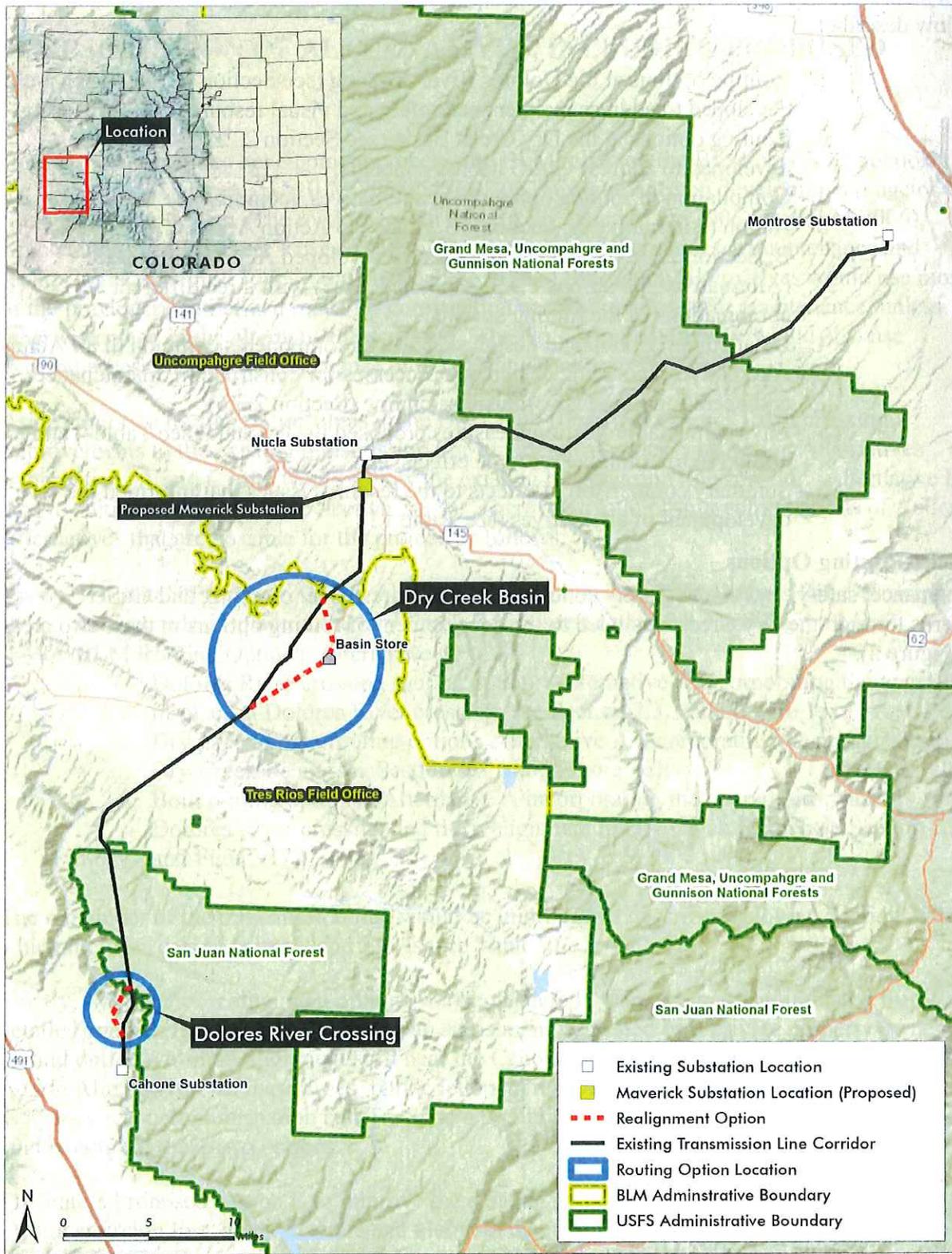
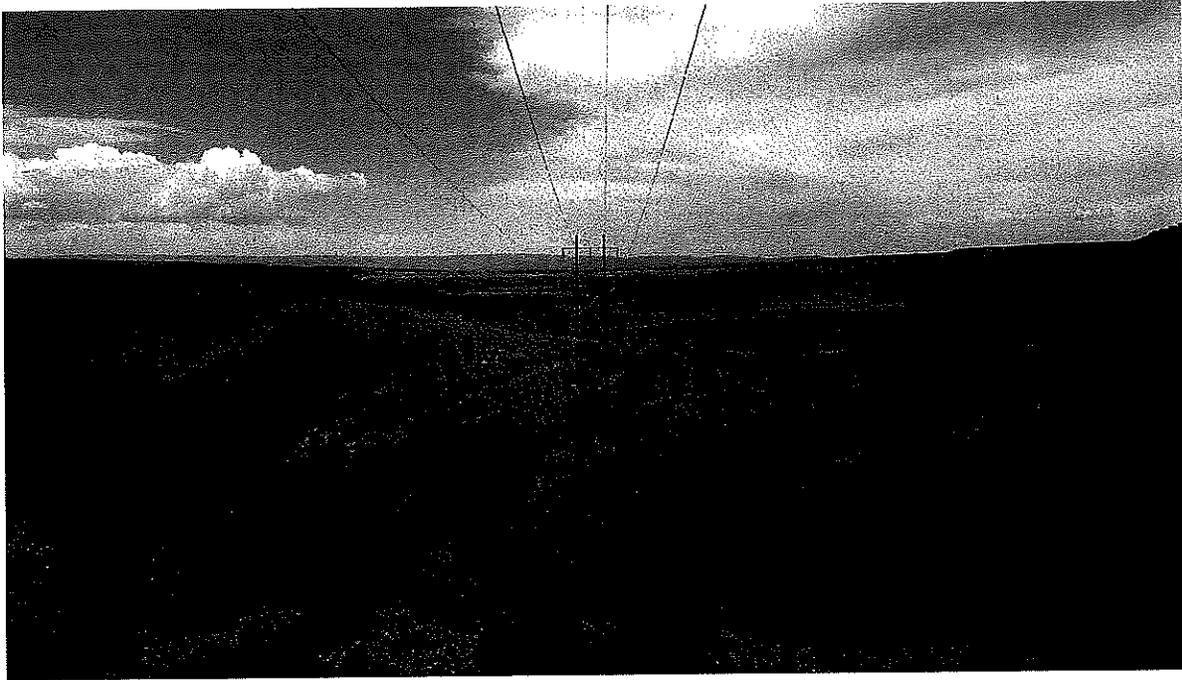


Figure 2. Routing Options Overview

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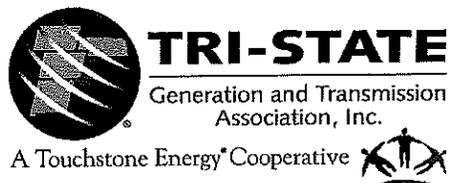
# Application for Special Use Permit San Miguel County, Colorado

## Maverick to Cahone 230-kV Transmission Line



Submitted to: San Miguel County Planning Department  
333 W. Colorado Ave., Telluride, CO 81435

Submitted by: Tri-State Generation and Transmission Assoc., Inc.  
1100 W. 116<sup>th</sup> Ave. Westminster, CO 80234



October 2016

**Application for Special Use Permit  
San Miguel County, Colorado  
Maverick to Cahone 230-kV Transmission Line**

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## **1.0 APPLICATION SUBMITTAL CONTENTS (ARTICLE 4, SUBMISSION REQUIREMENTS SECTION 4-2)**

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Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications.

### **Introduction**

Tri-State Generation and Transmission Association, Inc. (Tri-State) submits the following information to support San Miguel County's requirements for the request for a Special Use Permit for the rebuild of the existing Montrose-Nucla-Cahone 115-kilovolt (kV) transmission line to 230-kV. The Project will be rebuilt entirely along the existing 115-kV transmission line route and ROW in San Miguel County. The transmission line within San Miguel County will be about 25 miles in length: six miles crossing private lands, two miles crossing state land, 0.3 mile crossing Town of Telluride land and 16 miles crossing BLM-managed lands. See Table 1.

The portion of the transmission line that crosses San Miguel County is currently called the Nucla to Cahone 115-kV transmission line. However, the new line segment will be called the Maverick to Cahone 230-kV transmission line since the new line will connect at the new Maverick 230-kV substation instead of at the Nucla 115-kV substation (at the Nucla Generating Station).

### **4-201—General**

Tri-State met with San Miguel Planning on July 13, 2016 for a pre-application meeting. That meeting was summarized in San Miguel County's pre-application conference summary letter dated August 5, 2016. Tri-State has prepared the enclosed application and related appendices in accordance with these pre-application items and San Miguel County Land Use Code.

### **4-202—Required Background Information**

#### **Owner**

Tri-State will be the owner/operator of the new 230-kV transmission line. Tri-State does not own any of the lands crossed by the transmission line; legal access for the project on federal lands is obtained through federal authorization of right-of-way grants and special use permits and on State and private lands through easement agreements. Tables 1 and 2 below provide a summary of land ownership for the Nucla (from new Maverick 230-kV Substation) to Cahone transmission line right-of-way (ROW). Tri-State will also have a temporary 60-acre construction staging area off Highway 141 in Disappointment Valley which is the subject of a separate special use application. The transmission line is in the West End (WE) Zoning District of San Miguel County. Tri-State does own property at the Montrose, Nucla, Maverick, and Cahone substations, but these facilities are not located in San Miguel County.

**Applicant's Name and Address**

Tri-State Generation and Transmission Association, Inc.  
1100 West 116<sup>th</sup> Avenue  
Westminster, CO 80234  
303-452-6111

**Authorized Officer for the Applicant**

Mr. Joel K. Bladow  
Senior Vice President, Transmission

**4-203—Parcel Description**

Please see Figure 1 for the 8-1/2" x 11" vicinity map locating the project within San Miguel County. The transmission line spans approximately 25 miles in San Miguel County on lands administered by the Bureau of Land Management (BLM) Uncompahgre and Tres Rios Field Offices, State of Colorado, Town of Telluride, and private landowners.

A San Miguel County Map Atlas is included as Appendix 1 and shows the sections, townships, and ranges crossed by the transmission line and associated access roads. Table 1 lists the number of miles for each jurisdiction crossed in San Miguel County by the transmission line ROW.

The existing line crosses 6 miles of private lands in San Miguel County. Approximately 30 miles of access roads across private lands are currently used to construct, operate, and maintain the existing 115-kV transmission line in San Miguel County. This same road network will be utilized to construct, operate, and maintain the new 230-kV line rebuild.

Private landowners granting easements held by Tri-State for the existing 115-kV transmission line are listed in Table 2, which includes the mailing address and legal description.

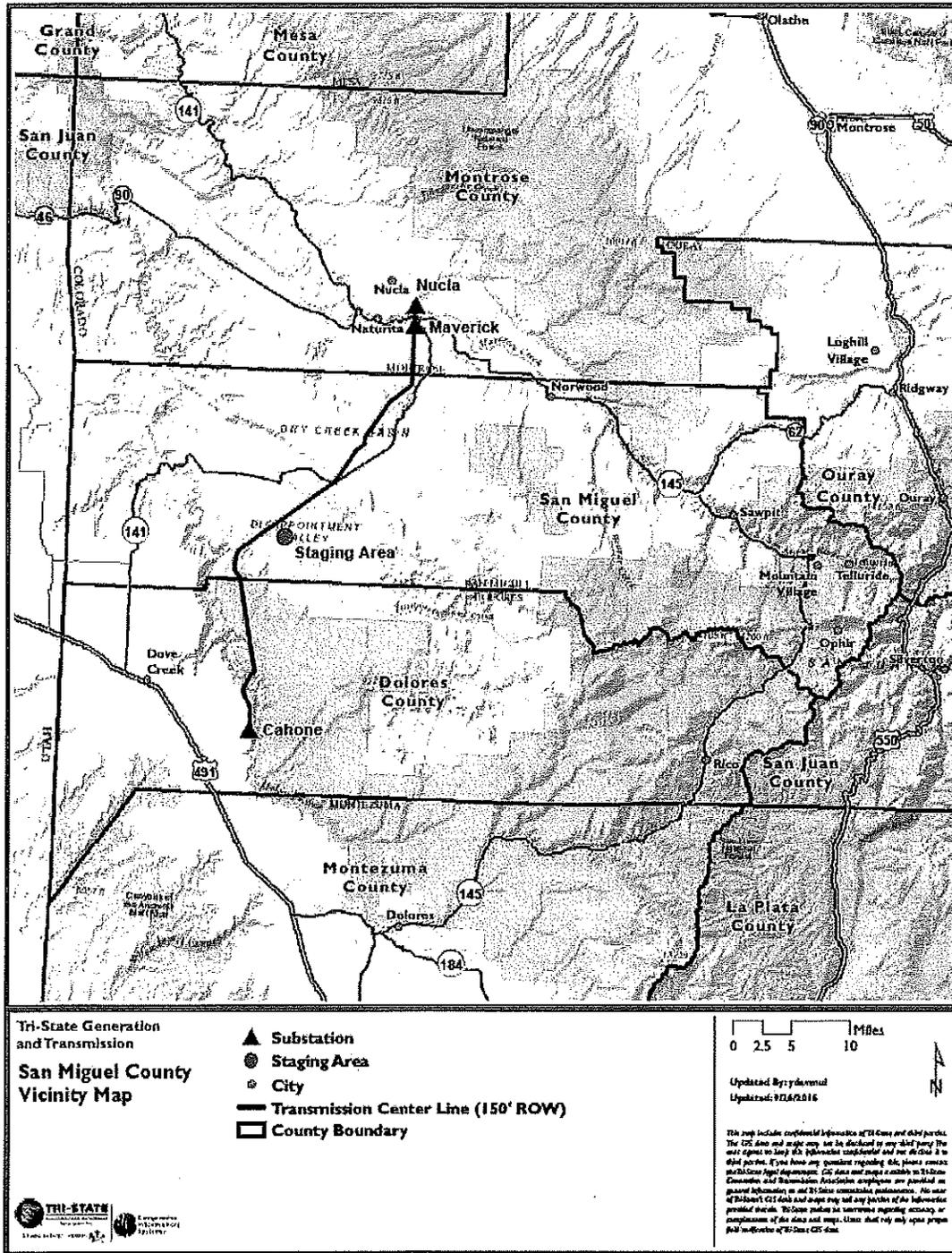


Figure 1: Vicinity Map

**Table 1: Transmission line mileage by jurisdiction in San Miguel County for the new 230-kV Montrose-Maverick Cahone Project**

Miles by Jurisdiction	Federal			State	Other	Private	Total San Miguel Co.
	BLM Uncompahgre Field Office	BLM Tres Rios Field Office	Total Federal Lands	State of Colorado Lands	Town of Telluride	Private Lands	
Transmission Line (150' wide)	2.66	13.31	15.97	2.12	0.34	6.13	24.56

**Table 2: Private Parcels Crossed in San Miguel County by Project by name, parcel no., address, and legal description**

Name	Parcel #	Address, City/State, Zip Code	Section	Township	Range
David & Terri Andrews	429115200003	P. O. Box 523 Norwood, CO 81423	15	45N	15W
Mex and Sons, Colorado General Partnership	453115200029	P.O. Box 126 Norwood, CO 81423	5, 7, 13 18	44N	16W
State of Colorado Division of Wildlife	453324200917	6060 Broadway Street Denver, CO 80216	23, 24, 26	44N	16W
Town of Telluride	453335200025	P.O. Box 397 Telluride, CO 81435	35	44N	16W
Barrett Brothers Inc.	455103200002	P.O. Box 56 Redvale, CO 81431	3	43W	16W
Steve M. and Pamela Suckla	455118300001	12551 Highway 491 Cortez, CO 81321	18, 19, 24	43N	16W/17W
Steve M. and Pamela Suckla	454927200001	12551 Highway 491 Cortez, CO 81321	27, 34	43N	17W
Scott E. Williams	479516300022	11461 Road 22 Cortez, CO 81321	17	42N	17W
Michael William Anderegg and Clara Love	479517300021	P.O. Box Drawer C Cortez, CO 81321	17	42N	17W
Steve M. and Pamela Suckla	479516300001	12551 Highway 491 Cortez, CO 81321	17	42N	17W

**4-204—Disclosure and Proof of Ownership**

Within San Miguel County, no new landowners will be affected since the line is being rebuilt in place. All affected private property owners are listed above in Table 2. The pre-application conference summary letter from San Miguel County staff clarified that Notification of Surface Development requirements per CRS 24-65.51-103 does not apply with respect to applications for electric transmission lines.

#### **4-205—Legal Access**

Tri-State has right-of-way (ROW) easements for the existing 115-kV line (100-foot ROW) which are included in Appendix 2 - "Easements for ROWs on Private Lands." Tri-State has not yet perfected new expanded easements (150 feet) with landowners along the Maverick-Cahone 230-kV line. Table 2 lists landowners and legal descriptions along the existing 115-kV line, which will be the same for the new proposed 230-kV transmission line.

Tri-State assumed the land rights to the existing transmission line upon acquiring assets from Colorado-Ute in 1992. Tri-State will acquire new 150-foot wide transmission line easements together with access roads (without a current easement). The existing 115-kV transmission line carries a fiber optic ground wire (OPGW). The new 230-kV line will be fitted with a new OPGW to replace the OPGW that existed on the 115-kV line. Easement agreements for the OPGW were obtained in the early 2000s and cover the new OPGW since nothing is changing (capacity, fiber count, etc.) except it will be brand new cable. An example of Tri-State's standard easement for private land is included as Appendix 2 - "Easements for ROWs on Private Lands."

Tri-State has been in contact with San Miguel landowners about the proposed transmission line rebuild since early 2013. All "permissions to survey" for engineering and environmental purposes have been obtained. Tri-State will be negotiating ROW easements with landowners in San Miguel County in 2017. New easements will be recorded at that time with the San Miguel County Clerk.

#### **4-206—Standards Report**

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

The Standards Report is included as Chapter 3 of this Application.

#### **4-207—Pre-application Summary Sheet**

The pre-application summary letter dated August 5, 2016 provided by the San Miguel County Planning Department is enclosed as Appendix 3.

#### **4-208—Site Plan**

Site Plan Requirement:

*The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit*

*within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.*

Tri-State is submitting the San Miguel County Map Atlas in Appendix 1 to meet the requirements of the Site Plan including property boundaries, existing structures and roads.

Descriptions of structure types and proposed construction methods are included in Appendix 4 – Project Description.

#### **4-209—Copies of Application**

Tri-State has submitted eight (8) copies of the application to San Miguel County per directions provided in the Pre-application Conference Summary letter.

#### **4-210—Revegetation Plan**

Appendix 4 includes a revegetation plan (aka reclamation plan) to address all temporary disturbances resulting from project construction. This would include overland access roads, pad sites, and staging areas. The reclamation plan also outlines specific seed mixes provided by the federal land management agencies and Colorado Parks and Wildlife (CPW) for the project including the Dry Creek Basin. Tri-State is collecting native seed through the Uncompahgre Partnership for the project. Tri-State will reseed private lands with seed mixes proposed by or acceptable to the landowners affected. Reclamation will be deemed complete once vegetation has been reestablished to 70 percent of pre-construction cover as required by Colorado Department of Public Health and Environment (CDPHE) stormwater regulations and our federal permitting requirements.

#### **4-211—Weed Control Plan**

Tri-State has collected noxious weed data throughout the past three years as part of our engineering and environmental field reviews. This information has been supplemented with available noxious weed data provided by the BLM and the USFS. Tri-State has prepared a framework noxious weed plan included as Appendix 7.

For noxious weeds on private lands Tri-State will consult with landowners and contract with certified weed sprayers to pre-treat weeds prior to construction and to treat them post-construction in the appropriate season according to species occurring in the ROW. Tri-State's treatment methods will be consistent with State law as well as those required by the San Miguel Weed Board. A copy of the plan has been submitted for review to Ron Maybrey, San Miguel Co. weed advisor.

All heavy equipment, including all-terrain vehicles (ATV), utilized during construction will be washed prior to departure from the equipment storage facility and will be regularly inspected and washed as required by the environmental monitor. All seed mixes and mulch used for reclamation activities will be certified weed-free. Pre-construction treatment of weeds in staging or temporary use areas and within the existing ROW will be conducted to suppress weeds before the ground is disturbed.

#### **4-212—Employee Housing Mitigation Plan**

The project will employ a temporary work force of 40–60 people spread across 12 months of construction over 40 miles. The project is not expected to have a long-term effect on local housing and will not require additional temporary housing. The project may have a short-term minor effect on hotel availability and short-term rentals in the project vicinity during the construction period; however, there are camping facilities and housing, and hotels to accommodate the work force in cities and towns such as Montrose, Ridgeway, Nucla, Naturita, Norwood, and Dove Creek, Colorado, outside of San Miguel County.

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## 2.0 PUBLIC UTILITIES STRUCTURES AND ABOVE-GROUND ELECTRICITY TRANSMISSION (ARTICLE 4, SECTION 4-7 OTHER DEVELOPMENT APPLICATIONS)

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*Applications for public utilities structures and underground and above ground electricity transmission and distribution lines shall contain the submission contents in this section in addition to the submission contents in Sections 4-701 K. and 4-701 L.*

- 4-703 A. Summary of the effects of the proposed site selection and construction upon the natural and socio-economic environment for the impact area as applicable to submission requirements. Included should be an analysis of impacts upon agricultural productivity and agricultural resources.*
- 4-703 B. Summary of major natural and socio-economic environmental constraints as they affect the site selection and construction of the facility as proposed.*
- 4-703 C. Analysis of the long-term effects of the proposed site selection and construction upon the physical and socio-economic development of the impact area.*
- 4-703 D. Justification of the proposed site selection and construction against present and alternative uses of the resources in the impact area.*
- 4-703 E. Description of a program to minimize and mitigate adverse impacts and to maximize the positive impacts of the proposed site selection and construction. Bonding may be required to insure that environmental impacts are mitigated.*
- 4-703 F. Analysis of non-structural alternatives as applicable.*
- 4-703 G. Analysis of air and water pollution control alternatives.*

**Response:** Tri-State is addressing Items 4-703A through G above by referencing the comprehensive NEPA/Environmental Assessment process that was conducted for the Project. The evaluation of action alternatives involved a detailed study of the natural and socio-economic environment resulting in a preferred alternative to rebuild the existing 115-kV line to 230-kV along its existing route in San Miguel County.

The existing 115-kV line has been in place for 58 years. In general, impacts to the environment are minimized when new or upgraded facilities are placed within existing utility corridors. By replacing the 115-kV line with the 230-kV system in an existing transmission corridor, overall cumulative impacts to the environment, land use, and socio-economics are reduced. While new

easements are required for the expanded 150-foot ROW, no additional landowners will be affected by the rebuild of the line.

Tri-State has committed to a number of design measures, Environmental Protection Measures (EPM), and conservation measures and strategies to avoid, minimize, and mitigate effects to the natural and human environment during project construction and long-term operation and maintenance activities. The EPM table, Biological Mitigation Plan, Reclamation Plan, Noxious Weed Plan, and Wetland and Floodplain plans are included in the appendices.

### **3.0 STANDARDS REPORT**

---

This chapter serves as a separate written report demonstrating the project's conformance with all pertinent standards in the San Miguel County Land Use Code. A summary of the project's required agency permit, approval, and consultations are addressed in Section 51002 E. XI.

#### **3.1 Project Conformance with Review Standards for More Specific Guidelines for the Siting of Utilities and Utility Lines Throughout the County including Special Uses in the WE Zone District (Article 5, Section 5-3 Zone District Standards)**

*It is the policy of San Miguel County to locate public utilities and utility lines to create the least amount of impact on county residents and the natural environment. To accomplish this in an orderly and equitable manner, the County has established a land classification system.*

*It is the County's policy to try and locate utility lines and utilities on Class 5 priority lands. Any proposal to utilize other priority lands shall demonstrate a clear need to do so and shall consider the visual, environmental, physiographic, and socio-economic characteristics of the land including evaluation of broad ecosystems, topography, soils hydrology, geology, vegetation, wildlife, climate and unique features so that the siting of utilities and utility lines results in the least possible adverse impact.*

*Class 1 Priority - Cemeteries, airports, private and emergency landing strips, future airport sites and approach and take off areas.*

*Class 2 Priority - Intensive cropland, including irrigated farms, meadows, irrigated pasture land, cropland used for dryland culture, lands along valley floors intermingled with cropland, farm and ranch headquarters and storage points.*

*Class 3 Priority - Unincorporated land zoned residential, multi-family residential, and commercial in which public utilities are a permitted use; lands containing or having significant impact on historical, natural, or archaeological resources, shorelines of major lakes or reservoirs, natural streams and ponds, skylines visible from major transportation routes, geologic hazard areas and critical wildlife areas.*

*Class 4 Priority - Timbered areas that would require modification or removal to provide clearance for utilities or utility lines; land within the boundaries of*

*approved developments and land suggested as future growth areas around existing communities.*

*Class 5 Priority - All public and government lands, and all other lands not falling within the definition of Class 1, 2, 3, or 4 Priority.*

**Consistency Statement:** The transmission line occurs primarily on Class 5 Priority lands administered by the State of Colorado, Bureau of Land Management, U.S. Forest Service, and Town of Telluride. Rebuilding the line in the existing corridor reduces effects to new private landowners and reduces new environmental and land use effects. The project will cross small portions of Class 3 Priority lands involving critical wildlife areas-Gunnison Sage-Grouse critical and occupied habitat. The Biological Resource Protection Plan included as Appendix 13 provides a comprehensive conservation strategy to offset potential direct and indirect effects to Gunnison Sage-Grouse from project construction.

#### **5-320 F—Uses Allowed Subject to Two-Step Special Use Review**

**Consistency Statement:** Utility service facilities such as utility lines are identified in LUC Section 5-320 III as Uses Allowed Subject to Two-step Planning Commission and Board of County Commissioner Special Use Permit Review.

#### **5-320 J—General Development Guidelines for All Uses**

##### ***I. Potable Water & Sewage Disposal***

**Consistency Statement:** The project does not have a permanent need for water for either construction or operations and maintenance activities. During construction water used for dust control will be secured from existing permitted uses such as a local water district or landowner. Drinking water will be supplied by workers. Sewage disposal will be handled with portable toilets; trash will be collected in trash bins located at the staging area and along the ROW.

##### ***II. Effects on Agriculture***

###### **a. Fences**

**Consistency Statement:** Construction activities will require some new access through existing fences. Pursuant to landowner/land management agency approval, permanent gates will be installed within the ROW limits or along designated access roads to provide for controlled access during construction as well as for the long-term maintenance of the transmission line. To prevent the passage of livestock, all gates will be kept closed except to briefly allow the passage of equipment during construction. All gates will remain closed, unless the landowner or land management agency has given specified instructions to leave a gate open. Construction related damage to gates and fences will be repaired immediately at the construction contractor's expense and to the specification of the affected landowner/land management agency.

**b. Irrigation Ditches**

**Consistency Statement:** Construction and future maintenance activities will use existing culverts and bridges to cross irrigation ditches consistent with access easements or agreements secured from landowners or land managers. In some cases the use of a temporary culvert, mats, or earthen berm may be needed to cross small field ditches. Landowners and ditch companies would be consulted and approve crossing methods before ditches were crossed. Damage to irrigation ditches will be repaired as soon as possible to ensure proper functioning of these facilities during and post-construction.

**c. Historical Easement for Ditches**

**Consistency Statement:** Since Tri-State operates under an easement, only the permit holder or landowner can convey rights to existing historical irrigation access and facilities. No conflicts with irrigation are expected given the lack of conflict with the continued use of the ROW for the past 58 years.

**III. Cooperation with landowners and wildlife lifestyle**

**Consistency Statement: Consistency Statement:** Tri-State has developed Environmental Protection Measures (BR-1 through BR12 in Appendix 5) and a Biological Resource Protection Plan (Appendix 13) to minimize impacts to wildlife during the construction, operation and maintenance of the transmission line. Tri-State recognizes that the cooperative existence between landowners and wildlife is a way of life and understands our role in helping maintain that relationship.

**5-320 K—Review Standards for all WE Zone District Special Uses**

All special uses shall:

- I. *Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;*

**Consistency Statement:** The project is consistent with County Master Plan, County Land Use Policies and the WE Zone District. See responses under Section 5-1002 A.

- II. *Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;*

**Consistency Statement:** The project will limit development activity within the 150-foot ROW width easement. Given the line will remain in the same corridor, the rebuild project will not change the current character or land uses of parcels in the immediate vicinity.

*III. Be designed, located and operated so that the public health, safety and welfare will be protected;*

**Consistency Statement:** The project will be designed and constructed to meet or exceed all applicable requirements of the National Electric Safety Code (NESC) and North American Electric Reliability Corporation (NERC) guidelines for 230-kV transmission lines. Nevertheless, all energized electrical equipment is a potential safety hazard and care must be taken when working or playing near transmission lines and substations. Direct physical contact with a grounded object and high voltage wires is not the only way direct contact with electricity can be made. Arcing can occur across an air gap; therefore, care must be taken when operation tall machinery or equipment near energized lines. The project is designed to discourage direct contact with energized facilities including electrical towers, structures, and substation equipment.

*IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;*

**Consistency Statement:** The project will be located, designed, and operated to minimize adverse effects on scenic quality (See Section 3.5 and Appendix 10 – Visual Simulations). The line is located in remote, primarily public lands, in the West End of San Miguel County. All effects of construction, operation, and maintenance of the line such as vehicular traffic, parking, trash, dust, and noise will have minimal and short-term effects on surrounding properties.

*V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;*

**Consistency Statement:** The project will upgrade and maintain the existing roads associated with the 115-kV transmission line. Where necessary, roads may be upgraded to 16 feet in width to allow passage of large equipment during construction. The project may use up to 2 acre-feet for water for dust abatement on roads and ROW. Water will be procured from a permitted source or through agreements with private landowners. Sanitary and solid wastes will be contained at designated staging areas and will meet applicable local, state, and federal regulation.

*VI. Not substantially adversely affect agriculture or ranching operations and residences;*

**Consistency Statement:** The transmission line will be rebuilt in an existing, but expanded transmission ROW. There will be no long-term impacts to ongoing agriculture and ranching operations beyond what has occurred on the landscape since the line was completed in 1958. Tri-State works diligently with local landowners to minimize short-term construction related effects to agriculture and ranching operations including limiting access at critical times of the year and compensating the landowner for potential loss of productivity resulting from construction and maintenance-related activities.

*VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and*

**Consistency Statement:** By utilizing the existing 115-kV utility corridor, the proposed project minimizes the need for new roads and cuts and fills. Some roads may be improved and widened to 16 feet in width (or greater at corners or switchbacks) in order to allow for the safe passage of construction equipment and to ensure the adequate turning radii for pole-trucks hauling 100-foot plus poles.

*VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.*

**Consistency Statement:** Overall the project will be consistent with the existing rural character of the West End. The new 230-kV wooden H-frame structures will be similar in appearance but taller than the existing 115-kV H-frame structures. In Dry Creek Basin, steel monopoles will replace wooden H-frame structures across Gunnison sage grouse critical habitat. These structures will be visible to the public only where the line crosses CR U-29 and SR 141. See Visual Simulations (Appendix 10) –and Project Description (Appendix 4) –for a comparison of the existing and proposed structures for the new 230-kV line.

### **3.2 Project Conformance for Areas and Activities of Local and State Interest (Article 5, Section 5-4 '1041' Environmental Hazard Review)**

#### **5-402—General Standards**

*The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.*

##### *5-402 A. Development in Hazard-free Areas*

*Restrict development to a hazard-free area if such an area exists on a site.*

##### *5-402 B. Development in Hazard Areas*

*If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.*

**Consistency Statement.** The proposed Maverick-Cahone 230-kV transmission line meets all general standards and design engineering will mitigate any potential hazards to public health, safety, and welfare. See Project Description in Appendix 4.

**5-403—Floodplain Hazard Areas**

*In addition to the development standards in 5-402 and the San Miguel County Floodplain Regulations (refer to Section 5-28), the standards in this section apply to mapped floodplain hazard areas as depicted in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, National Flood Insurance Program, and to areas later found to be in flood hazard areas.*

*5-403 A. If no adequate hazard-free area exists on a site, development proposed within final base flood elevations Zones A1-30 and/or regulatory floodway shall:*

- I. Have the lowest floor (including basement) elevated to one foot above the base flood level or be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and*
- II. Be designed by a qualified professional engineer who shall certify that the flood proofing methods identified in Section 5-403 A.I. are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*

**Consistency Statement.** According to the Flood Insurance Rate Map (FIRM) dated September 30, 1988, Map No. 08113C00075 C, the new 230-kV transmission line will have four (4) structures in three creeks in the Dry Creek Basin that occur within The structures in the floodplain include: new structures 95 near Nelson Creek; 96 near Dry Creek; and 101 and 102 near Dead Horse Creek. New structure 94 on the north side of Nelson Creek will be 30 feet outside the floodplain. Approximately 1,548 feet of proposed unsurfaced access trail will pass through the floodplains associated with Nelson Creek and Dead Horse Creek. Please refer to Appendix 9 for maps showing the location of these structures and roads in relation to the floodplains.

Tri-State currently has five (5) structures on their 115-kV transmission line that are located within the 100-year floodplains of Nelson Creek, Dry Creek, and Dead Horse Creek, as shown in

the maps provided in Appendix 9. These structures have been in place since 1958 without any impacts from floods. These existing structures will be removed as part of the proposed project. Following construction of the new 230-kV line, the number of structures within a floodplain hazard area will be reduced from five (5) to four (4). Similarly, Tri-State currently has authorized unsurfaced access trails that cross the Nelson Creek and Dead Horse Creek floodplains in the same locations as those that will service the new 230-kV line. Those roads have been in use since 1958 with no significant damage from flood events and only minor maintenance required. Neither the existing or future transmission line structures nor associated access road have or will have an effect on the functionality of the floodplain.

While the new structures occur within the contour elevation mapped in 1988 as the 100-year floodplain, it is likely this elevation is no longer the actual floodplain boundary. As seen in Figure 2 below, the channel of Dry Creek has been deeply eroded and incised. Structures adjacent to Dry Creek have been located up and outside of the arroyo walls. There will be no down-line access for construction through the arroyo itself.

#### **Steps Taken to Minimize Construction within the Floodplain**

Tri-State is proposing to rebuild the line within an existing transmission corridor to reduce cumulative effects to the floodplain beyond existing conditions. Tri-State was able to reduce the overall number of structures in Dry Creek Basin through a new design and structure type which is a single pole, steel, self-supporting structure. In order to keep the transmission line in the existing corridor it was not possible to avoid the large expanse of the Dry Creek Basin floodplains entirely. The number of structures placed within the floodplain was minimized to the extent possible.

#### **Steps Taken to Minimize Effects of Infrastructure Located within the Floodplain**

The structures that will be in the 100-year floodplain will be steel monopoles and will be designed by a Professional Engineer who will verify that the structures are adequate to withstand the flood depths, pressures, velocities, and other factors associated with the 100-year base flood determined by Federal Emergency Management Agency (FEMA). Poles located within the 100-year floodplain will not affect hydraulic capacity of the floodway or increase flood levels. Similarly, access trails/roads crossing through the floodplain will not create barriers to flows or alter the flood path in any way. Low water crossings would be armored with rock riprap at the same grade as the stream.



**Figure 2: The Deeply Incised Dry Creek Arroyo**

**5-404—Geologic Hazard Areas**

A memorandum titled, "Preliminary Geologic Hazards for the Nucla-Cahone Transmission Line San Miguel County, Colorado," prepared by a Professional Engineer with Kleinfelder, Inc., presents a review of the location of potential geologic hazards and is included in Appendix 11. Geotechnical soil borings and investigations will be done for the Nucla-Cahone segment of the transmission line, including San Miguel County in 2017. The investigation will include a description of site-specific geologic hazards encountered in the field by the professional geologist. These hazards may include but are not limited to; landslides, unstable slopes, slopes greater than 30%, alluvial fans, talus slopes, Mancos shale, faults, expansive soil and rock and ground subsidence. This information will inform final design for transmission line structures.

**5-405—Historic and Archaeological Resource Areas**

The project will not affect historical properties. The project does cross-cultural resource sites eligible for listing under the National Historic Preservation Act. The determination of effects and associated mitigation measures are currently being assessed and managed through the Section 106 consultation process. A cultural resource Monitoring and Discovery Plan has been developed to ensure that sites eligible to the National Register of Historic Places (NRHP), including those not identified during Class III cultural resource inventory, are treated in a planned, systematic manner as prescribed by regulation. The plan documents the procedures to be implemented for monitoring known onsite areas and for the treatment of discoveries found during construction of the transmission line project.

The monitoring plan identifies the monitoring locations and contains standards and procedures for the qualification and training of archaeological monitors and construction personnel, and for monitoring the removal and construction of transmission line support structures, vegetation removal within the project right-of-way (ROW), and grading associated with access road improvements and the construction of new access roads. The discovery plan includes procedures for the identification, protection, initial treatment, evaluation and treatment of discoveries (including discoveries of human remains), and also outlines procedures for coordination, notification, and reporting. This plan will be part of the Memorandum of Agreement (MOA) for treating adverse effects to historic properties and supplements the Treatment Plan.

Environmental Protection Measures specific to cultural resources include G-3, CR-1 through CR-8 and are located in Appendix 5.

**5-406—Wildfire Areas**

The transmission line occurs in rural areas with native vegetation that is at risk for wildfire. While Tri-State cannot manage wildlife risk outside of the authorized transmission ROW, Tri-State manages transmission ROWs to reduce the potential for vegetation induced outages. Tri-State has an Integrated Vegetation Management Plan (IVMP) to reduce vegetation induced

outages on our transmission system. The IVMP focuses on maintaining ROWs with compatible (low-growing) vegetation. The IVMP also addresses the requirement and need to manage danger trees on and adjacent to the ROW. Danger trees are defined as those that may fall, blow, or grown into the transmission line. In addition, the IVMP addresses reducing fuel loading within the ROW to reduce wildfire related effects to the transmission structures and wires. Tri-State also clears a 75-foot radius around each structure to further protect this critical infrastructure.

Tri-State has prepared a Fire Plan to address fire hazard during construction (see Appendix 14).

### **5-407—Wildlife Habitat Areas**

*Development activities, such as Special Use Permits, may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.*

**Consistency with Wildlife Impact Assessment:** Project related impacts to wildlife have been thoroughly addressed through the Environmental Assessment/NEPA process, and in the pending Biological Opinion being prepared by the U.S. Fish and Wildlife Service. As part of the EA process, Tri-State prepared a Biological Resource Protection Plan (see Appendix 13) which incorporates Environmental Protection Measures for rare plants, big game, raptors and other migratory birds, and the federally threatened Gunnison Sage-Grouse. The Biological Resource Protection Plan also includes a Gunnison Sage-Grouse Voluntary Conservation Strategy. As a cooperating agency for the EA, San Miguel County provided excellent input and recommendations specifically pertaining to Gunnison Sage-Grouse for this strategy. The final approved Gunnison Sage-Grouse conservation strategy is the result of coordination between Colorado Parks and Wildlife, San Miguel County, U.S. Fish and Wildlife Service, the Bureau of Land Management, as well as third party sage-grouse experts that provided substantial support to the EA analysis.

Rebuilding the transmission line in an existing corridor will reduce cumulative effects to wildlife vegetation cover, and overall habitat. Reclamation and noxious weed management will be ongoing for the life of the transmission line and will mitigate long-term effects to wildlife foraging opportunities and habitat.

## 5-407 A General Standards

- II. **Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.**
- III. *Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated*

**Consistency with Vegetation Removal Statement:** Tri-State has committed to the Environmental Protection Measures listed in Appendix 5 to reduce overall impacts to vegetation and wildlife from project construction and future maintenance activities. Rebuilding the line within an existing transmission corridor reduces any additional/cumulative effects to vegetation communities in San Miguel County. Vegetation management activities over the years have required Tri-State to maintain low-growing plant communities in our ROW to reduce wildfire risk and vegetation induced outages. These vegetation management requirements will continue during the operation and maintenance of the new 230-kV line.

Tri-State will only remove non-compatible vegetation in the ROW between spans. Sagebrush communities are compatible with operation of a transmission line and will not be removed in-between spans within occupied and critical habitat. However, in order to protect the transmission line from wildfire, Tri-State will clear all woody vegetation within a 75-foot area around all of the new 230-kV structures and some removal would occur near pulling sites for the fiber optic line. Tri-State will limit surface disturbance during construction to the minimum area required to safely and efficiently construct the transmission line. Post construction, Tri-State will reclaim all areas temporarily disturbed as a result of project construction. This will include re-seeding using native seed mixes (as approved by the land management agency/owner) at structure pad sites cut and fills slopes for access improvements, and the re-seeding of overland access routes to reduce long-term effects of erosion and noxious weed invasion. A specific seed mix for Gunnison Sage-Grouse habitat has been provided by the BLM and approved by CPW.

In addition, as mentioned above Tri-State has a Noxious Weed Plan (Appendix 7) and a Reclamation Plan (Appendix 6) that will be implemented for project construction and long-term maintenance to reduce long-term effects to native vegetation communities.

### V. *Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved*

**Consistency Statement:** Tri-State has avoided wetlands to the greatest extent possible in San Miguel County by routing access routes around them and creating areas of no-downline access across arroyos and canyons. Unavoidable impacts to wetlands are limited and have been minimized to the maximum extent practicable. The maps in Appendix 8 show the location of the only wetlands crossed by the project in San Miguel County. New transmission line structures would be located entirely outside of wetlands. Structures 96 and 173 would be located within the 100-foot buffer of wetlands. Structure 96 would be located on the north side of Dry Creek, entirely outside the deeply-incised arroyo. Similarly, Structure 173 would be located entirely

outside the deeply-incised Disappointment Creek arroyo. BMPs would be installed and signs, flagging and/or fencing used during construction to ensure there are no direct or indirect effects to the wetlands.

There is an access road that would cross an ephemeral tributary to Disappointment Creek. The access road will be routed across an existing dam within 100 feet of wetlands but with no direct or indirect effects to the wetlands. There may be temporary and minor effects to wetlands at the Nelson Creek crossing and during the removal of existing Structure 234 on the southwest side of Disappointment Creek. After Structure 234 is removed, no future maintenance activity will be required in wetlands associated with Disappointment Creek. Construction at these locations will be undertaken only when soils are dry, and mats will be employed when crossing through the Nelson Creek arroyo during construction. Mats would be removed once the pole has been wrecked out and the area would be restored using an approved wetland seed mix if necessary. Given the short-term nature of wreck-out activities, it is likely the area will reclaim itself in a short-period of time without the need for additional reclamation efforts. The environmental monitor would be present when the contractor is working in this area to ensure impacts are minimized and to monitor and make recommendations on future reclamation efforts in coordination with San Miguel County and U.S. Army Corps of Engineers staff. Effects to wetlands would be further minimized with implementation of avoidance measures and EPMs as listed in Appendix 5.

- VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized*
- VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer*

There are no active bald eagle nest or roost sites, nor are there any golden eagle nest sites located within 0.5 mile of the Montrose-Nucla-Cahone transmission project.

The NEPA Contractor, ERO Resources, conducted raptor nesting surveys to identify nests in proximity to the ROW. Raptor nest locations are sensitive data and can be provided in GIS format to the County for review, but have not been included on the wildlife habitat maps. Prior to construction during spring and summer months, Tri-State will conduct nesting surveys for raptors and other migratory birds and apply the State recommended buffer and seasonal restriction to avoid impacts to protected species. In some locations, an environmental monitor may be used to watch active nests in proximity to the line to ensure the birds are not disturbed during construction related activities. If during said monitoring, the nesting pair displays signs of being disturbed or leaving the nest, the environmental monitor will have the right to cease construction in this area until the young have fledged or nesting is complete.

Tri-State has also conducted an avian collision risk assessment to identify areas along the line where collision risk is moderate to high. The risk assessment conducted by avian experts, EDM

International recommends marking across the Dry Creek Basin for Gunnison Sage-Grouse. The analysis indicated that risk for grouse collision with the transmission line is low, but given that the species is federally listed, line marking will be conducted through occupied habitat for the Gunnison Sage-Grouse in Dry Creek Basin to address the potential risk of take of a federally listed species.

***XII. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.***

***5-407 B—Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range***

***5-407 C—Deer, Elk and Bighorn Sheep Winter Range***

***5-407 D—Deer and Elk Migration Corridors***

***5-407 E—Deer and Elk Production Areas***

**Consistency Statement for Deer, Elk Winter Concentration, Migration Corridors, and Production Areas:** Tri-State collected big game and other wildlife data as part of the early planning stages of this project and this data were analyzed in detail in the Environmental Assessment. CPW data was the primary data set incorporated into planning efforts, but on lands administered by the BLM and USFS, the Resource Management Plan guidance and the Forest Management Plan guidance were also incorporated to address and minimize project related effects to elk and mule deer.

Big game data is shown in Appendix 12 – “Wildlife Habitat Areas.” The Environmental Protection Measures table found in Appendix 5 and the Biological Resource Protection Plan (Appendix 13) detail all big game and other wildlife seasonal restriction and best management practices to reduce project related effects to big game and other wildlife species.

***VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed***

**Consistency Statement:** Tri-State is not proposing to build new fences as part of this project, but rather would be replacing or repairing existing fences and adding new access gates as required. If new fences are required as part of the project they will be built to the standards of the affected land manager/owner. Typically, CPW and the federal agencies will require installation of a wildlife friendly fence. On private lands, fence and gates will be installed and repaired to the specification of the affected landowner. Typically, Tri-State installs panel gates and wire fence and will not be using mesh or woven fencing material. Big game movement will not be impeded

by this project as most of the fence and gate related infrastructure is already in place. Big game will be permitted to move freely through the transmission ROW.

#### **5-411—Public Utility Facilities**

The project is located consistent with the San Miguel Comprehensive Plan see Standards Report.

### **3.3 Project Conformance for Public Utilities Structures and Electricity Transmission (Article 5, Section 5-7 Improvements)**

#### **5-709**

*All public utility structures and electricity transmission lines more than 115 kilovolts shall comply with the standards in this section. Additionally, all above ground electricity transmission or distribution lines in excess of 1,000 linear feet in length in San Miguel County are subject to compliance with the standards in this section. These standards do not apply to the normal construction of local service natural gas lines.*

#### **5-709 A**

*The proposed development poses no significant threat to the health, welfare and safety of the citizens of San Miguel County or the citizens of the region.*

**Consistency Statement:** The proposed project will help protect the health, welfare and safety of the citizens of San Miguel County by providing a reliable source of power to communities and rural residents in the region. In addition, the transmission line will continue to provide fiber optic service including 911 services to the region.

#### **5-709 B**

*Construction and operation of the facility will not unreasonably impact the physical, economic, or social environment of San Miguel County or this region, including agricultural land and water.*

**Consistency Statement:** The existing 115-kV line has been in place for 58 years. In general, impacts to the environment are minimized when new facilities are placed within existing utility corridors. By replacing the 115-kV line with the 230-kV line in the same location, no new utility corridor will be established, ground disturbance will be significantly reduced, and the potential impacts to the physical and social environment that can result from establishing new utility corridors and access will be avoided.

The project crosses almost exclusively open rangeland in the county so effects on agricultural will be minimal. The nearest large irrigated field (a pivot-irrigated hayfield) is 1.7 miles east of

the ROW near County Road U-29, and one structure is located in pastureland near Disappointment Creek.

The project will require less than 2 acre-feet of water for construction. Water will primarily be used for controlling dust on access roads and at construction sites. No water is necessary during the operation of the project. Water used during construction will be obtained from a qualified supplier.

The project will enhance the economic stability of the region by ensuring a reliable source of power. The project will generate sales and use tax to state and local governments. Construction expenditures for similar projects for regional supplies and services were estimated at about \$250,000 (Nucla-Sunshine Transmission Line Project). Local communities including Montrose, Ridgeway, Nulca, Naturita, Norwood, and Dove Creek will benefit from increased sales tax from local purchases. Finally, county tax revenue based on a percentage of capital expenditures for 25 miles of new transmission line at a cost of \$23.6 M is estimated to be \$191,000 for San Miguel County.

#### 5-709 C

*Adverse impacts to the County and/or region have been identified, and the applicant has presented a satisfactory program of mitigation, including assurances of implementation.*

**Consistency Statement:** Potential adverse impacts and the related Environmental Protection Measures that reduced these to insignificant levels are documented in the Final Environmental Assessment released by the Forest Service and BLM in September 2016. The U.S. Forest Service has issued a Draft Decision Notice and Finding of No Significant Impact (FONSI) and the BLM will be following with their Draft Decision Record and FONSI. Tri-State's Environmental Protection Measures (EPMs) and the FONSI are included as Appendices 6 and 12.

#### 5-709 D

*Alternative sites and routes and methods to reduce the impact to the land such as combining new lines with existing lines, placing new lines underground, etc., have been identified and approved by the San Miguel County Board of County Commissioners.*

**Consistency Statement:** Alternatives were developed through the NEPA public scoping process that considered public and agency comments, environmental issues, engineering, and cost criteria. Early in the federal public scoping process, undergrounding the line across Gunnison Sage-Grouse habitat was considered. This alternative did not move forward in the detailed analyses based on costs, constructability, and the extensive ground disturbance required for high voltage underground lines.

Two routing alternative were proposed by the BLM, including one in San Miguel County across Gunnison Sage-Grouse critical habitat in Dry Creek Basin. The alternative route would have relocated 9 miles of the transmission line along a portion of Highway 141 and require construction across previously undisturbed habitat and impacts to new landowners. Siting the transmission line parallel to a major transmission route was not consistent with LUC-5-709 H of the San Miguel County land use regulations. Ultimately this alternative was not selected and the existing routing was selected as the federal agencies preferred alternative. The existing route is therefore, consistent with County land use regulations.

**5-709 E**

*All costs associated with the construction of new distribution lines, including any costs resulting from mitigation of visual impacts, shall be paid by the utility provided and/or the individual property owners who will connect to the new line.*

**Consistency Statement:** Tri-State will pay for the costs of constructing and operating the aboveground 230-kV transmission line including all associated conservation measures and post-construction reclamation. The costs of the transmission line for both steel and wood structures and new OPGW fiber optic cable is estimated at approximately \$23.6M.

**5-709 F**

*The benefits of the development outweigh the unavoidable and unmitigable impacts upon the physical, social, and economic environment of San Miguel County and the region.*

**Consistency Statement:** The benefits of the project are significant to all residents of San Miguel County and the region. The project will ensure the delivery of safe and reliable electric power to the region while providing the capacity to support existing loads and future growth of residential, commercial, and industrial needs. No significant adverse impacts were identified specifically for San Miguel County resources in the EA with the exception of potential impacts to critical habitat for the Gunnison sage grouse. These impacts are addressed in detail in the Biological Resource Protection Plan (Appendix 13) which includes design features to reduce effects to Gunnison Sage-Grouse as well as habitat improvement funds, and the purchase of an approximately 500 acres parcel of lands near Miramonte Reservoir which has been identified by San Miguel County and CPW as a priority for habitat acquisition. These benefits to Gunnison Sage-Grouse are a unique and major contribution to survival of San Miguel Gunnison sage grouse population.

**5-709 G**

*Proposed uses in Airport Reservations shall be for use by the facility and these and any other allowed facility shall meet the navigable airspace requirements of*

*AC No. 70-7460-2-E, dated 7/5/73 and issued by the U.S. Federal Aviation Administration, Department of Commerce, as may be amended.*

**Consistency Statement:** The proposed project does not affect the Airport Reservations areas as depicted in Appendix D of the San Miguel County Land Use Code.

#### **5-709 H**

*All proposed above ground extensions are routed wherever possible to:*

- I. Avoid paralleling of major transportation routes;*
- II. Cross any transportation route at as close to a right angle as possible;*
- III. Avoid "tunnel" effect of clearing areas visible from a population concentration or major transportation route;*
- IV. Avoid clear-stripping of right-of-way;*
- V. Avoid corrosive spoils;*
- VI. Avoid creation of access way scars visible as above;*
- VII. Avoid historic and archaeological sites; natural phenomenon;*
- VIII. Avoid impact on wildlife and wildlife habitat;*
- IX. Preserve as much as possible the natural landscape;*
- X. Minimize conflict with existing and planned uses shown on the County Master Plan Map;*
- XI. Maximize the natural screening potential of vegetation and topography;*  
*and*
- XII. Avoid crossing or use interference with a fishery.*

#### **I. Avoid paralleling of major transportation routes**

**Consistency Statement:** The project avoids paralleling major transportation routes. The project crosses SR 141 once in the Dry Creek Basin and is barely visible from the highway with the exception of the crossing.

#### **II. Cross any transportation route at as close to a right angle as possible**

**Consistency Statement:** The crossing of SR 141 is generally perpendicular to the highway see San Miguel County Map Atlas (Site Plan) Appendix 1, sheet 2.

#### **III. Avoid "tunnel" effect of clearing areas visible from a population concentration or major transportation route**

**Consistency Statement:** Tri-State's Integrated Vegetation Management Program (IVMP) was introduced above in Section 5-407 and is described in further detail below in 5-709-IV. Tall growing (non-compatible) vegetation will be removed to reduce risk of vegetation induced outages and wildfire-related impacts to the transmission line. In pinyon-juniper communities, trees will be thinned to reduce fuel loading but a certain number of trees will remain in steeper

valleys and drainages to reduce the appearance of a tunnel effect. Sagebrush communities will not be removed between spans as they do not present a threat to the power line. Gambel oak will be removed from the ROW as it poses a grow-in and fuels risk. Given that this is an existing transmission line and vegetation management activities have been ongoing for decades, construction of the new 230-kv line should result in only minor changes from current visual conditions Appendix 10 provides photo-simulations of wooded slopes near SR 141 and CR 19Q before and after construction.

#### ***IV. Avoid clear-stripping of the right-of-way***

**Consistency Statement:** Tri-State's Integrated Vegetation Management Program outlines the manner in which vegetation is managed on our transmission ROWs. The program takes into consideration the North American Electric Reliability Corporation (NERC) and the National Electric Safety Code (NESC) requirements for maintaining electrical clearances and reducing vegetation induced outages. Wildfire risk in the West has also resulted in utilities also addressing fuel loading and management in ROWs to further reduce wildfire risks to the transmission line and structures. Tri-State's goal is to have only compatible (low-growing) vegetation in our ROWs. Larger tall growing species have been historically and will continue to be removed from the ROW to protect this critical infrastructure and reduce wildfire related impacts. This transmission line carries fiber optic cable that carries 911 services. Protecting this transmission line through proactive vegetation management is critical to public health and safety. Tri-State works with each landowner and land management agency to meet our federal reliability requirements under NERC and to reduce impacts to the landscape.

#### ***V. Avoid corrosive soils***

**Consistency Statement:** The alignment of the transmission line is not changing in San Miguel County, and therefore any corrosive soils present cannot be avoided. Any corrosive soils encountered during geotechnical testing will be factored into the final line design, foundations, and anchors.

#### ***VI. Avoid creation of access way scars visible as above***

**Consistency Statement:** The proposed project minimizes the creation of new access roads and related landscape scars by using existing ROW and roads. About 30 miles of existing roads and trails currently used for maintenance of the 115-kV line will be used for construction. Overland access is used whenever possible to reduce grading on the ROW and to protect vegetation resources which will minimize landscape scarring. Graded construction pads will be reclaimed post construction to minimize visual effects.

#### ***VII. Avoid historic and archaeological sites; natural phenomenon***

**Consistency Statement:** Tri-State is committed to avoiding impacts to cultural resources to the greatest extent feasible and practical. A Class III inventory has been completed for the entire

project. Eligible sites were avoided through careful pole placement to the greatest extent possible. Unavoidable eligible sites will be mitigated through a data recovery/treatment plan in accordance with state and federal laws and regulations for the protection of cultural resources.

***VIII. Avoid impacts on wildlife and wildlife habitat***

**Consistency Statement:** See Section 5-407 and refer to the Biological Resource Protection Plan and Environmental Protection Measures in Appendices 5 and 13).

***IX. Preserve as much as possible the natural landscape***

**Consistency Statement:** The proposed project preserves the natural landscape to the greatest extent possible by avoiding the construction of new access roads and by utilizing an existing utility corridor.

***X. Minimize conflict with existing and planned uses shown on the County Master Plan Map***

**Consistency Statement:** The proposed project minimizes conflicts with existing and planned land uses by routing the proposed 115-kV transmission line in an established 58-year-old utility corridor. Conflicts are also minimized since the existing 115-kV line will be removed once the 230-kV project is in operation, thereby resulting in no net increase in utility lines across San Miguel County. The longer spacing between the new 230-kV structures will reduce the number of structures on the landscape by one third.

***XI. Maximize the natural screening potential of vegetation and topography***

**Consistency Statement:** The current routing of the line through varied topography effectively screens the existing and proposed line. Only along SR 141, CRs U29 and 19Q is the line visible for any distance. The use of weathered steel in forested habitats and acid-etched galvanized steel in open terrain will help the line blend with vegetation, topography and the horizon.

***XII. Avoid crossing or use interference with a fishery***

**Consistency Statement:** The proposed project will not cross or interfere with any fisheries. All water bodies will be spanned and construction activities will be limited to existing access roadways.

**5-709 I**

*All proposed extensions of central service plant whose curvature, grade or other constraint inherent in such facility tends to require alignment along valley floors or public ways, shall avoid impacts listed in (C) above; provide for recompaction to restore the original density of disturbed irrigated ground; provide for restoration of the original slope of hillsides and ridge cuts; and by innovative construction techniques minimize the width of clearing and cuts, including those*

*required for installation of normally buried facilities above ground where such might be less disturbing to the sum criteria of this plan.*

**Consistency Statement:** Tri-State will restore all temporarily disturbed areas following completion of the project construction phase in accordance with the Revegetation Plan in Appendix 6. Tri-State is committed to only disturbing that which is required to safely construct, protect, and maintain the transmission line. If construction activities result in loss of agricultural or livestock production; Tri-State would compensate affected landowners for this impact. Tri-State would ensure the access roads and pad sites associated with transmission structures are properly graded to reduce erosion and to restore natural contours to the extent practicable.

#### **5-709 J**

*These regulations shall not apply to the normal construction of individual telephone subscriber service, distribution and feeder cables, including the delivery of cable television, toll service, and extended area service telephone lines.*

**Consistency Statement:** The proposed transmission line project and OPGW fiber is not a normal telephone line; the OPGW does provide delivery of phone and cable television service in the region.

#### **5-709 K**

*Approval shall not be considered until such time as the Public Utilities Commission has granted a Certificate of Public Necessity and Convenience, if such Certificate is required from the Public Utilities Commission.*

**Consistency Statement:** Tri-State received a Certificate of Public Convenience and Necessity from the Colorado Public Utilities Commission for the Montrose-Nucla-Cahone Transmission Project on July 22, 2013 (Proceedings No. 13A-0489E).

### **3.4 Project Conformance for All Special Uses and Uses Requiring One-Step and Two-step Review (Article 5, Section 5-10 Special Uses)**

#### **5-1002—Standards for All Special Uses and Other Uses Requiring One-Step and Two-step Review**

*All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.*

## **5-1002 A. Consistency with Master Plan, Land Use Policies, Zone District and Neighborhood**

### ***I. Consistent with the County Master Plan***

**Consistency Statement:** The transmission line will be an approved use consistent with the County Master Plan Article 2 and the purpose of the WE Zone District as described below.

### **II. Consistent with Article 2—Land Use Policies (All applicable policies listed)**

#### ***Section 2-1: Conformance with Comprehensive Plan***

**Consistency Statement:** The transmission line is a permitted use under the County Land Use Plan and the WE Zone District allows utility lines as an accepted use.

#### ***Section 2-4: Community Balance***

**Consistency Statement:** The transmission line is an existing use and is being upgraded in place to address primarily aging infrastructure. The project will not directly result in significant changes in social, economic, or environmental conditions in the county.

#### ***Section 2-6: Compatibility with Existing Adjacent Neighborhoods***

**Consistency Statement:** The transmission line crosses public lands and open rangeland. The upgraded transmission line is being rebuilt in place on an existing transmission line and will not alter the character or use of these lands by the public or landowners.

#### ***Section 2-8: Natural and Man-Made Hazard and Resource Areas***

**Consistency Statement:** The transmission line will not increase natural hazards or create a man-made hazard. The transmission line does not affect other land use development outside of the 150-foot easement. Tri-State is responsible for mitigating emergencies or damage to the transmission line and facilities. The transmission is not unduly destructive to natural resources, especially since it is being rebuilt in place in an existing ROW. In addition, a Biological Resource Protection Plan has been created to offset potential adverse effects to the wildlife resources including Gunnison Sage-Grouse. The transmission line is designed to be safe for the public and does not constitute a nuisance.

#### ***Section 2-10: Drainage***

**Consistency Statement:** The transmission line pad sites and associated access roads will be constructed and operated consistent with best engineering practices for restoring natural drainage patterns, reducing erosion and reducing damage from stormwater or floodwaters. The transmission line will have a Stormwater Management Plan (SWMP) consistent with the Colorado Department of Health and Environment General Construction Permit requirements.

**Section 2-11: Erosion**

**Consistency Statement:** Proper drainage design of access roads and pad sites is critical for reducing erosion and ensuring the long-term viability of access for future maintenance activities. Tri-State's standard drainage practices will be utilized to reduce erosion both during project construction as well as over the long-term operation of the line. These include installation of water bars and restoring or re-routing drainage to reduce erosion potential. In addition, as described in the project Revegetation Plan found in Appendix 6, Tri-State will minimize loss of vegetation and soil by using existing roads and ROW, mowing/masticating brush, minimizing grading and reseeding with native species following construction. Tri-State's reclamation measures include restoring natural contours, using temporary and permanent best management practices to reduce runoff and reseeding temporarily disturbed areas. The ROW must reach 70% of pre-existing cover before being released from monitoring per the Colorado Discharge Permit System (CDPS) General Permit for Stormwater Discharges Associated with Construction Activities General Permit.

**Section 2-12: Scenic Quality**

*It is the policy of the County to preserve the scenic quality of lands within the County for the benefit of its residents and the continued viability of a resort economy that is dependent upon the quality of its rural and natural setting.*

*2-1201 Preserve the natural appearance of the mountain slopes, particularly from major activity areas, public roads, and trails by regulating the location, height, design and screening of development;*

*2-1202 Minimize the adverse scenic effects of roads and facilities by regulating the location and use of future development and the expansion of existing development where new or increased roads and facilities would be required to serve such areas and where the construction of such roads and facilities would impact the scenic quality of areas visible from public roads, trails or major activity centers;*

*2-1203 Minimize any adverse scenic effects of roads and other facilities by regulating their alignment, design, and construction so as to reduce their impact on the visual quality of any areas in the County, particularly public roads, trails and major activity areas;*

*2-1204 Control the use of natural areas to insure that development does not result in scars from fire, erosion or vandalism;*

*2-1205 Preserve and create scenic views of the surrounding mountains from public places within the County;*

*2-1206 Achieve visual quality within areas of existing and future development by prohibiting or mitigating the impacts of unsightly equipment, uses and structures; controlling the design and alignment of electricity and phone lines and similar facilities; and, where feasible, requiring such lines to be*

*underground; specifying design standards such as setbacks, height limits, view corridors, historic zones and material requirements; controlling signs, and ensuring the rehabilitation of areas subject to temporary or discontinuous use, such as mines, pits and quarries; and*  
2-1207 *Manage development within the designated view planes and the scenic foreground to preserve the natural appearances within the Telluride Region.*

**Consistency Statement:** By remaining in the existing transmission line corridor and alignment the new 230-kV transmission line will limit the effects on visual quality in the West End of San Miguel County. Most of the transmission line in San Miguel County crosses remote terrain not easily accessible or visible to the public. The primary location the line is visible and will be visible when rebuilt is along Highway 141 between the Basin store and the transmission line crossing. Here the transmission line is seen at a distance from Highway 141 (except for the actual highway crossing). The existing H-frame wood structures and future monopole steel structures in Dry Creek Basin will be barely visible in the distance. Where the line crosses the highway travelers on Highway 141 will see a steel structure on the north side of the Highway instead of a wood structure. Most visual changes, primarily visual contrast in color and texture, will be due to construction activity on slopes where trees are removed in the expanded ROW and where construction activity temporarily exposes more bare ground.

Since the line crosses the highway at an angle, rather than paralleling it, this effect will only be seen for a few seconds by the traveler on the highway. Of course ROW clearing will be more visible to landowners and neighbors living in the West End.

Appendix 10 presents visual simulations of the transmission line comparing the existing condition with the future visual conditions along Highway 141, including the proposed highway crossing in Dry Creek Basin, and a view in Disappointment Valley.

The new project will use the existing access road network. In Dry Creek Basin and Disappointment Valley the transmission line is more visible where it crosses slopes with shrubby and pinyon-juniper woodland.

In order to minimize visual effects from the transmission line from a design perspective, Tri-State has committed to utilizing non-specular conductor, applying acid-etched galvanized finish or weathering finish to all steel structures including steel fence, and using gray porcelain insulators. Acid etched galvanized steel will be used across the Dry Creek Basin since it will better blend-in with the blue sky horizon and open terrain in this desert environment. Where steel structures occur in forested areas, or at turning locations within a stretch of wood structures, weathered steel, which is dark rust in color, will be used to minimize visual contrast with the surrounding landscape.

**Section 2-16: Wildlife Protection**

*It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife.*

**Consistency Statement:** Through the implementation of Environmental Protection measures found in Appendix 5 and the Biological Resources Protection Plan (Appendix 13), the project is consistent with San Miguel counties requirements for wildlife protection. Section 5-407 provides a summary of wildlife analysis, protection, and agency consultation for the project.

*2-1601 It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.*

**Consistency Statement:** Appendix 13 provides a summary of protection measures for wildlife, including a Voluntary Conservation Strategy for Gunnison Sage-Grouse. The conservation strategy includes purchase of a 500-acre parcel of land near Miramonte Reservoir. This parcel contains the last remaining non-protected lek in this population and was a priority for acquisition by San Miguel County and CPW. Tri-State has committed an additional \$100,000 for habitat improvement projects in Dry Creek Basin, and has committed to substantial engineering design measures (single self-supporting steel structures and perch discouragers) to reduce the risk of potential avian predation on sage-grouse.

This conservation strategy will provide a net benefit to the long-term conservation of the San Miguel Basin Gunnison-Sage Grouse population and is consistent with San Miguel County's policy on sage-grouse preservation.

**SECTION 2-23: Extension of Utilities**

*It is the policy of the County to regulate utility extensions in a manner which insures that utility resources be directed to areas with or adjacent to existing development and to areas suitable for development consistent with the policies of the County.*

**Consistency Statement:** The project is consistent with the County's request to utilize existing utility corridors. The project would occur entirely within the existing 115-kV transmission line corridor in San Miguel County. The ROW would be expanded from 100 to 150 to accommodate the increase in voltage from 115-kV to 230-kV.

***III. Consistent with the purpose of the Zone District in which it is proposed to be located***

**Consistency Statement:** The transmission line will be an approved use consistent with the purpose of the WE Zone District as described below.

***IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for development***

**Consistency Statement:** The proposed project will be compatible with the character of the neighborhoods (rural landscapes and rangeland).

***V. Necessary for public convenience at the proposed location***

**Consistency Statement:** On July 22, 2013, Tri-State received a Decision from the Colorado Public Utilities Commission granting a Certificate of Public Convenience and Necessity for the Montrose-Nucla-Cahone Transmission Improvement Project in Proceeding No. 13A-0489E.

***VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected***

**Consistency Statement:** The proposed project will be operated to meet all applicable safety standards in order to protect public health, safety and welfare.

**5-1002 B. Impacts on Surrounding Area**

*Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.*

**Consistency Statement:** The Environmental Assessment for the project along with the associated Plan of Development (POD) address how the construction, operation and maintenance of the project will be constructed to have minimal impacts on the surrounding area.

**5-1002 C. Public Facilities**

*Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.*

**Consistency Statement:** Impacts to public facilities such as campgrounds will be limited to the construction period. Construction crews may use public and private campgrounds and local hotels/rental properties for lodging during the construction phase of the project which is expected to require approximately one year to complete. Portable toilets will be used by the construction crews and will be located at staging areas. The project will not result in the need for additional police, fire protection, emergency medical, hospital and medical services, and there will be no impact to local schools.

**5-1002 D. Bond Requirement**

*A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.*

**Consistency Statement:** Tri-State has a demonstrated record of implementing transmission construction projects with comprehensive environmental requirements and is financially well-positioned to perform site remediation and address all other conditions, stipulations on private land without the need for a bond. Tri-State will comply with any and all federal, state, and local permit conditions pertaining to the reclamation and re-vegetation of the transmission ROW post-construction including noxious weed management activities. Tri-State is also responsible for reclamation and re-vegetation of private lands as outlined in each individual easement agreement.

**5-1002 E. The following must be addressed as part of any application**

- I. *A Site plan including:*
  - a. *Ownership, Use and zoning of all adjacent Parcels*
  - b. *Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan*
  - c. *Easements*
  - d. *Location and dimensions of Structures and Signs*
  - e. *Typical elevations/Heights of such Buildings*
  - f. *Landscaping*
  - g. *Topography*

- h. Specific areas proposed for specific types of land Use/the identification of specific land Uses*
- i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable*

**Consistency Statement:** The pertinent requirements listed have been addressed in the San Miguel County Map Atlas in Appendix 1 and with the Project Description in Appendix 4.

### ***II. Lighting plan***

**Consistency Statement:** No lighting will be required with the possible exception of lighting at the staging area (addressed in separate application). Construction activities will only occur during day light hours.

### ***III. Signs—all Signs must meet Section 5-704 standards***

**Consistency Statement:** The project will have no permanent signs with the exception of small metal plates fastened to each structure noting the mile number and number of the structure in that mile.

### ***IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit***

**Consistency Statement:** The project will not require a permanent water or sewer plan.

### ***V. Drainage plan***

**Consistency Statement:** The project will follow reclamation and revegetation guidelines including restoring drainage patterns and contours as described in Appendix 6 – Revegetation Plan. Tri-State will prepare a Storm Water Management Plan to prevent any sediment from leaving the project area and to avoid effects on drainages.

### ***VI. Grading plan***

**Consistency Statement:** Grading is required to improve existing roads to allow passage of construction and maintenance equipment and to construct stable level pads for construction of structures on sloped terrain. Any grading will be conducted in full compliance with local, state and federal permits.

### ***VII. Dust control plan***

**Consistency Statement:** Fugitive dust could be generated directly from transmission line construction and associated traffic. It is Tri-State responsibility to ensure the project contractors

and the designated environmental monitors ensure all sources of dust generation are identified and fugitive dust and other pollutant emissions are minimized.

Fugitive dust will be controlled during construction by reducing vehicle and equipment speeds on unpaved surfaces, minimizing the amount of new exposed soil /surface disturbance, and periodic application of clean water as directed by the environmental monitors to exposed disturbed surface areas (application of water will be via water trucks). The environmental monitor and lead construction inspector will monitor construction to ensure that dust does not leave the work area and accumulate on adjacent crops, cultivated fields, dwellings, or roadways. If visible dust dispersion to off-site locations becomes apparent, the environmental monitor will establish a maximum speed limit in dust-prone areas, cover stockpiles, and/or apply additional water to access roads and work areas as necessary.

***VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents***

**Consistency Statement:** Final as-built plan and profile drawings, signed by a professional engineer, will be available for county review as requested.

***IX. Weed control plan that must include use of weed free hay or straw***

**Consistency Statement:** The Noxious Weed Plan (Appendix 7) requires use of weed free hay or straw.

***X. Wildlife Plan (see Section 5-407 A. XII.)***

**Consistency Statement:** See Appendix 13 for the Project Biological Resources Protection Plan.

***XI. Additional permits as necessary from other agencies***

**Consistency Statement:** See Table 3 below that lists permits required for the project.

**Table 3: Required Agency Permit, Approval, or Consultation for the Proposed Project**

Regulatory Agency	Required Permit, Approval, or Consultation	Agency Action
<b>Federal</b>		
Advisory Council on Historic Preservation	National Historic Preservation Act (NHPA), Section 106 Consultation	Determination of effects to listed or eligible historic properties and cultural resources
USFS	Temporary SUA	For temporary uses of National Forest System (NFS) lands during construction. Includes a Surface Reclamation Bond

**Table 3: Required Agency Permit, Approval, or Consultation for the Proposed Project**

<b>Regulatory Agency</b>	<b>Required Permit, Approval, or Consultation</b>	<b>Agency Action</b>
USFS	SUA	Authorization of NFS lands for operation and maintenance of the transmission line, including use of National Forest System Roads (NFSRs) open to the public, administrative NFSRs closed to the public, and special use routes
USFS	Road Use Permit	Authorization of use of NFSRs during construction the transmission line. Includes a Performance Bond and Surface Rock Replacement
USFS	NTP	Allows proposed project to proceed to construction
USFS	POD	Consider approval of a detailed Final POD for proposed project construction, operation, and maintenance; meets the need for an SF-299
United States Department of Defense, Army Corps of Engineers (USACE)	Section 404, Clean Water Act Permit	Consider issuance of a Section 404 permit for fill in wetlands or other waters of the U.S. for upgrading access roads
BLM	Short and Long-term ROW Grant(s)	Consider issuance of short- (construction related) and long-term ROW grants
BLM	POD	Consider approval of a detailed Final POD for proposed project construction, operation, and maintenance
BLM	NTP	Allows proposed project to proceed to construction
United States Department of the Interior U.S. Fish and Wildlife Service (USFWS), Mountain Prairie Region, Colorado Field Office	Section 7 Consultation (Endangered Species Act [ESA])	Consider the findings (biological assessment) of the lead agency; provide a biological opinion if adverse effects to federal listed species or habitats would occur
<b>State</b>		
Colorado Parks and Wildlife (CPW)	Long-term and temporary ROW Grant(s)	Consider issuance of both long-term and temporary (construction-related) ROW grants across CPW lands
Colorado State Land Board	Long-term and temporary ROW Grant(s)	Consider issuance of both long-term and temporary (construction-related) ROW grants across State Land Board lands
Colorado Department of Public Health and Environment (CDPHE)	National Pollutant Discharge Elimination System (NPDES) Construction storm water; Construction dewatering	Consider issuance of permits
Colorado Department of Transportation (CDOT)	Encroachment Permit	Consider issuance of permit for transmission line crossing of State Highway (SH) 141 and 145
Colorado Public Utilities Commission (CPUC)	Certificate of Public Convenience and Necessity (CPCN)	Issued July 22, 2013 Proceeding No. 13A-0489E

**Table 3: Required Agency Permit, Approval, or Consultation for the Proposed Project**

Regulatory Agency	Required Permit, Approval, or Consultation	Agency Action
<b>Local</b>		
Dolores County	Land Use Change permit for transmission line and Cahone substation expansion; Driveway permit for substation; Traffic Control; Contact for smoke notification	Consider issuance of permits (Project is consistent with the land use plan)
San Miguel County	Special Use permit for new 230-kV line	Consider issuance of permits (Project is consistent with the county master plan and land use code)
Montrose County	Special Use permit for new 230-kV (Maverick) substation and Montrose substation expansion; ROW Use Permit(s) as applicable	Consider issuance of permits (Project is consistent with the land use plan)

Note: Although the project crosses Ouray County, no permits are required.

### **3.5 Project Conformance with Scenic Quality (Article 5, Section 5-21)**

Tri-State has committed to mitigation measures to minimize effects to aesthetics and visual resources that will minimize impacts and changes to scenic quality in San Miguel County. See Appendix 5 – Environmental Protection Measures (EPM), specifically EMPs A-1 to A-8.

#### ***5-2101 A. Preserving vistas***

The new 230-kV will cross remote rural landscapes in San Miguel County and does not cross recognized scenic features except in the Dry Creek Basin where the line will cross SR 141 which is a historic feature and scenic byway. Current scenic views will remain much the same by rebuilding the line along the existing alignment. The net change relative to current landscape vistas will be negligible. Reference photo simulations in Appendix 10.

#### ***5-2101 B. Blending with natural topography***

EPM A-4 in Appendix 5 states that structures and access roads will be located and designed to conform to the terrain and to minimize visual effects whenever possible. Leveling and benching of the structure sites (construction pads) will be done to the minimum extent necessary to allow for construction and future maintenance operations. Existing cleared or disturbed areas will be used to the extent practicable for staging areas and other temporary use areas.

#### ***5-2101 C. Using natural colors and textures and non-reflective materials***

In order to reduce visual impacts from the transmission line, Tri-State has committed to using non-specular conductor, gray colored insulators and weathered steel or acid-etched galvanized steel structures for all steel structures including steel fence.

Structures would be constructed of wood or steel and the type of structure would be selected at specific locations to blend with the natural environment. Dulled, acid etched galvanized steel will be a dull non-reflective silver-gray color when new, that will darken slightly over time. Steel poles across Dry Creek Basin will be this type of treated steel to minimize reflection and decrease visibility (See Appendix 10 – Visual Simulations). Weathered steel is a reddish brown color when new, that becomes a dark brown over time, and closely resembles the appearance of a wood pole. Weathered steel will be used in turning structures used in otherwise wood pole segments. This will minimize abrupt visual changes with the surrounding environment.

***5-2101 D. Using native species in revegetation***

Implementing EPM VG-2 through VG-9 will minimize visual effects from project construction and operation by reclaiming areas of temporary disturbance and minimizing vegetation removal to tall woody vegetation required for the safe construction, operation, and maintenance of the transmission line. EPM VG-7 states all temporary surface disturbances on State, BLM and USFS administered lands will be seeded with native seed mixtures that have been approved by the authorizing agency. Seed mixes on private land will be at the discretion of the landowner. Reclamation will be deemed complete once vegetation has been reclaimed to 70 percent of pre-construction conditions.

***5-2101 E. Saving and reusing topsoil***

EPM S-4 requires that excavated material not used in the backfilling of structures will be spread around each pole, evenly spread on the access routes in the immediate vicinity of the pole structure or transported off-site to a Tri-State approved disposal location. Disturbed areas will then be regraded to approximate pre-construction contours and reseeded as specified in EPM S-1. EPM S-4 provides for topsoil salvage in sensitive areas and temporarily disturbed areas.

***5-2101 F. Following contours and minimizing cuts and fills***

EPMs A-8 requires that the alignment of any new access roads will follow the designated area's landform contours where practical, provided that such alignment does not additionally affect resource values. This will minimize ground disturbance and reduce scarring (visual contrast).

***5-2101 G. Installing utilities with least damage***

There will be no need for permanent utilities such as water, gas, or electric power associated with the project.

***5-2101 H. Shielding exterior lights***

There will be no need for permanent exterior lighting.

### **3.6 Project Conformance in Wetland Areas (Article 5, Section 5-22)**

#### ***5-2201 B. Applicability***

#### ***5-2201 C. Definitions***

#### ***5-2202 B. Wetland Area Mapping***

#### ***5-2203—Development in Wetland Areas***

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process.

**Consistency Statement:** Tri-State is using the two-step review process for the overall project to meet the requirements of sections 2203A and 2203B.

#### ***5-2203 C. Issuance of Wetland Special Use Permits***

*A Wetland Special Use Permit may be issued only if the applicant has shown at least one of the following:*

- I. The proposed activity is water-dependent;*
- II. The proposed activity is necessary to achieve access to property, and no other access route avoiding wetland and buffer zone areas is technically feasible;*
- III. Denial of the permit sought would result in denying the landowner all practical, reasonable and/or economically viable use of the subject property;*
- IV. The proposed activity meets the definition of Essential Services in Article 6 of this Code and could not reasonably be located elsewhere; and*
- V. In the case of development proposed solely in a buffer zone, the proposed land use would not adversely affect the adjacent wetland area.*

**Consistency Statement:** The proposed project meets criteria IV, the definition of Essential Services in Article 6 of the San Miguel County Code. The rebuild in place alternative was selected as the preferred alternative following a thorough review and comparison during the Environmental Assessment/NEPA process. The project could not be reasonably located elsewhere.

#### ***5-2203 D. Criteria for Review of Wetland Special Use Permits***

*In reviewing applications for Wetland Special Use Permits, the Board of Commissioners shall apply the following criteria:*

- I. Avoidance – Development activity within a designated wetland area should be avoided whenever possible; and*

*II. Minimization of Impacts – The impacts of unavoidable development activity should be minimized by including appropriate project design modifications, control techniques or other conditions deemed appropriate by the County.*

**Consistency Statement:** Tri-State has avoided wetlands to the greatest extent possible in San Miguel County by routing access routes around them and creating areas of “no downline access” across arroyos and canyons. Unavoidable impacts to wetlands are very limited. Figures in Appendix 8 show the location of the only wetlands crossed in San Miguel County. New transmission line structures would be located entirely outside of wetlands. Structures 96 and 173 would be located within 100 feet of wetlands. Structure 96 would be located on the north side of Dry Creek, entirely outside the deeply-incised arroyo. Similarly, Structure 173 would be located entirely outside the deeply-incised Disappointment Creek arroyo. BMPs would be installed and signs, flagging and/or fencing used during construction to ensure there are no direct or indirect effects to the wetlands.

There is an access road that would cross an ephemeral tributary to Disappointment Creek. The access road will be routed across an existing dam within 100 feet of wetlands but with no direct or indirect effects to the wetlands. There may be temporary and minor effects to wetlands at the Nelson Creek crossing in Dry Creek Basin and during the removal of existing Structure 234 on the southwest side of Disappointment Creek. After Structure 234 is removed, no future maintenance activity will be required in wetlands associated with Disappointment Creek. Construction at these locations will be undertaken only when soils are dry, and mats will be employed when crossing through the Nelson Creek arroyo during construction. Mats would be removed once the pole has been wrecked out and the area would be restored using an approved wetland seed mix if necessary. Given the short-term nature of wreck-out activities, it is likely the area will reclaim itself in a short-period of time without the need for additional reclamation efforts. The environmental monitor would be present when the contractor is working in this area to ensure impacts are minimized and to monitor and make recommendations on future reclamation efforts in coordination with San Miguel County and U.S. Army Corps of Engineers staff. Effects to wetlands would be further minimized with implementation of avoidance measures and EPMS as listed in Appendix 5.

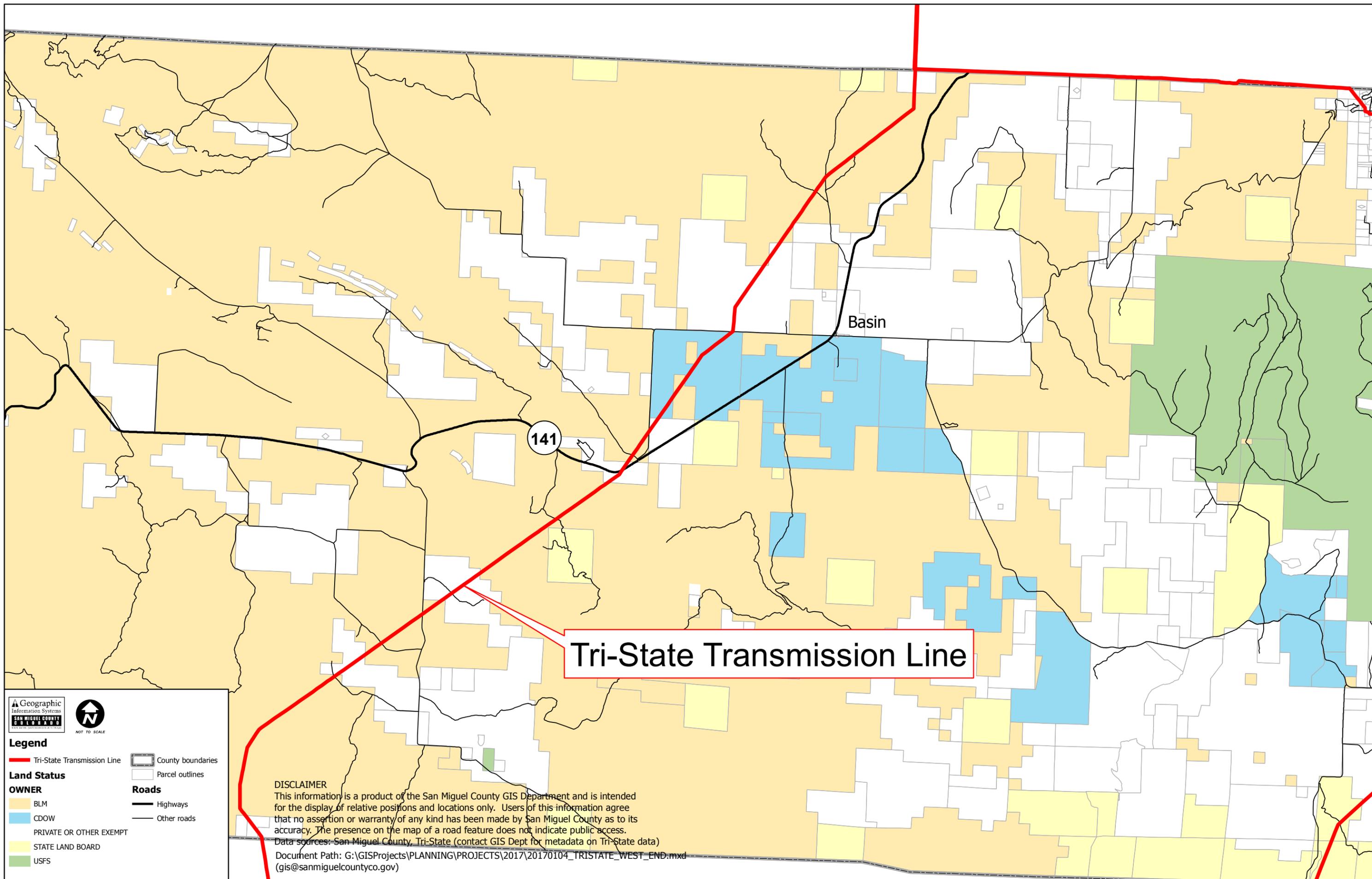
**5-2203E. Impact Mitigation for Wetland Uses and Activities**

**Consistency Statement:** Tri-State has avoided wetlands and mitigated impacts to the greatest degree possible as described above; a wetlands mitigation plan is not proposed since no wetland losses are expected from the proposed development.

**5-2203 F. Submission Requirements**

*An applicant for a wetland special use permit must submit an application in accordance with Section 4-2 of the Code.*

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**Geographic Information Systems**  
**SAN MIGUEL COUNTY**  
 COLORADO

**Legend**

**Tri-State Transmission Line**  
 — Tri-State Transmission Line

**Land Status**

**OWNER**

- BLM
- CDOW
- PRIVATE OR OTHER EXEMPT
- STATE LAND BOARD
- USFS

**Roads**

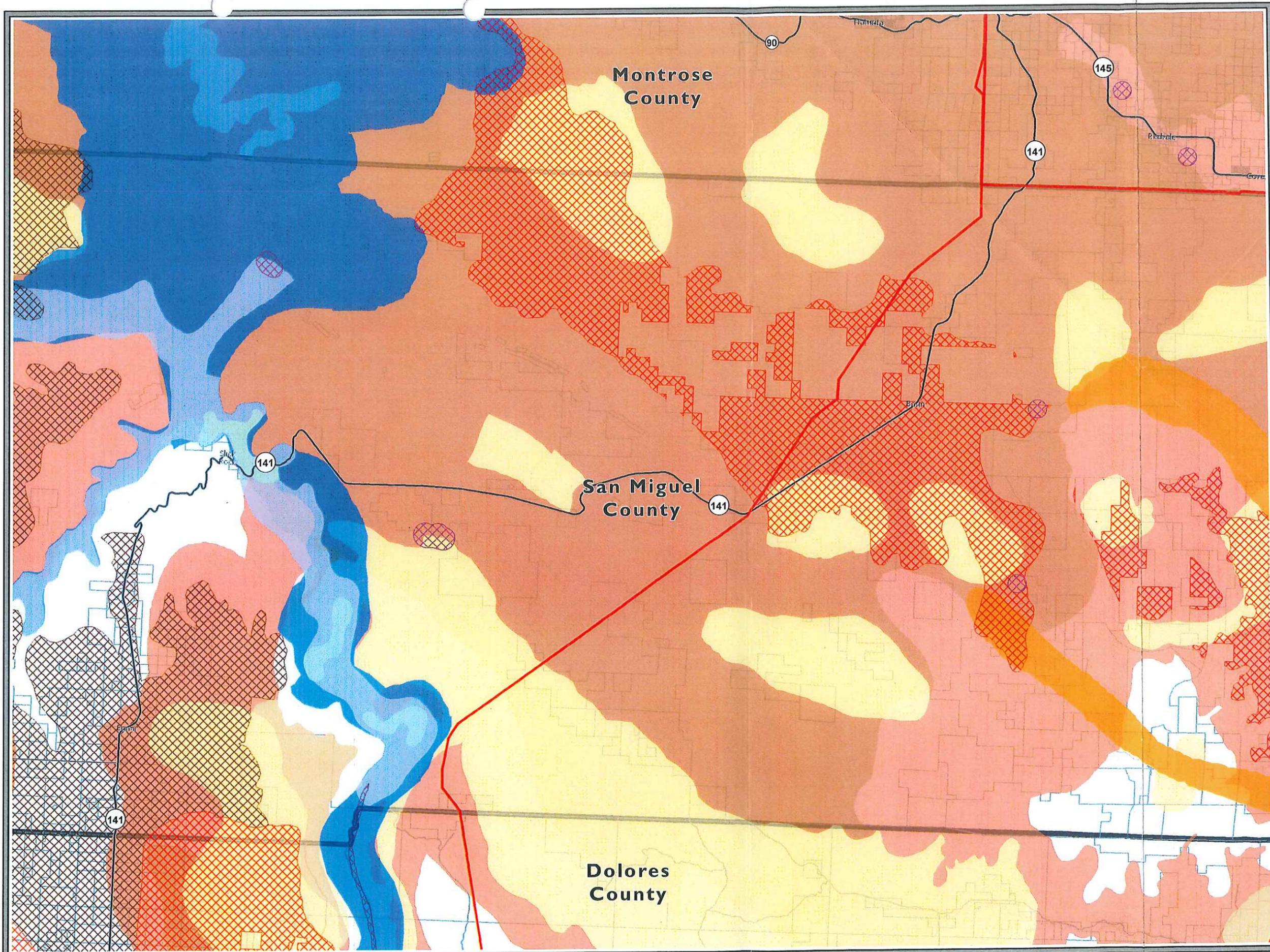
- County boundaries
- Parcel outlines
- Highways
- Other roads

NOT TO SCALE

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 Data sources: San Miguel County, Tri-State (contact GIS Dept for metadata on Tri-State data)

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 (gis@sanmiguelcountyco.gov)

**Tri-State Transmission Line**



**Tri-State Generation and Transmission**  
**San Miguel County Wildlife Habitat Areas**

- State Route
- Other Major Road
- Transmission Line - Tri-State
- ⊗ Bald Eagle Roost Sites
- ⊗ GSG Occupied Critical Habitat
- ⊗ GSG Unoccupied Critical Habitat
- Bighorn Production Area
- Bighorn Winter Concentration Area
- Bighorn Summer Range
- Elk Migration Corridors
- Elk Production Area
- Elk Severe Winter Range
- Elk Winter Concentration Area
- Elk Winter Range
- ▭ Parcel Boundaries
- ▭ County Boundary



0 0.75 1.5 3 Miles  
 Updated By: curtml  
 Updated: 10/14/2016

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# Excerpt from Fish/Wildlife Service Biological Opinion

recommendation to better protect Gunnison sage-grouse and to be consistent with timing limitations for greater sage-grouse in Colorado and neighboring Utah.

- We recommend that daily timing of line monitoring and light maintenance activities are between 2 hours after sunrise to 2 hours before sunset from March 1<sup>st</sup> to July 15<sup>th</sup> to minimize disturbance to potential mating and nesting activity. The 2 hour timing limitation in the morning will still minimize impacts to the sage-grouse but will allow more time for these activities to occur versus a strict 10:00 a.m. start time as currently stated in the FEA and BA.
- We recommend looking for sage-grouse mortality as a result of collision when regular maintenance and line monitoring activities occur..

## Conclusion Regarding Jeopardy/Adverse Modification

The Service agrees that the proposed action may result in an adverse effect to Gunnison sage-grouse, primarily through a continued reduction of functional habitat. Habitat is being lost by continued and direct habitat fragmentation from the line and functionally lost through avoidance of the line on an estimated 3,306 acres. Collision risk will be minimized by installing flight diverters on the lines but not entirely avoided. Avian predation will be minimized but not entirely avoided. Disturbance from human activity is minimized by conservation measures but not entirely avoided. Some permanent and temporary habitat loss will occur in occupied sage-grouse habitat.

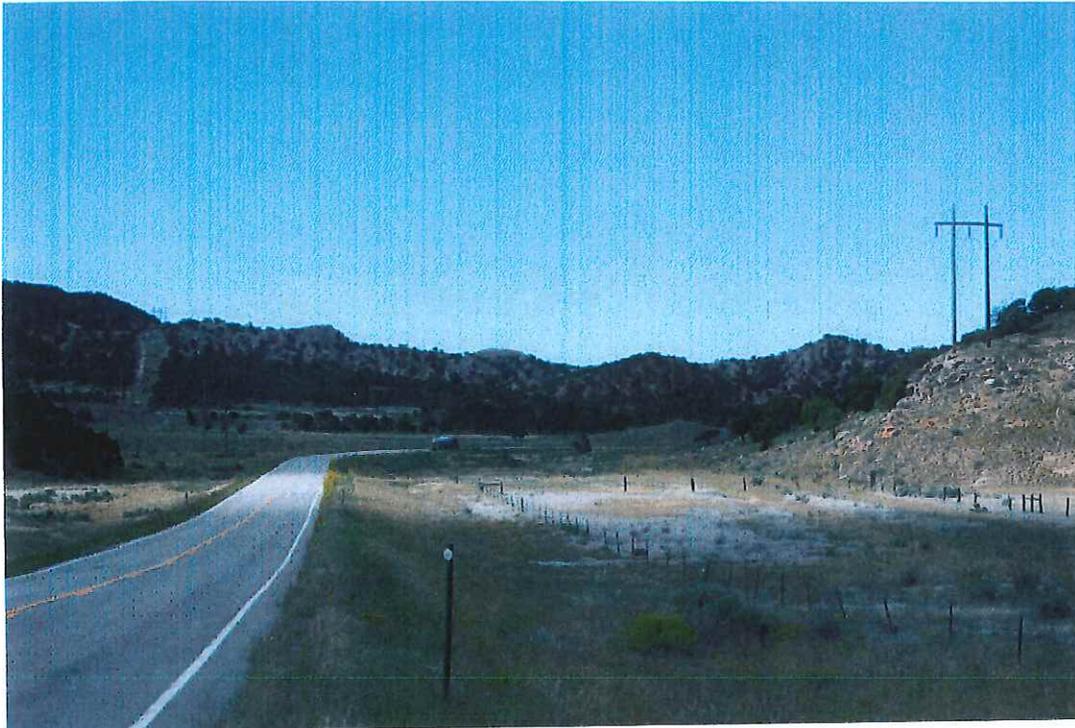
We also agree that the proposed action may adversely affect Gunnison sage-grouse critical habitat. We base this determination on the direct loss of 2.2 acres of critical habitat and 2,224 acre of indirect functional loss of critical habitat from avoidance.

After reviewing the current status of the Gunnison sage-grouse, the environmental baseline for the action area, the effects of the proposed action and the cumulative effects, it is the Service's biological opinion that the action, as proposed, is not likely to jeopardize the continued existence of the Gunnison sage-grouse nor result in destruction or adverse modification of Gunnison sage-grouse critical habitat. This conclusion is based on conservation measures included in the project that will minimize effects to the species.

## Incidental Take Statement

While Gunnison sage-grouse and its critical habitat will both be adversely affected by this action, we do not have adequate information to determine the level of take from this action at this time. The Service must provide a reasoned basis for a likelihood of take in order to anticipate and exempt it. Since the best information currently available does not permit us to determine a specific level of take, we are not exempting any take associated with implementation of the proposed action. Therefore, no reasonable and prudent measures and terms and conditions are provided below.

## Re-initiation Notice

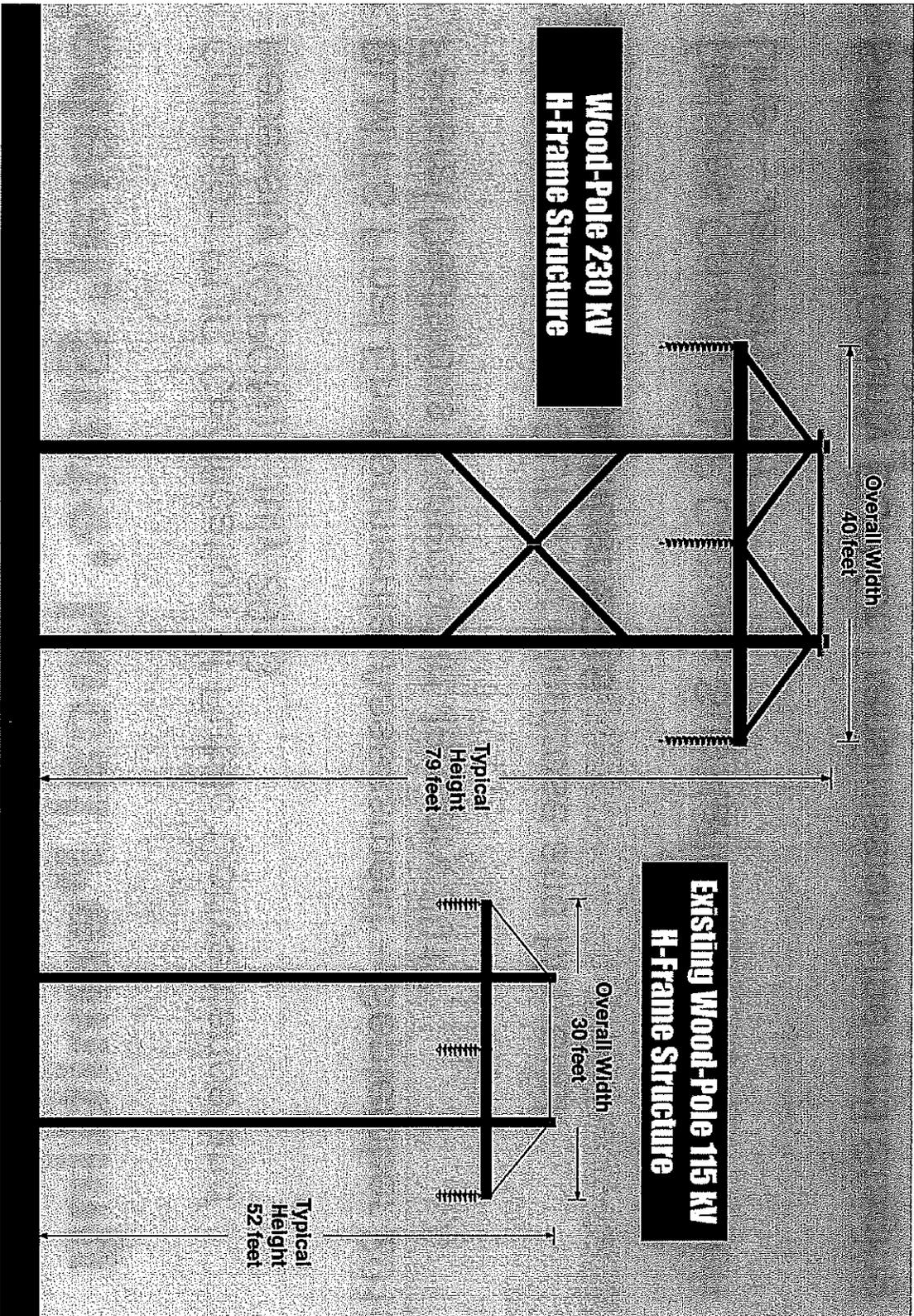


KOP 2: Existing Conditions 115-kV Montrose-Nucla-Cahone Crossing of Highway 141



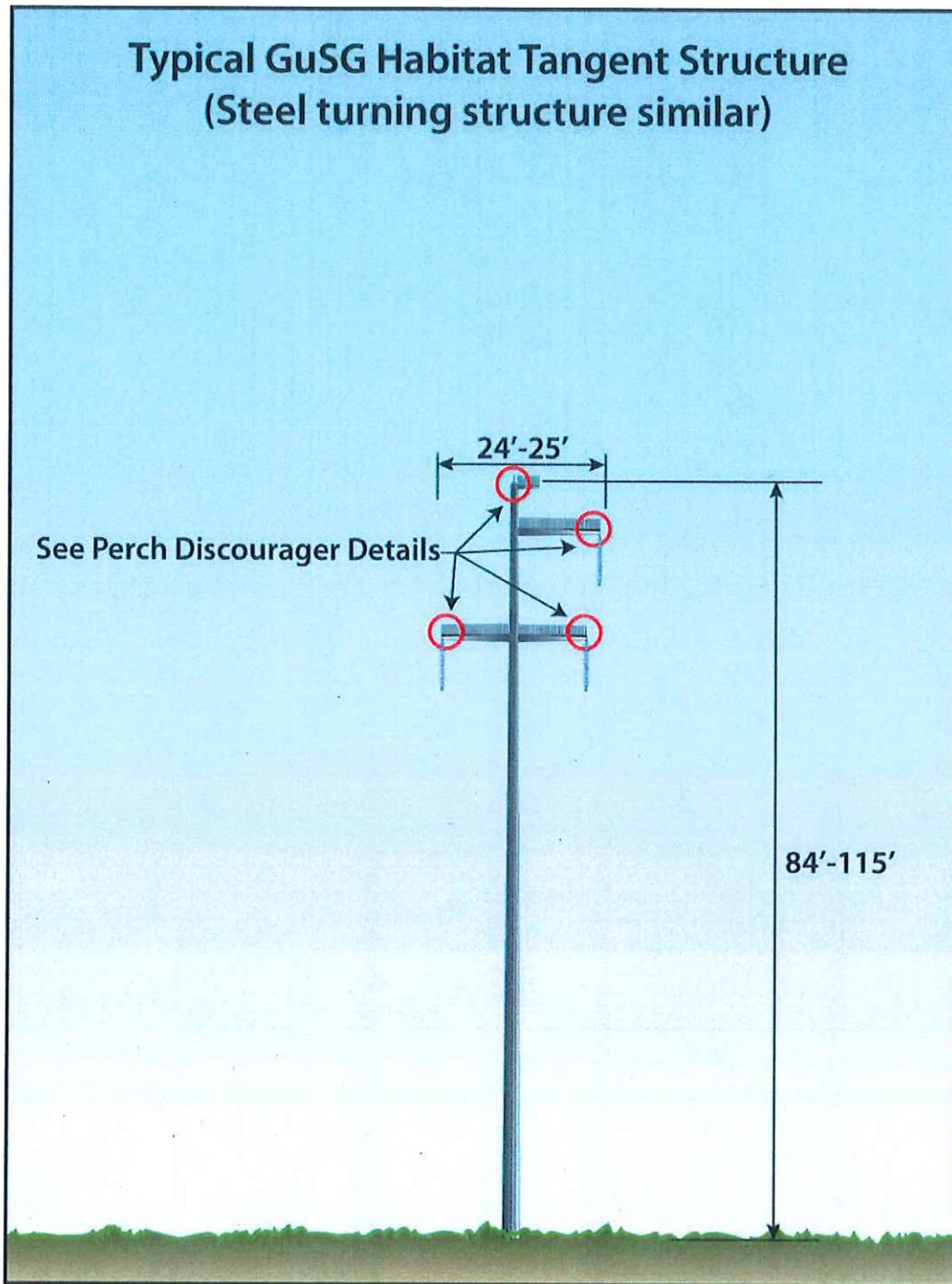
KOP 2: Photo-simulation 230-kV C Montrose-Nucla-Cahone Crossing of Highway 141

# 115-kV versus 230-kV structures



# **Federal, State, Local Permitting**

- Colorado PUC Certification of Public Convenience and Necessity (CPCN) - July 2013
- BLM/FWS Final Environmental Assessment – September 2016
- Federal Decisions Expected in January 2017.
- Montrose County SUPs for Montrose and Maverick substations – September 2016
- Dolores County SUP Cahone Substation and Transmission Line – January 2017
- San Miguel County SUP for Transmission Line and Staging Area - January 2017



**Figure 4: Steel Structures proposed for Dry Creek Basin  
Gunnison Sage-Grouse Occupied Habitat**

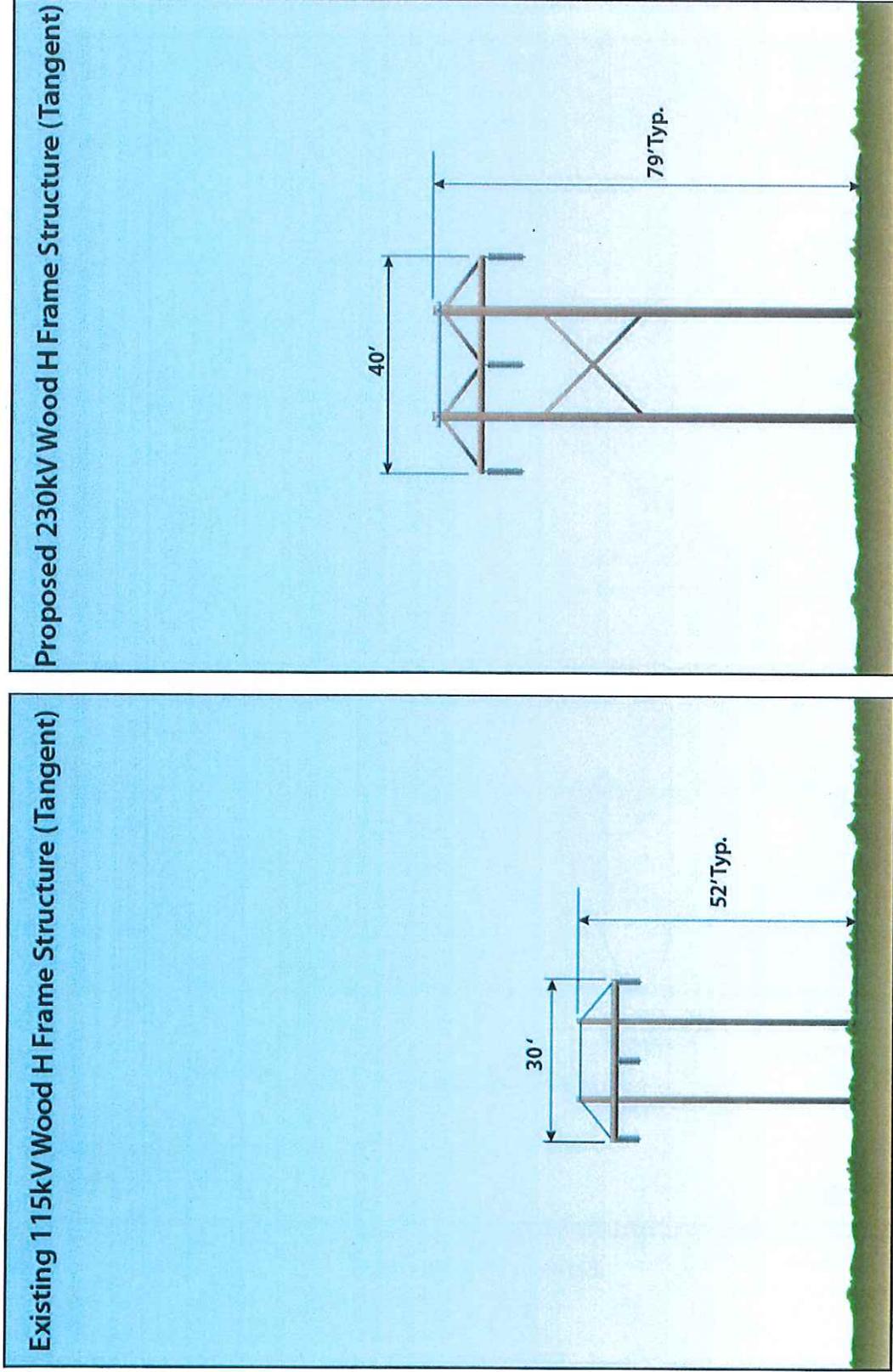


Figure 2: Comparison of 115-kV and 230-kV Wooden H Frame Structures

Tri-State Montrose-Nucla-Cahone Transmission Line Improvement Project  
 Final Environmental Assessment  
 (DOI-BLM-CO-S000-2013-0001)

permit or authorization request. A preliminary consistency review did not expose any conflicts or inconsistencies between the San Miguel County LUC and implementation of the Proposed Action. San Miguel County concurs with preliminary consistency review. There are no apparent conflicts between San Miguel County LUC/Master Plan and the Proposed Action. San Miguel County has expressed concern about the consistency of the realignment in Dry Creek Basin with county land use code, particularly for the parameters identified in Table 2.

**Table 2. Primary Parameters Identified for Evaluation of Utility Project Consistency with San Miguel County Land Use Regulations for Project Area**

<i>Comprehensive Development Plan</i>
Try and locate utility lines on Class 5 priority lands (public and government lands)
<i>LUC 5-709 H</i>
I. Avoid paralleling major transportation routes
VIII. Avoid impact on wildlife and wildlife habitat
IX. Preserve as much as possible the natural landscape
<i>LUC 5-320 - West End Zone District</i>
Preserve historical, archeological and natural resources and landmarks, while allowing individual the right to farm and ranch... with as little intrusion as possible on property rights
<i>LUC 5-320 K - Review Standards for WE Zone District Special Uses</i>
I. Be consistent with County MP, Land Use Policies, and purpose of WE Zone District
IV. Minimize adverse effects, including scenic quality on surrounding properties
VI. Not substantially adversely affect agriculture or ranching operations and residences
VIII. Consistent with the historic rural and agricultural character
<i>LUC 2-12 - Scenic Quality</i>
2-1202: Minimize adverse effects of roads and facilities by regulating the location and use of future development
2-1203: Minimize adverse scenic effects of roads and other facilities by regulating their alignment, design, and construction so as to reduce their impact on visual quality... particularly public roads
<i>LUC 2-16 - Wildlife Protection</i>
2-1601: Protect, enhance and preserve Gunnison sage-grouse populations and their habitats...when considering land use activities and development

Source: San Miguel County 2008; San Miguel County 2014.

**1.7.1.2.3 Dolores County**

The Dolores County Development and Land Use Regulations (2012) identify public or private utilities, major facilities and utility lines as activities that are subject to prior review and approval of a site specific development plan. A preliminary consistency review did not expose any conflicts or inconsistencies between the Dolores County land use code and implementation of the Proposed Action.

*1.7.1.3 Guidance and Regulations Specific to Gunnison Sage-grouse*

During preliminary agency scoping, the Gunnison Sage-grouse (GuSG) was identified as an issue of concern for the EA analysis (see Section 1.8). The GuSG was listed as a threatened species in 2014 (see proposed and final listing rules in the Federal Register published January 11, 2013 (78 FR 2486) and November 20, 2014 (79 FR.69192), respectively). Because of the protection of this species under the Endangered Species Act of 1973, as amended (ESA; 16 USC

Decision No. C13-0893

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 13A-0489E

---

IN THE MATTER OF THE APPLICATION OF TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE MONTROSE-NUCLA-CAHONE TRANSMISSION IMPROVEMENT PROJECT, AND FOR SPECIFIC FINDINGS WITH RESPECT TO MAGNETIC FIELDS AND AUDIBLE NOISE.

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**DECISION GRANTING CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY  
FOR THE MONTROSE-NUCLA-CAHONE  
TRANSMISSION IMPROVEMENT PROJECT**

---

Mailed Date: July 22, 2013

Adopted Date: July 17, 2013

**I. BY THE COMMISSION**

1. On May 7, 2013, Tri-State Generation and Transmission Association, Inc. (Tri-State or Company) filed an application requesting that the Colorado Public Utilities Commission (Commission) grant the Company a Certificate of Public Convenience and Necessity (CPCN) to construct the Montrose-Nucla-Cahone Transmission Improvement Project (Project) in accordance with § 40-5-101, C.R.S. *et seq.*; Rule 1303, of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1; and Rules 3102 and 3206 of the Commission's Rules Regulating Electric Utilities, 4 CCR 723-3, and a finding of reasonableness for noise and magnetic field mitigation.

2. Tri-State submitted sworn, direct testimony and exhibits from Joel K. Bladow, Mark H. Stout, Grant Lehman, and Dr. Robert L. Pearson. These witnesses presented the

description and rationale for the Project, alternatives, siting and permitting activities, and the results of audible noise and magnetic field studies.

3. There were no interventions filed into the proceeding.

4. The proposed Project will be located within the right-of-way (ROW) of the existing 115 kV transmission line interconnecting the Montrose, Nucla, and Cahone substations in the southwest corner of Colorado. The proposed Project will consist of approximately 80 miles of a new, single-circuit 230 kV transmission line consisting of 1272 kmil ACSR "Bittern" conductor. The 230 kV line will be built using wood H-frame towers on 150 feet ROW widths and single pole steel towers on 100 feet ROW widths. The Project will replace a 55-year-old 115 kV line on wood H-frame structures that has reached the end of its useful life, has frequent trips, and has inadequate capacity to support an estimated future load growth of over 60 MW by 2019. Further, the lack of capacity of the line will affect the TOT2A transfer capacity as new load comes on-line.

5. The Project will also include construction of three 230 kV substations to allow the new line to tie into the existing Montrose, Nucla, and Cahone Substations.

6. The estimated year 2018 cost of the Project, including the three new 230 kV substations, is \$90,681,900. Construction is scheduled to begin in 2017 with an in-service date in the fourth quarter of 2018.

7. Tri-State evaluated the following transmission alternatives to determine their suitability to address system needs: 1) Install phase raisers or new conductors on the existing structures; 2) Rebuild the Montrose-Nucla-Cahone 115 kV line on existing or new ROW and continue 115 kV operation; 3) Construct a new Montrose-Nucla-Cahone 230 kV transmission line on existing or new ROW using wood H-frame or steel monopole structures and single

circuit, double circuit, or double circuit capable designs; 4) Construct a new Montrose-Nucla-Cahone 345 kV transmission line on existing or new ROW using steel lattice structures and single circuit or double circuit designs.

8. Based on the analyses presented in Exhibit No. GDL-7, upgrading the existing Montrose-Nucla-Cahone 115 kV transmission line to a single-circuit 230 kV line was found to be the preferred and most cost effective project alternative that meets the following requirements: 1) To replace the present 115 kV transmission line; 2) To remove the operating limitations of Nucla Station generation on the transmission system in the area;<sup>1</sup> 3) To provide a load-serving path consistent with Tri-State's forecasted need and also consistent with the long term capability of the path and system in the area, without negatively impacting the TOT2A transfer capabilities or obligations of Tri-State; and 4) To provide for long-term planning by providing a 230 kV electrical path between Montrose and Cahone that can be extended to Lost Canyon Substation (where a 230 kV line now connects) in the future.

9. Tri-State modeled the magnetic field level using EMF Workstation: ENVIRO (Version 3.52) developed by the Electric Power Research Institute. The estimated magnetic field levels at the maximum thermal limit of the proposed 1272 KCMIL ACSR "Bittern" conductor (1584 A) are below 150 milliGauss at the ROW and are therefore considered reasonable pursuant to Commission Rule 3206(e) *et al.*

10. The Company modeled the expected audible noise of the Project using EMF Workstation: ENVIRO (Version 3.52). The model shows that the proposed line routes will

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<sup>1</sup> The Nucla power plant is a 100 MW (net) coal-fired generating facility located near Nucla, Colorado. The availability of Nucla Station is an important factor in maintaining the transfer capability of TOT2A. When Nucla is operating at 80 MW, the TOT2A transfer capability is increased by 100 MW. Conversely, a loss of 80 MW from Nucla Station reduces the transfer capacity of TOT2A by 100 MW.

all have audible noise levels of 50 dB(A) or less measured 25 feet beyond the edge of the ROW under L50 rain conditions, and will therefore be in compliance with the Commissions transmission noise rules, 3206(f) *et al.*

11. Tri-State sent letters to transmission providers, Colorado Coordinated Planning Group members, and other stakeholders soliciting participation in the proposed Project. The Company sent information concerning the Project to potentially affected local governments in the Project area as part of its stakeholder outreach activities. Tri-State provided information to the relevant district and field offices of the Bureau of Land Management and the U.S. Forest Service. Tri-State is continuing coordination with these agencies. Also, Tri-State personnel met with representatives of San Miguel County to discuss the Project, as well as sent information to representatives of Delores, Montrose, and Ouray Counties as part of its Rule 3627 stakeholder outreach activities and in preparation for filing this CPCN Application.

12. The CPCN Application contains all of the information required by Commission Rules of Practice and Procedure, 4 CCR 723-1-1303(b) and was automatically deemed complete on June 24, 2013 pursuant to Rule 1303(b)(III).

13. The CPCN Application is unopposed. The Commission will determine this matter based upon the submitted written testimony and exhibits of Tri-State's witnesses as the written record, without a formal hearing under § 40-6-109(5), C.R.S., and Rule 1403, Commission Rules of Practice and Procedure, 4 CCR 723-1.

14. The Commission has reviewed the CPCN Application and associated testimony and exhibits filed by Tri-State. The Commission finds that the proposed Project is required to replace an aging transmission line that has reached the end of its useful life, serve new load

without negatively impacting TOT2A transfer capabilities, and to provide for the future extension of the line from Cahone Substation to Lost Canyon Substation.<sup>2</sup>

## II. ORDER

### A. The Commission Orders That:

1. The magnetic field values and the audible noise values presented in the studies meet the conditions of Commission Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* 723-3-3206(e)(III) and 3206(f)(III) and are therefore considered reasonable for the proposed Montrose-Nucla-Cahone Transmission Improvement Project.

2. The Certificate of Public Convenience and Necessity Application from Tri-State Generation and Transmission Association, Inc. for the construction of the Montrose-Nucla-Cahone Transmission Improvement Project is granted without a hearing.

3. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

4. This Decision is effective on its Mailed Date.

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<sup>2</sup> The granting of this CPCN application includes only the items listed in this Decision and, therefore, does not include the section of line from Cahone Substation to Lost Canyon Substation.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
July 17, 2013.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JAMES K. TARPEY

---

PAMELA J. PATTON

---

Commissioners

CHAIRMAN JOSHUA B. EPEL ABSENT.



John Huebner <johnh@sanmiguelcountyco.gov>

---

**Re: Special Use Permits: Tri-State Rebuilt Maverick to Cahone Transmission Line and Staging Area**

1 message

---

**Mike Horner** <mikeh@sanmiguelcountyco.gov>

Fri, Nov 11, 2016 at 10:59 AM

To: John Huebner <johnh@sanmiguelcountyco.gov>, Karen Henderson <karenh@sanmiguelcountyco.gov>

John,

Please consider the following comments from R&B regarding the Tri-State power line up grade through the west end of San Miguel County.

The Road Department will require a Driveway Permit application to access the proposed staging area off of CR 19Q. The driveway construction specifications will be attached to the application which can be downloaded from the county web site at [sanmiguelcounty.org](http://sanmiguelcounty.org) under Road and Bridge - permits. It must be specified on the application that the driveway is proposed to remain in place as a permanent access after the project is complete.

The Road Department is requesting "intersection symbol" warning signs with 25 MPH advisory plates be installed approximately 300 feet on either side of the new driveway. "Heavy construction traffic" signs will also be required at the entrance of CR 19Q at hwy 141 and on the south side of the staging area to warn motorists of the construction activity and traffic. All warning and traffic control signs must comply with the Manual on Uniform Traffic Control Devices (MUTCD).

A Road and Bridge Special Construction Permit will be required if hauling of material will exceed 3 million pounds in a 12 month period. The permit will address potential impacts to the haul routes for excessive hauling. The application can be downloaded from the county web site under Road and Bridge - permits.

Any temporary staging areas along county roads for the purpose of stringing power cable must have proper traffic control devices in place. No temporary road closures are permitted without advanced notice to the Road Department.

Please let me know if you have any questions.

Mike

On Fri, Oct 28, 2016 at 9:14 AM, John Huebner <johnh@sanmiguelcountyco.gov> wrote:

All,

The San Miguel County Planning Department has received an application from Tri-State Generation & Transmission Association for Transmission Line upgrade from 115kV to 230kV between Montrose-Maverick-Cahone a portion of which travels through the West End of San Miguel County including Dry Creek Basin. Please review the application via the links below and provide your comments by November 23, 2016. Please contact the Planning Department if you have questions. Thanks.

John

 [TriState Oct 19 Master Appendices\\_ALL.pdf](#)

 [TriState Oct 19 Master Application.pdf](#)

John Huebner  
Planning Technician  
San Miguel County  
333 W. Colorado Ave, 3rd Floor  
PO Box 548  
Telluride, CO 81435  
P:970-369-5437  
E:johnh@sanmiguelcountyco.gov  
W:www.sanmiguelcountyco.gov

--  
**Mike Horner, Superintendent**  
San Miguel County Road Department  
PO Box 426  
Norwood, CO 81423  
970-327-4835  
www.sanmiguelcountyco.gov



Karen Henderson <karenh@sanmiguelcountyco.gov>

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**Re: tri state**

1 message

---

**Ron Mabry** <ronm@sanmiguelcountyco.gov>

Tue, Jan 3, 2017 at 3:06 PM

To: Karen Henderson <karenh@sanmiguelcountyco.gov>

Hi Karen,

I have reviewed the revegetation plan, weed control plan and the recommended seed mixes. I have a few concerns with the seed mix. The weed plan is adequate however I would like to know if there is 1 person responsible for weed control and/or revegetation and who that person is. Or if there are multiple people involved who they are and how will these decisions be made. The reveg plan states that the seed would be drilled in those areas where a range drill can access the site. Drilling is the best method and I highly recommend it. Who makes those decisions ?

The seed mix/mixes are fairly standard mixes for this area. I would question the additional forbs and more importantly the quantities suggested and some of the percentages of certain species of "native grass" seed. For example the seed mix from Rich Hamilton recommends 65 lbs per acre. This might be acceptable for a park setting but the recommendations for rangeland are 20 to 22 lbs per acre is standard.

It's a good start but we need to flesh it out a bit. I hope this is what you need. If you have additional questions please call me on my cell.... [970-318-6460](tel:970-318-6460).

Ron Mabry

On Thu, Dec 29, 2016 at 11:22 AM, Karen Henderson <[karenh@sanmiguelcountyco.gov](mailto:karenh@sanmiguelcountyco.gov)> wrote:

The other attachment was for the staging area off CR19Q. This attachment is for the entire line from Montrose County to Delores County.

--

[Karen Henderson](mailto:karenh@sanmiguelcountyco.gov)  
Senior Planner  
San Miguel County  
970-728-3083  
PO Box 548  
Telluride, CO 81435  
[karenh@sanmiguelcountyco.gov](mailto:karenh@sanmiguelcountyco.gov)



Karen Henderson <karenh@sanmiguelcountyco.gov>

---

## miles of GuSG habitat on line in county

1 message

---

**French, Germaine** <gfrench@tristategt.org>

Tue, Jan 3, 2017 at 1:26 PM

To: "miker@sanmiguelcounty.org" <miker@sanmiguelcounty.org>

Cc: "Karen Henderson (Karenh@sanmiguelcountyco.gov)" <Karenh@sanmiguelcountyco.gov>, "Leiker, Diana" <dleiker@tristategt.org>, "Myers, Karl" <kmyers@tristategt.org>

Mike/Karen,

The line crosses 7.6 miles of occupied habitat in the county. This number includes private lands that are not 'critical habitat' because they had conservation agreements in place before the listing (Mex and Sons). However, Tri-State will be constructing steel structures across the entire length of *occupied* habitat and this number agrees with numbers used in other documents.

### Germaine French

Senior Transmission Siting and Environmental Planner

Tri-State Generation and Transmission Association, Inc.

1100 West 116<sup>th</sup> Avenue

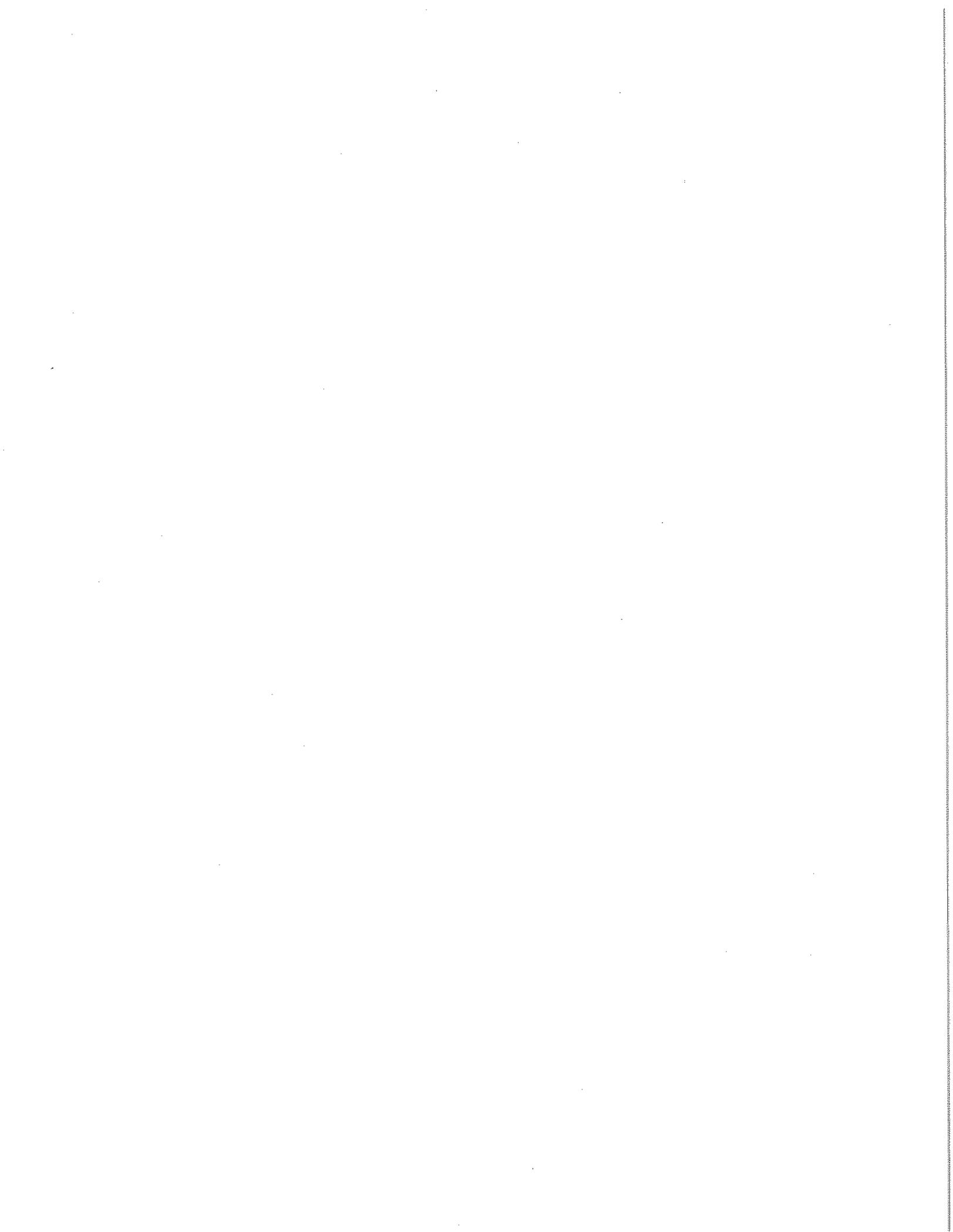
Westminster CO, 80234

Office [303-254-3942](tel:303-254-3942)

Cell [720-556-6385](tel:720-556-6385)

[gfrench@tristategt.org](mailto:gfrench@tristategt.org)

TRI-STATE GENERATION  
TEMPORARY CONTRACTOR STAGING AREA  
APPLICATION

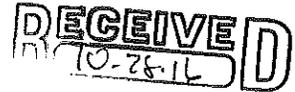




**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.**

HEADQUARTERS: P.O. BOX 33695 DENVER, COLORADO 80233-0695 303-452-6111

October 26, 2016



Michael J. Rozycki  
Planning Director  
San Miguel County Planning Department  
P.O. Box 548  
Telluride, Colorado 81435

Re: Montrose-Nucla-Cahone Transmission Improvement Project  
Transmittal of Special Use Permit Application for Temporary Staging Area

Dear Mr. Rozycki:

Tri-State Generation and Transmission Association, Inc. (Tri-State) submits the attached information to support San Miguel County's requirements for our request for a Special Use Permit for a 60-acre Temporary Staging Area to store materials, equipment and vehicles in conjunction with the rebuild of the existing Montrose-Nucla-Cahone 115-kilovolt (kV) transmission line to 230-kV. The requested use is temporary and the area will be restored to pre-construction conditions after completion of the Maverick-Cahone 230-kV transmission line.

Tri-State met with San Miguel County Planning on July 13, 2016, for a pre-application meeting regarding the subject project. That meeting was summarized in your pre-application conference summary letter dated August 5, 2016 (included as Appendix 1 in the application). Tri-State has prepared the enclosed application (eight copies and two electronic copies of the application on USB) and related appendices in accordance with San Miguel County Land Use Code. Tri-State previously submitted a check for \$1,000 to cover the fees for both this application (\$500) and the transmission line application (\$500) we filed last week.

Please call me (303-254-3448) or Germaine French (303-254-3942) with any questions or concerns and you proceed with your completeness review.

Sincerely,

Karl W. Myers  
Transmission Siting, Permitting and Environmental  
Planning Manager

Enclosures:

- 8 copies of SUP Application and Appendices
- 2 electronic copies of the SUP Application and Appendices on USB

Steve & Pamela Suckla  
Suckla Ranches  
12551 Hwy. 491  
Cortez, Colorado 81321

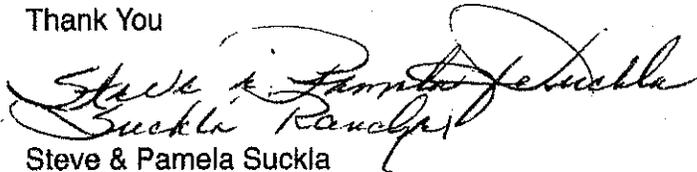
September 2, 2016

To Whom it may concern;

We are entering an agreement and authorizing the use of portion of our deeded land in Disappointment Valley as a staging area for Tri-State. Please approve and allow all required permits and applications for this project.

If further information is needed please feel free to either contact them directly or Pamela Suckla at 970-565-8160 or 970-749-2001.

Thank You

A handwritten signature in cursive script that reads "Steve & Pamela Suckla" with "Suckla Ranches" written below it.

Steve & Pamela Suckla  
Suckla Ranches

RECEIVED  
10-28-16

# Application for Special Use Permit San Miguel County, Colorado

## Temporary Staging Area for the Montrose-Maverick-Cahone 230-kV Transmission Line Project



Submitted to: San Miguel County Planning Department  
333 W. Colorado Ave., Telluride, CO 81435

Submitted by: Tri-State Generation and Transmission Assoc., Inc.  
1100 W. 116<sup>th</sup> Ave. Westminster, CO 80234



October 2016

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Temporary Staging Area

San Miguel County Special Use Permit Application

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## **1.0 APPLICATION SUBMITTAL CONTENTS (ARTICLE 4, SUBMISSION REQUIREMENTS SECTION 4-2)**

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Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications.

### **Introduction/Project Description**

Tri-State Generation and Transmission Association, Inc. (Tri-State) submits the following information to support San Miguel County's requirements for the request for a Special Use Permit for a 60-acre Temporary Staging Area to store materials, equipment and vehicles in conjunction with the rebuild of the existing Montrose-Nucla-Cahone 115-kilovolt (kV) transmission line to 230-kV.

The portion of the line segment that occurs in San Miguel County is currently called the Nucla to Cahone 115-kV transmission line. However, the new line segment will be called the Maverick to Cahone 230-kV transmission line since the new line will connect at the new Maverick 230-kV substation instead of at the Nucla 115-kV substation (at the Nucla Generating Station).

The Temporary Staging Area will be used regularly throughout the life of construction as materials are moved to various parts of the transmission right-of-way. This 60-acre parcel will be the primary area where all project materials are staged for use on the transmission line project. The requested use is temporary and the area will be restored to pre-construction conditions after completion of the Nucla-Cahone 230-kV transmission line.

### **4-201—General**

Tri-State met with San Miguel Planning staff on July 13, 2016 for a pre-application meeting. The summary of this meeting was summarized in San Miguel County's pre-application conference summary letter dated August 5, 2016. This letter can be found in Appendix 1. Tri-State has prepared the enclosed application and related appendices in accordance with these pre-application items and San Miguel County Land Use Code.

### **4-202—Required Background Information**

#### **Owner**

Tri-State will not be the owner/operator of Temporary Staging Area. Tri-State plans to lease the 60-acre parcel off County Road 19Q in Disappointment Valley (See Figure 1 – Vicinity Map). The Temporary Staging Area is located in the West End (WE) Zoning District of San Miguel County. Materials will begin to be stored on site in summer of 2017 and the site will continue to be used through construction of the Nucla-Cahone line segment, which is scheduled to be complete in 2020 with some additional wreck-out and reclamation to follow in 2021.

**Applicant’s Name and Address**

Tri-State Generation and Transmission Association, Inc.  
1100 West 116<sup>th</sup> Avenue  
Westminster, CO 80234  
303-452-6111

**Authorized Officer for the Applicant**

Mr. Joel K. Bladow  
Senior Vice President, Transmission

**4-203—Parcel Description**

Please see Figure 1 for the 8-1/2" x 11" vicinity map locating the Temporary Staging Area within San Miguel County. Figure 2 is an aerial photograph (site plan) showing the proposed Temporary Staging Area, road and fence lines. The affected landowner information is included below in Table 1.

**Table 1: List of Affected Property Owners for Temporary Staging Area**

Name	Parcel No.	Address	Section	Township	Range
Steve M. and Pamela Suckla	479516300001	12551 Highway 491 Cortez, CO 81321	17	42N	17W

**4-204—Disclosure and Proof of Ownership**

The application for the temporary staging area will only affect one consenting landowner. Tri-State is requesting a four-year lease for use of this parcel (2017-2021).

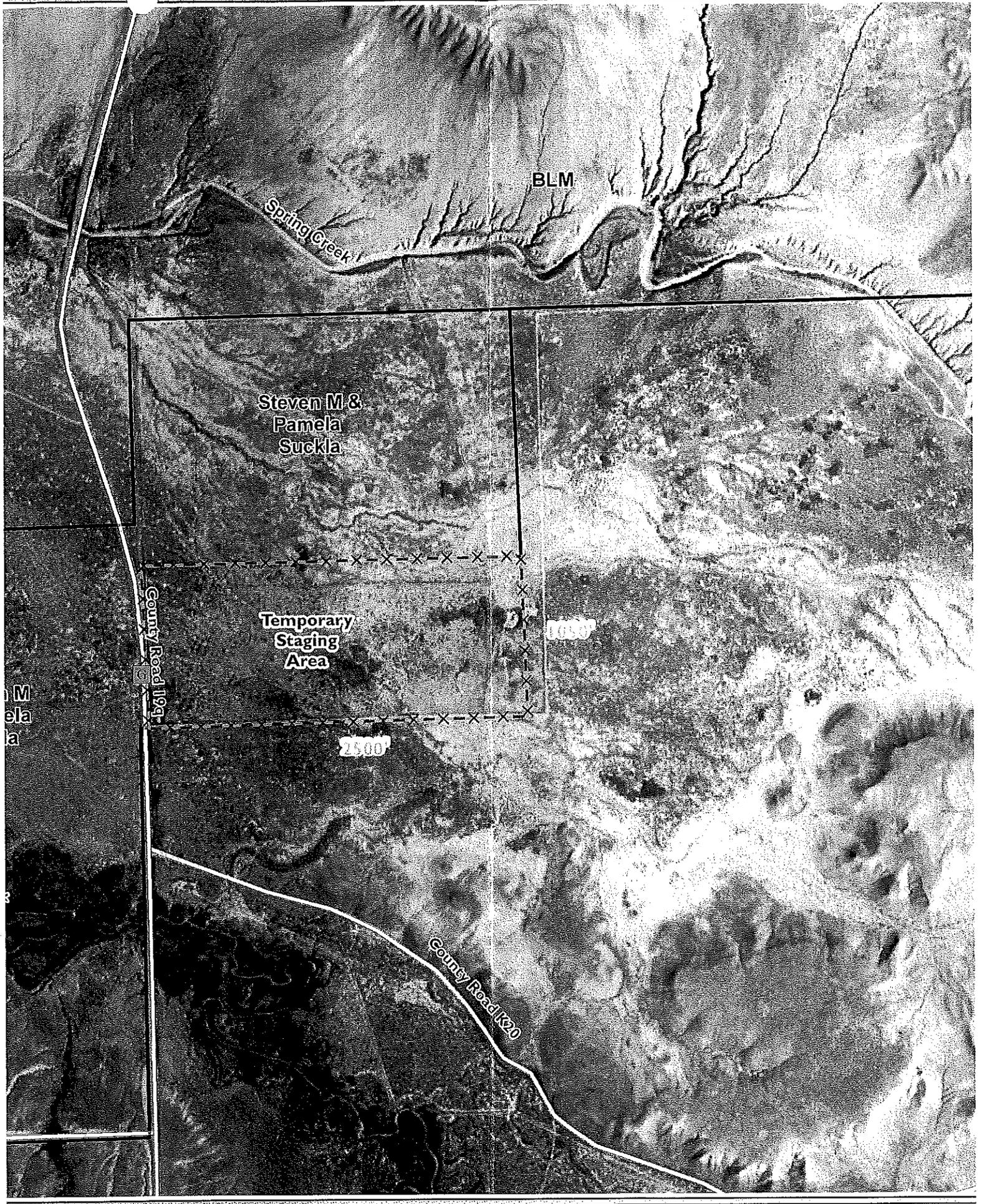
**4-205—Legal Access**

Tri-State will obtain a four-year lease from and provide compensation to the private landowner for the use of this proposed temporary staging area.

**4-206—Standards Report**

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

The Standards Report is included as Chapter 3 of this Application.



**4-207—Pre-Application Summary Sheet**

The pre-application summary letter dated August 5, 2016 provided by the San Miguel County Planning Department is included as Appendix 1.

**4-208—Site Plan**

Site Plan Requirement:

*The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.*

Tri-State is offering Figures 2 and 3 to meet the requirements of the Site Plan including property boundaries, existing structures and associated access roads.

**4-209—Copies of Application**

Tri-State has submitted eight (8) copies of the application to San Miguel County per directions provided in the Pre-application Conference Summary letter.

**4-210—Revegetation Plan**

Appendix 2 includes a Revegetation Plan (aka reclamation plan) to address reclamation of the Temporary Staging Area. The reclamation plan also includes a seed mix recommended by the Bureau of Land Management Tres Rios Field Office for salt desert shrublands. The final seed mix for the Temporary Staging Area would be reviewed and approved by the private landowner prior to the start of reclamation activities. Reclamation will be deemed complete once vegetation has been reestablished to 70 percent of pre-construction cover or when approved by the landowner and the Colorado Department of Public Health and Environment (CDPHE).

**4-211—Weed Control Plan**

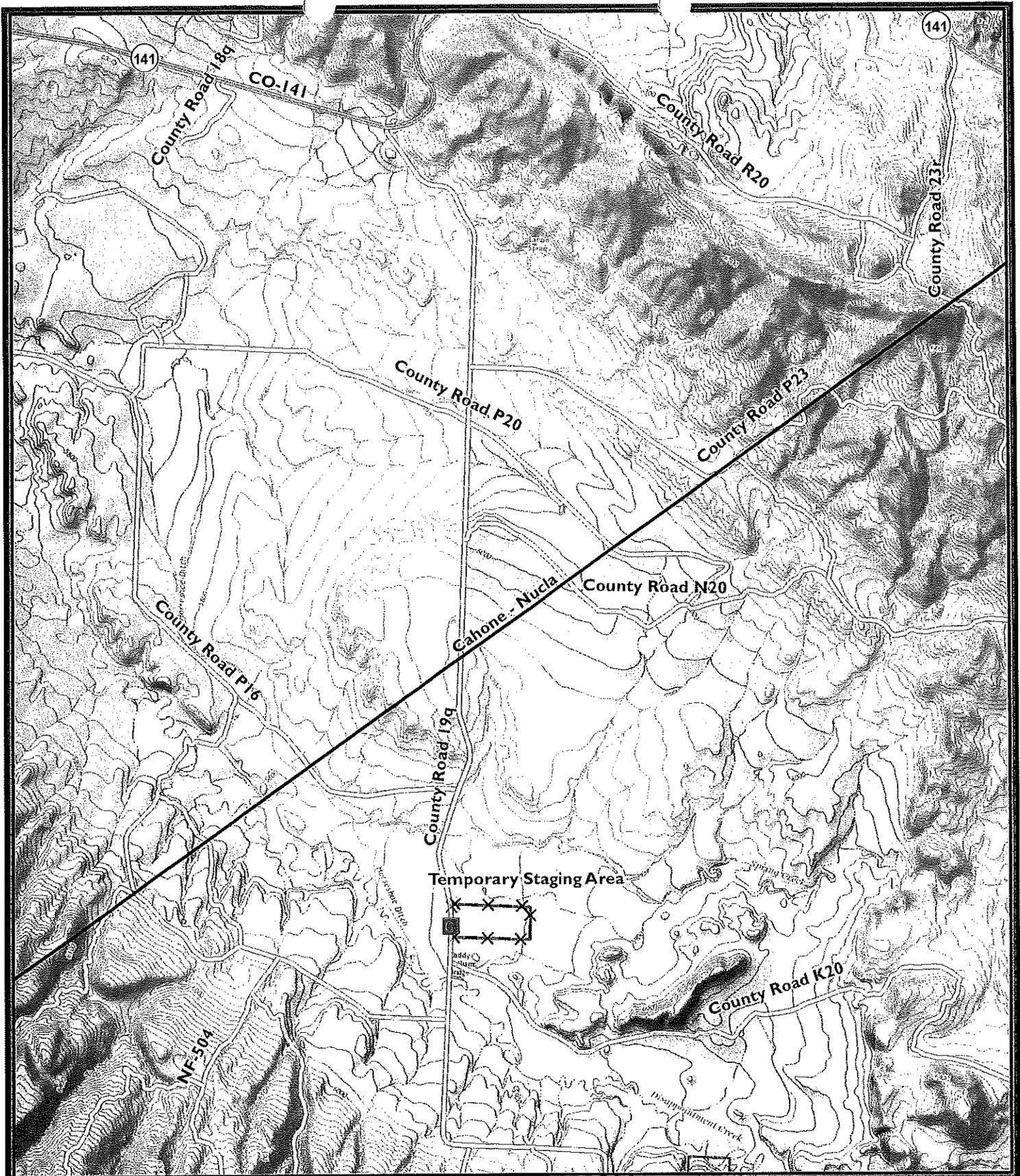
Tri-State has prepared a framework noxious weed plan for the entire rebuild project which includes treatment of Temporary Staging Area in San Miguel County. This noxious weed plan is included as Appendix 3.

Tri-State will consult with the private landowner and contract with certified weed sprayers to pre-treat weeds before brush removal and staging of construction equipment. Tri-State will also treat noxious weeds after the site has been reclaimed and materials and equipment have been removed from the staging area. Tri-State's treatment methods will be consistent with State law as well as requirements of the San Miguel Weed Board. A copy of the noxious weed plan has been submitted for review to Ron Maybrey, San Miguel County Weed Advisor.

Pre-construction treatment of weeds in the Temporary Staging Area and within the existing ROW will be conducted to suppress weeds before the ground is disturbed. In addition, all heavy equipment, including all-terrain vehicles (ATV), utilized during construction will be washed prior to departure from the equipment storage facility prior to arrival on the Staging Area. The environmental monitor for the project will regularly be inspecting construction equipment for noxious weeds as they come on and off the ROW and staging area. All seed mixes and mulch used for reclamation activities will be certified weed-free.

#### **4-212—Employee Housing Mitigation Plan**

The Montrose-Nulca-Cahone transmission line project will employ an annual temporary work force of 40–60 people. The Temporary Staging Area for this construction project will be used regularly throughout the life of construction as materials are moved to various parts of the transmission ROW. This 60-acre parcel will be the primary area where all materials for the transmission line will be stored. Construction of the transmission line project is not expected to have a long-term effect on local housing and will not require additional temporary housing. The project may have a short-term minor effect on hotel availability in the project vicinity during the construction period; however, there are camping facilities and hotels to accommodate the work force in cities and towns such as Montrose, Ridgeway, Nucla, Naturita, Norwood, and Dove Creek, Colorado, outside of San Miguel County.



**Temporary Staging Area  
Vicinity Map with Surrounding Roads**

**Figure 3**

- Transmission Line - Tri-State
- Driveway Entrance
- X - Existing
- X - Future
- Temporary Staging Area

This map includes confidential information of Tri-State and third parties. The GIS data and maps may not be disclosed to any third party. The user agrees to keep this information confidential and not disclose it to third parties. If you have any questions regarding this, please contact the Tri-State legal department.

GIS data and maps available to Tri-State Generation and Transmission Association employees are provided as general information to aid Tri-State transmission maintenance. No user of Tri-State's GIS data and maps may sell any portion of the information provided therein. Tri-State makes no warranty regarding accuracy or completeness of the data and maps. Users shall rely only upon proper field verification of Tri-State GIS data.

Date Created: 10/25/2016 Author: curiml

0 0.25 0.5 1 Miles

## 2.0 STANDARDS REPORT

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This chapter serves as a separate written report demonstrating the Projects conformance with all pertinent standards in the San Miguel County Land Use Code.

### 2.1 Project Conformance with Zone District Standards (Article 5, Section 5-3 Zone District Standards)

#### 5-320 F—Uses Allowed Subject to Two-Step Special Use Review

**Consistency Statement:** This SUP application is subject to a two-step review for a Public Utility Area Service Center Special Use Permit pursuant to Land Use Code Section 5-320 F. III. - Utility Services Facilities.

#### 5-320 J—General Development Guidelines for All Uses

##### *I. Potable Water & Sewage Disposal*

**Consistency Statement:** The Temporary Staging Area does not have a permanent need for water for either construction or operations and maintenance activities. During construction water used for dust control will be secured from existing permitted sources uses such as a local water district or landowner and would be stored in water trucks or tanks on-site. Drinking water will be supplied by workers. Sewage disposal will be handled with portable toilets; trash will be collected in trash bins located at the Temporary Staging Area and along the ROW.

##### *II. Effects on Agriculture*

###### *a. Fences*

**Consistency Statement:** Tri-State will be installing a new fence on the northern boundary of the parcel and replacing an existing fence on the western boundary (County Road 19Q) where access to the site will occur. Tri-State will also be installing a new gate on the western side of the parcel for access to the staging area (See Figure 3 – Vicinity Map with Surrounding Roads). Pursuant to landowner approval, permanent gates will be installed as required to provide for controlled access during construction activities. Construction related damage to gates and fences will be repaired immediately at the construction contractor's expense and to the specification of the affected landowner.

###### *b. Irrigation Ditches*

**Consistency Statement:** There are no irrigation ditches located on the Temporary Staging Area and therefore no impact to irrigation infrastructure and use.

###### *c. Historical Easement for Ditches*

**Consistency Statement:** Not applicable.

**III. Cooperation with landowners and wildlife lifestyle**

**Consistency Statement:** In coordination with Colorado Parks and Wildlife (CPW), Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), and San Miguel County staff, Tri-State prepared a Biological Resource Protection Plan for the transmission line and associated temporary use areas including the Temporary Staging Area that includes standard environmental protection measures to reduce project related effects to wildlife. This plan is included as Appendix 6. Implementation and compliance with this plan will ensure the use of the Temporary Staging Area will result in minimal effects to wildlife.

**5-320 K—Review Standards for all WE Zone District Special Uses**

All special uses shall:

- I. *Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;*

**Consistency Statement:** The project is consistent with County Master Plan, County Land Use Policies and the WE Zone District. See responses under Section 5-1002 A.

- II. *Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;*

**Consistency Statement:** The proposed Temporary Staging Area occurs in land that is not in agricultural production, nor is it used for domestic livestock grazing. The site is dominated by desert shrubland species. The area is not open to recreation as it is located entirely on private land. The site occurs in greasewood communities which are typically not suited to most agricultural uses. The requested use is temporary and the area will be restored to pre-construction conditions post construction of the Nucla-Cahone transmission line.

- III. *Be designed, located and operated so that the public health, safety and welfare will be protected;*

**Consistency Statement:** The proposed Temporary Staging Area occurs in a remote part of San Miguel County in Disappointment Valley. The landowner from whom Tri-State will be leasing the land does not live on the parcel being proposed for use. The closest residence belongs to another member of the Suckla family and is located approximately one mile away from the staging area. The location of and use of the staging area does not pose a threat to human health, safety, and welfare.

- IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;*

**Consistency Statement:** The Temporary Staging Area has been located in a remote location in Disappointment Valley and will therefore have minimal and short-term visual effects primarily to landowners that pass County Road 19 Q. There will be minimal and short-term effects on surrounding properties from use of the proposed staging area.

- V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;*

**Consistency Statement:** The Temporary Staging Area will be accessed on the west side of the parcel off County Road 19Q. A track pad will be installed at the entrance of the Temporary Staging Area as a stormwater best management practice and will be included as part of the stormwater permit that will be prepared and submitted to the Colorado Department of Health and Environment.

Tri-State and its contractors will utilize temporary portable toilets on the staging area.

Storage and disposal of hazardous material will be in compliance with applicable local, state, and federal regulation. Tri-State has committed to Environmental Protection measures included in Appendix 4 (FP-1 through FP-3; HM-1 through HM-3; and WQ-1 through WQ-3) to address water quality and waste concerns.

- VI. Not substantially adversely affect agriculture or ranching operations and residences;*

**Consistency Statement:** The proposed Temporary Staging Area occurs in land that is not in agricultural production, nor is it used for domestic livestock grazing. The site is dominated by desert shrubland species. There are no residences within the Temporary Staging Area parcel, nor are there adjacent residences that will be impacted by the location and use of the proposed Temporary Staging Area.

- VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and*

**Consistency Statement:** The proposed staging area has relatively flat topography area and will be accessed from an existing county road. There are no proposed cuts and fills associated with the staging area beyond that needed to install the vehicle track pad.

*VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.*

**Consistency Statement:** The Temporary Staging Area will not result in any effects to agricultural operations. The use will be temporary and the site will be restored to 70 percent of pre-construction conditions after the transmission line construction is complete.

**2.2 Project Conformance for Areas and Activities of Local and State Interest (Article 5, Section 5-4 '1041' Environmental Hazard Review)**

**5-402—General Standards**

*The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.*

*5-402 A. Development in Hazard-free Areas*

*Restrict development to a hazard-free area if such an area exists on a site.*

*5-402 B. Development in Hazard Areas*

*If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.*

**Consistency Statement.** The proposed Temporary Staging Area does not occur in designated hazard areas.

**5-403—Floodplain Hazard Areas**

*In addition to the development standards in 5-402 and the San Miguel County Floodplain Regulations (refer to Section 5-28), the standards in this section apply to mapped floodplain hazard areas as depicted in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, National Flood Insurance Program, and to areas later found to be in flood hazard areas.*

*5-403 A. If no adequate hazard-free area exists on a site, development proposed within final base flood elevations Zones A1-30 and/or regulatory floodway shall:*

- I. Have the lowest floor (including basement) elevated to one foot above the base flood level or be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural*

- components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and*
- II. *Be designed by a qualified professional engineer who shall certify that the flood proofing methods identified in Section 5-403 A.I. are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*

**Consistency Statement.** The proposed Temporary Staging Area does not occur within any designated 100-year floodplain (FIRM Insurance Rate Map).

#### **5-404—Geologic Hazard Areas**

The proposed use for this parcel is to stage materials for construction of a transmission line. There are no known geologic hazards in the area that would affect storage and use of equipment in this area.

#### **5-405—Historic and Archaeological Resource Areas**

A Class I and III cultural resources inventory was conducted on the Temporary Staging Area. No cultural or historic resources were found on-site. The project will not affect any historic properties or cultural resources. The negative results for this site are being incorporated into a comprehensive cultural resources report for the Montrose-Nucla-Cahone transmission line project and the Bureau of Land Management is the lead federal agency for compliance with Section 106 of the Historic Preservation Act.

A Discovery Plan is being prepared for the entire project and will include procedures for reporting and protecting cultural and historic resource discovery during construction. The discovery plan includes procedures for the identification, protection, initial treatment, evaluation and treatment of discoveries (including discoveries of human remains), and also outlines procedures for coordination, notification, and reporting.

#### **5-406—Wildfire Areas**

The proposed Temporary Staging Area occurs in desert scrubland community types. In order to reduce the risk of equipment igniting vegetation on-site during use of the Temporary Staging Area, Tri-State will remove brush in the Temporary Staging Area prior to storing materials and equipment in the staging area. Tri-State has created a Fire Plan that is included as Appendix 5 to address fire risk and response.

#### **5-407—Wildlife Habitat Areas**

*Development activities, such Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the*

*land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.*

**Consistency with Wildlife Impact Assessment:** Project related impacts to wildlife (including the Temporary Staging Area) have been thoroughly addressed through the Environmental Assessment/NEPA process, and in the pending Biological Opinion being prepared by the U.S. Fish and Wildlife Service for the Montrose-Nucla-Cahone Transmission Line Project. This analysis included the proposed staging area as part of the EA process; Tri-State prepared a Biological Resource Protection Plan (see Appendix 6) which incorporates Environmental Protection Measures for rare plants, big game, raptors, and other migratory birds.

Figure 4 shows wildlife habitat areas within the proposed staging area and surrounding areas in San Miguel County. The Temporary Staging Area occurs in elk severe winter range. There are no documented raptor nests within 0.5 mile of the staging area and the staging area occurs outside of critical and occupied habitat for the Gunnison Sage-Grouse. There are no documented eagle nests in the area and the closest bald eagle roost site is located approximately 5 miles to the east of the proposed staging area.

Reclamation of the staging area post construction along with noxious weed management will mitigate long-term effects to wildlife foraging opportunities and habitat.

#### **5-407 A General Standards**

- II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.**
- III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated*

**Consistency with Vegetation Removal Statement:** Tri-State has committed to the Environmental Protection Measures listed in Appendix 4 to reduce overall impacts to vegetation and wildlife from use of the Temporary Staging Area. Tri-State will be removing all woody vegetation (primarily greasewood) on the staging parcel. Vegetation removal is required for the safe passage and storage of construction equipment and materials and to reduce risk of fire. There will be some ground disturbance associated with the removal of the vegetation, but Tri-State will limit soil disturbance to areas where the vegetation will be removed. Post-construction the site will be reclaimed and revegetated per the landowner's specifications.

In addition, as mentioned above Tri-State has a Revegetation Plan (Appendix 2) and Noxious Weed Plan (Appendix 3) that will be implemented for the transmission line and the proposed Temporary Staging Area to reduce long-term effects to native vegetation communities.



***V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved***

**Consistency Statement:** The Temporary Staging Area would not affect waterholes, springs, marshes, ponds or watering areas.

***VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized***

***VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer***

The proposed Temporary Staging Area does not occur within suitable habitat for any federally listed species. There are no known bald or golden eagles within 0.5 mile of the staging area. The closest raptor nest (red-tailed hawk in 2015) is located 1.4 miles to the west of the Temporary Staging Area.

Tri-State will conduct nesting surveys for raptors and other migratory birds prior to brush removal at the staging area if brush clearing occurs during the spring or summer season. If an active nest is found during pre-brush clearing activities, the nest will be left intact until the birds have fledged their young.

***XII. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.***

***5-407 B—Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range***

***5-407 C—Deer, Elk and Bighorn Sheep Winter Range***

***5-407 D—Deer and Elk Migration Corridors***

***5-407 E—Deer and Elk Production Areas***

**Consistency Statement for Deer, Elk Winter Concentration, Migration Corridors, and Production Areas:** Tri-State collected big game and other wildlife data as part of the early planning stages of this project. CPW and San Miguel County data were the primary data set incorporated into planning efforts. This data were analyzed in detail in the Environmental Assessment for the Montrose-Nucla-Cahone transmission line project.

Big game data is shown in Figure 4 – “Wildlife Habitat Areas.” The only mapped habitat in the proposed Temporary Staging Area is elk severe winter range which includes the majority of Dry Creek Basin as well as Disappointment Valley (where the proposed Temporary Staging Area occurs). The Environmental Protection Measures table found in Appendix 4 and the Biological

Resource Protection Plan (Appendix 6) best management practices to reduce project related effects to big game and other wildlife species during transmission line construction. The Temporary Staging Area will be required year round so seasonal restrictions are not a viable conservation/mitigation strategy in this specific area. Given the large expanse of undeveloped lands in Disappointment Valley, use of the proposed staging area is not expected to result in long-term negative effects to elk populations. The Temporary Staging Area will be reclaimed once all of the materials and equipment are removed post construction to mitigate long-term effects to big game habitat.

***VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed***

**Consistency Statement:** Tri-State will be installing a new fence on the northern boundary of the staging area and replacing an existing fence on the western boundary paralleling County Road 19Q. Tri-State will request permission from the private landowner to install wildlife friendly fence design for the new fence on the northern boundary and for the replacement of the fence on the western boundary. The landowner will ultimately need to approve of this design per the lease agreement. Typically, Tri-State installs panel gates and wire fence and we will not be using mesh or woven fencing material

**5-411—Public Utility Facilities**

The project is located consistent with the San Miguel Comprehensive Plan see Standards Report.

**2.3 Project Conformance for Public Utilities Structures and Electricity Transmission (Article 5, Section 5-7 Improvements)**

**5-709 B**

*Construction and operation of the facility will not unreasonably impact the physical, economic, or social environment of San Miguel County or this region, including agricultural land and water.*

**Consistency Statement:** Tri-State is requesting a temporary use of this parcel to facilitate construction of the 230-kV upgrade of the Montrose-Nucla-Cahone transmission line. The landowner will be compensated for this use and the staging area use will not result in unreasonable impacts to the physical, economic, or social environment of San Miguel County or the greater region. There will be no impacts to agriculture or water as a result of this staging area.

**5-709 C**

*Adverse impacts to the County and/or region have been identified, and the applicant has presented a satisfactory program of mitigation, including assurances of implementation.*

**Consistency Statement:** See 5-709-B.

#### **5-709 D**

*Alternative sites and routes and methods to reduce the impact to the land such as combining new lines with existing lines, placing new lines underground, etc., have been identified and approved by the San Miguel County Board of County Commissioners.*

**Consistency Statement:** Tri-State selected a site based on landowner interest/approval as well as through evaluation of environmental, visual, and cultural resources. The Suckla family is willing to lease this parcel of land to Tri-State in trade for proper compensation. This site was also selected because it was not located in habitat for federally listed species including the Gunnison Sage-Grouse, avoids surface waters, wetlands, and riparian areas, and will not result in impacts to cultural and historic resources. In addition, the land historically and currently has not been used for agricultural purposes so there are no impacts to existing land use.

#### **5-709 G**

*Proposed uses in Airport Reservations shall be for use by the facility and these and any other allowed facility shall meet the navigable airspace requirements of AC No. 70-7460-2-E, dated 7/5/73 and issued by the U.S. Federal Aviation Administration, Department of Commerce, as may be amended.*

**Consistency Statement:** The proposed project does not affect the Airport Reservations areas as depicted in Appendix D of the San Miguel County Land Use Code.

#### **5-709 H**

*All proposed above ground extensions are routed wherever possible to:*

- I. Avoid paralleling of major transportation routes;*
- II. Cross any transportation route at as close to a right angle as possible;*
- III. Avoid "tunnel" effect of clearing areas visible from a population concentration or major transportation route;*
- IV. Avoid clear-stripping of right-of-way;*
- V. Avoid corrosive spoils;*
- VI. Avoid creation of access way scars visible as above;*
- VII. Avoid historic and archaeological sites; natural phenomenon;*
- VIII. Avoid impact on wildlife and wildlife habitat;*
- IX. Preserve as much as possible the natural landscape;*
- X. Minimize conflict with existing and planned uses shown on the County Master Plan Map;*

- XI. *Maximize the natural screening potential of vegetation and topography;*  
*and*
- XII. *Avoid crossing or use interference with a fishery.*

**I. *Avoid paralleling of major transportation routes***

**Consistency Statement:** The project avoids paralleling major transportation routes. The project's western boundary occurs off County Road 19Q which has limited and primarily local traffic.

**II. *Cross any transportation route at as close to a right angle as possible***

**Consistency Statement:** The staging area does not cross any major state or county roads. (See Figures 2 and 3).

**V. *Avoid corrosive soils***

**Consistency Statement:** Corrosive soils should not be a concern for the proposed use. There will be no construction or permanent infrastructure required at the proposed staging area (with the exception of fences and a gate) and the area will only be used to store equipment, vehicles, and transmission line structures, wires, and materials.

**VI. *Avoid creation of access way scars visible as above***

**Consistency Statement:** The proposed staging area is located away from State Highway 141 and occurs in a portion of Disappointment Valley with little traffic. There will be no long-term visible scars from temporary use of the staging area with the implementation of the noxious weed and reclamation plans for the project.

**VII. *Avoid historic and archaeological sites; natural phenomenon***

**Consistency Statement:** Tri-State is committed to avoiding impacts to cultural resources to the greatest extent feasible and practical. A Class III inventory has been completed for the entire project. There are no eligible sites located on the proposed staging area parcel.

**VIII. *Avoid impacts on wildlife and wildlife habitat***

**Consistency Statement:** See Section 5-407 and refer to the Environmental Protection Measures and Biological Resource Protection Plan in Appendices 4 and 6.

**IX. *Preserve as much as possible the natural landscape***

**Consistency Statement:** This temporary use will result in impacts to vegetation. Long-term impacts will be mitigated proposed project preserves the natural landscape to the greatest extent possible by avoiding the construction of new access roads and by utilizing an existing utility corridor.

**X. *Minimize conflict with existing and planned uses shown on the County Master Plan Map***

**Consistency Statement:** The proposed project will not have any effect on existing or planned uses as shown on the County Master Plan map. This use is temporary and the area will be reclaimed post construction.

**XI. *Maximize the natural screening potential of vegetation and topography***

**Consistency Statement:** The proposed staging area is located in a rural area away from the primary transportation routes (State Highway 141) through Disappointment Valley. The site will be reclaimed post-construction to minimize visual and vegetation related effects to local traffic from this temporary use.

**XII. *Avoid crossing or use interference with a fishery***

**Consistency Statement:** The proposed staging area does not occur within or in proximity to aquatic resources.

**5-709 I**

*All proposed extensions of central service plant whose curvature, grade or other constraint inherent in such facility tends to require alignment along valley floors or public ways, shall avoid impacts listed in (C) above; provide for recompaction to restore the original density of disturbed irrigated ground; provide for restoration of the original slope of hillsides and ridge cuts; and by innovative construction techniques minimize the width of clearing and cuts, including those required for installation of normally buried facilities above ground where such might be less disturbing to the sum criteria of this plan.*

**Consistency Statement:** Tri-State will restore the Temporary Staging Area following completion of the project construction phase in accordance with the Revegetation Plan in Appendix 2. A water truck will be on-site to address fugitive dust control that may results from use of the staging area.

**2.4 Project Conformance for All Special Uses and Uses Requiring One-Step and Two-step Review (Article 5, Section 5-10 Special Uses)**

**5-1002—Standards for All Special Uses and Other Uses Requiring One-Step and Two-step Review**

*All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.*

**5-1002 A. Consistency with Master Plan, Land Use Policies, Zone District and Neighborhood**

***I. Consistent with the County Master Plan***

**Consistency Statement:** The proposed Temporary Staging Area will be an approved use consistent with the County Master Plan Article 2 and the purpose of the WE Zone District as described below.

**II. Consistent with Article 2—Land Use Policies (All applicable policies listed)**

***Section 2-1: Conformance with Comprehensive Plan***

**Consistency Statement:** The proposed Temporary Staging Area is a permitted use under the County Land Use Plan and the WE Zone District allows utility lines as an accepted use.

***Section 2-4: Community Balance***

**Consistency Statement:** The Temporary Staging Area is needed to support the rebuild of an existing transmission line. The project will not directly result in significant changes in social, economic, or environmental conditions in the county.

***Section 2-6: Compatibility with Existing Adjacent Neighborhoods***

**Consistency Statement:** Tri-State has located the proposed Temporary Staging Area away from major transportation corridors in San Miguel County. The closest home is approximately one mile away and belongs to another member of the Suckla family. The proposed Temporary Staging Area will not result in permanent impacts to the character of the land or the affected private landowner. The landowner has agreed to this use and Tri-State will compensate the landowner for the temporary use of the property.

***Section 2-8: Natural and Man-Made Hazard and Resource Areas***

**Consistency Statement:** The proposed use of the Temporary Staging Area will not increase natural hazards nor will it create man-made hazards.

***Section 2-10 and Section 2-11: Drainage and Erosion***

**Consistency Statement:** The proposed Temporary Staging Area is located on a relatively flat parcel that is conducive to safely storing vehicles, equipment, and materials. The proposed Temporary Staging Area is not expected to result in drainage concerns.

Tri-States reclamation measures include restoring natural contours, using temporary and permanent best management practices to reduce runoff and reseeding.

Tri-State will incorporate the Temporary Staging Area into the stormwater management plan for the Nucla-Cahone line segment which will be consistent with the Colorado Department of Health and Environment General Construction Permit requirements.

***Section 2-16: Wildlife Protection***

*It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife.*

**Consistency Statement:** Through the implementation of Environmental Protection measures found in Appendix 4 and the Biological Resources Protection Plan (Appendix 6), the project is consistent with San Miguel counties requirements for wildlife protection. Section 5-407 provides a summary of wildlife analysis, protection, and agency consultation for the project.

*2-1601 It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.*

**Consistency Statement:** The Temporary Staging Area has been located in an area that avoids federally listed species habitat, migratory birds including eagles, surface waters, wetlands, and riparian areas. The Temporary Staging Area will be reclaimed prior to construction to mitigate impacts to native vegetation. The Temporary Staging Area does occur in severe winter range for elk. Given the large expanse of mapped severe winter range in Disappointment Valley and Dry Creek Basin, it is unlikely the temporary use of the proposed Temporary Staging Area would result in long-term negative impacts to big game. Reclamation and noxious weed control will mitigate these potential long-term effects to big game and other wildlife that occur in the area.

***III. Consistent with the purpose of the Zone District in which it is proposed to be located***

**Consistency Statement:** The Temporary Staging Area will be an approved use consistent with the purpose of the WE Zone District as described below.

***IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of***

*complimentary Uses and activities in the Neighborhood of the Parcel proposed for development*

**Consistency Statement:** The proposed project will be compatible with the character of the neighborhoods (rural landscapes and rangeland).

*V. Necessary for public convenience at the proposed location*

**Consistency Statement:** On July 22, 2013, Tri-State received a Decision from the Colorado Public Utilities Commission granting a Certificate of Public Convenience and Necessity for the Montrose-Nucla-Cahone Transmission Improvement Project in Proceeding No. 13A-0489E. This Temporary Staging Area is required to support the construction phase of this project. The private landowner has approved the location for the staging area and will be compensated for the use of the property.

*VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected*

**Consistency Statement:** The proposed project will be operated to meet all applicable safety standards in order to protect public health, safety and welfare.

**5-1002 B. Impacts on Surrounding Area**

*Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.*

**Consistency Statement:** Given the rural nature of the area proposed for a Temporary Staging Area, the project is expected to have minimal and short-term impacts to surrounding areas and land use.

**5-1002 C. Public Facilities**

*Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.*

**Consistency Statement:** The Temporary Staging Area will have no impact on public facilities. Construction related impacts to public facilities have been addressed in the permit application to San Miguel County for the construction, operation, and maintenance of the Nucla-Cahone transmission line.

**5-1002 D. Bond Requirement**

*A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.*

**Consistency Statement:** Tri-State has a demonstrated record of implementing transmission construction projects with comprehensive environmental requirements and is financially well-positioned to perform site remediation and address all other conditions, stipulations on private land without the need for a bond. Tri-State is also responsible for reclamation and re-vegetation of the Suckla property as outlined in the lease agreement.

**5-1002 E. The following must be addressed as part of any application****I. A Site plan including:**

- a. *Ownership, Use and zoning of all adjacent Parcels*
- b. *Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan*
- c. *Easements*
- d. *Location and dimensions of Structures and Signs*
- e. *Typical elevations/Heights of such Buildings*
- f. *Landscaping*
- g. *Topography*
- h. *Specific areas proposed for specific types of land Use/the identification of specific land Uses*
- i. *Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable*

**Consistency Statement:** The pertinent requirements listed have been addressed in Figures 2 and 3 that show the location, topography, access, and area roads.

**II. Lighting plan**

**Consistency Statement:** Some temporary lighting of the Temporary Staging Areas may be required early morning for construction preparation. Construction activities will only occur during day light hours.

***III. Signs—all Signs must meet Section 5-704 standards***

**Consistency Statement:** The project will have no permanent signs with the exception of a small metal plate denoting the primary access to the Temporary Staging Area if requested by the construction contractor.

***IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit***

**Consistency Statement:** The project will not require a permanent water or sewer plan.

***V. Drainage plan***

**Consistency Statement:** The project will follow reclamation and revegetation guidelines including restoring drainage patterns and contours as described in Appendix 2 – Revegetation Plan. Tri-State will prepare a Storm Water Management Plan to prevent any sediment from leaving the project area.

***VI. Grading plan***

**Consistency Statement:** No grading will be required for the Temporary Staging Area. Ground disturbance will result from removal of woody vegetation. Vegetation will be removed to allow for the safe storage of materials and safe passage of equipment.

***VII. Dust control plan***

**Consistency Statement:** Fugitive dust could be generated from use of the Temporary Staging Area. It is Tri-State responsibility to ensure the project contractors and the designated environmental monitors ensure all sources of dust generation are identified and fugitive dust and other pollutant emissions are minimized.

Fugitive dust will be controlled during construction by reducing vehicle and equipment speeds on the Temporary Staging Area, minimization of the amount of new exposed soil /surface disturbance, and periodic application of clean water as directed by the environmental monitors to exposed disturbed surface areas (application of water will be via water trucks). The environmental monitor and lead construction inspector will monitor the Temporary Staging Area to minimize dust dispersal within and surrounding the Temporary Staging Area.

***VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents***

**Consistency Statement:** Not applicable. The site will only be used to store construction materials and equipment.

***IX. Weed control plan that must include use of weed free hay or straw***

**Consistency Statement:** The Noxious Weed Plan (Appendix 3) requires use of weed free hay or straw.

***X. Wildlife Plan (see Section 5-407 A. XII.)***

**Consistency Statement:** See Appendix 6 for the Project Biological Resources Protection Plan.

***XI. Additional permits as necessary from other agencies***

**Consistency Statement:** The Temporary Staging Area is associated with the construction of the Montrose-Nucla-Cahone 230-kV Transmission Project. This project is covered under a separate Special Use Application that was previously submitted to San Miguel County on October 19, 2016.

The Montrose-Nucla-Cahone Project occurs on federal (BLM and USFS) lands. An Environmental Assessment has been prepared for the Project and the BLM and USFS are expected to publish their decision documents in early December 2017.

Tri-State will also be applying for a Stormwater Permit from the Colorado Department of Public Health and Environment for the Nucla-Cahone line segment. This permit application and stormwater plan will include the proposed Temporary Staging Area.

Note: Although the project crosses Ouray County, no permits are required.

**2.5 Project Conformance with Scenic Quality (Article 5, Section 5-21)**

Tri-State has committed to mitigation measures to minimize effects to aesthetics and visual resources that will minimize impacts and changes to scenic quality in San Miguel County.

***5-2101 A. Preserving vistas***

The proposed Temporary Staging Area is located away from State Highway 141 and is located in an area with limited traffic beyond local traffic. The Temporary Staging Area will be reclaimed post construction to reduce long-term visual effects to landowners living in Disappointment Valley.

***5-2101 B. Blending with natural topography***

Not applicable to Temporary Staging Area.

***5-2101 C. Using natural colors and textures and non-reflective materials***

Not applicable to Temporary Staging Area.

***5-2101 D. Using native species in revegetation***

Tri-State will propose to use a native seed mix to reclaim the proposed Temporary Staging Area parcel; however the landowner will specify their reclamation requirements in the final lease agreement. Appendix 2 includes a proposed seed mix for the Temporary Staging Area that will be presented to the landowner.

***5-2101 E. Saving and reusing topsoil***

Tri-State is not proposing to grade the Temporary Staging Area due to the relatively flat nature of the site. There will be ground disturbance from the removal of greasewood and other wood vegetation from site. Dust control will be implemented on-site to preserve topsoil. Disturbed areas will then be regraded if necessary and re-seeded to approximate pre-construction contours and reseeded as specified in EPM S-1.

***5-2101 F. Following contours and minimizing cuts and fills***

Brush removal will be required on the proposed Temporary Staging Area parcel to reduce equipment ignition of brush and to ensure the safe storage of materials and passage of construction vehicles. Any additional ground disturbance would be reclaimed and restored to pre-construction conditions after the transmission line has been constructed

***5-2101 G. Installing utilities with least damage***

There will be no need for permanent utilities such as water, gas, or electric power associated with the project.

***5-2101 H. Shielding exterior lights***

There will be no need for permanent exterior lighting. Some portable lighting may be used in the early morning hours and in the evenings when the transmission construction crews return from work for the day.

**2.6 Project Conformance in Wetland Areas (Article 5, Section 5-22)*****5-2201 B. Applicability******5-2201 C. Definitions******5-2202 B. Wetland Area Mapping******5-2203—Development in Wetland Areas***

*A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process.*

**Consistency Statement:** There are no wetlands or riparian communities located within the proposed Temporary Staging Area or within 100 feet of the proposed Temporary Staging Area.

Wetland-related requirements are not applicable to Temporary Staging Area.

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November 21, 2016

Michael J. Rozycki  
Planning Director  
San Miguel County Planning Department  
P.O. Box 548  
Telluride, Colorado 81435

Re: Montrose-Nucla-Cahone Transmission Improvement Project  
Information Requests on Proposed Suckla Staging Area

Dear Mr. Rozycki:

This letter provides Tri-State's response to questions raised during our November 9<sup>th</sup> field trip with the San Miguel County Planning Commission and staff regarding Tri-State's proposed Temporary Staging Area for the Montrose-Nucla-Cahone 230kV Improvement Project.

*Weight of Materials Transported* – Initial estimates of the materials and equipment to be transported to the site are estimated to exceed 3 million pounds. A rough estimate of the weight was calculated at about 6 million pounds. This will be addressed in the access permit secured from San Miguel County Road and Bridge Department.

*Access* - A new driveway access off County Road 19Q will be required to enter the Temporary Staging Area. The driveway will have a 50-foot turning radius to allow for large trucks that will be bringing poles and equipment to the site. The staging area will be secured with a 50-foot metal gate. Tri-State will secure a driveway permit from San Miguel County Road and Bridge Department prior to any work at the site.

*Fencing* - The site will have an additional length of wire fence (2,500 feet) installed on the northern boundary of the site to secure the staging area. The fence will likely be similar to the existing fences located on the east, south and west sides of the site. Tri-State will consult with the Sucklas before designing and installing the fence. The driveway, gate and fencing will remain after Tri-State leaves the site for future use by the Sucklas.

*Brush Removal* - Tri-State is proposing to cut brush within the 60-acre yard in order to facilitate access for equipment and vehicles on the site. The saltbush and greasewood removed from the site will be burned as requested by the Suckla's.

*Weed Management* – Prior to removing vegetation from the staging area, Tri-State will pre-treat the area with herbicide to suppress the growth of weeds that could be stimulated by disturbance of the site. Tri-State would **not** use soil sterilants on the staging area; only herbicides approved for use on public lands and applied by certified applicators. The County Weed Advisor would be consulted prior to any weed spraying to target species, identify suitable herbicides and schedule the best time for treatment. Equipment brought to the staging yard will be clean and free of mud



or debris that could introduce new weed species to the site. Tri-State will continue to monitor and control noxious weeds during the period Tri-State occupies the Temporary Staging Area.

*Revegetation* – Tri-State will reclaim and revegetate the site with seed and/or mulch as required by the Sucklas.

*Water Use* - Potable drinking water will be brought to the staging area for human consumption. Currently no water for washing vehicles on-site is planned.

*Lighting* – Some temporary lighting of the Temporary Staging Area may be required for short periods in early morning for construction preparation. Major construction activities will be confined to daylight hours.

*Short-term and Long-term Land Use* – Tri-State will begin occupying the site as early as May of 2017 and the site will have use as a staging area through May 2021. Most activity is likely to occur from May 2018 to May 2020. Upon Tri-State's leaving the site, the fence, gate and access driveway will remain in place for use by the Sucklas for their ongoing ranching operation.

*PowerPoint Presentation* - We are not planning a PowerPoint presentation for the meeting, but will have slides available to load as needed to address questions.

Please advise if there is additional information you need regarding the Temporary Staging Area located on the Suckla Ranch. We are looking forward to the December 14, 2016 Planning Commission Hearing.

Sincerely yours,

Germaine French  
Senior Transmission and Permitting  
Environmental Planner

cc: Steve and Pam Suckla



Karen Henderson <karenh@sanmiguelcountyco.gov>

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## Planned use of Suckla Staging Area

1 message

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**French, Germaine** <gfrench@tristategt.org>

Tue, Jan 3, 2017 at 3:38 PM

To: "miker@sanmiguelcounty.org" <miker@sanmiguelcounty.org>

Cc: "Karen Henderson (Karenh@sanmiguelcountyco.gov)" <Karenh@sanmiguelcountyco.gov>, "Myers, Karl" <kmyers@tristategt.org>, "Martin, Jonah" <jonah.martin@tristategt.org>, "Davis, Jon" <jdavis@tristategt.org>

Mike,

Our construction and lands folks say we will not be doing any work on the Suckla Staging area until 2018. Site preparation in Spring 2018 for use in fall of 2018.

## Germaine French

Senior Transmission Siting and Environmental Planner

Tri-State Generation and Transmission Association, Inc.

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