



Sent via EMAIL

June 24, 2025

Paul Smith, Town Planner
Town of New Castle Planning Department
New Castle Town Hall
450 West Main Street – PO Box 90
New Castle, Colorado 81647

RE: Mitchell Creek to Rifle-Ute Electric Transmission Line Rebuild - Project Compliance with Conditions of Approval – Conditional Use Permit Resolution No. TC 2024-14 - Request for Deadline Extension – Town Code 17.84.040 E.

Dear Mr. Smith,

The Mitchell Creek to Rifle-Ute Electric Transmission Line Rebuild Project (Transmission Line 6584 Rebuild or Project) received conditional approval from the New Castle Town Council for a Conditional Use Permit Resolution No. TC 2024-14 (Resolution) on May 21, 2024, to rebuild the portion of the Project located in the Town of New Castle. Project facilities permitted under the Resolution include the replacement of all existing poles and cables (conductor and shield wires) in the 1-mile portion of the Project within the Town of New Castle.

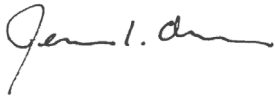
Pursuant to the Resolution that approved the Conditional Use Permit, Xcel Energy recognizes condition of approval 3.A, and section 17.84.040. E. of town code, that outline specific requirements to receive a conditional use certificate. Specifically, Xcel Energy must enter into an agreement with the town committing to complete all conditions imposed by our approval by town council and further, the conditional use certificate must be issued within one (1) year of the date of final approval by the town council. In addition to these points, Xcel Energy recognizes that there are two conditions of approval specified in the Resolution that must be met prior to the issuance of the conditional use certificate aside from the specified agreement: Condition 3. C. regarding the recommendations from the Town Engineer (letter dated January 24, 2024) and from Colorado River Fire Rescue (letter dated January 23, 2024); and Condition 3.D. regarding a construction management plan.

Xcel Energy is submitting this letter recognizing that the agreement and specific conditions of approval required to receive a conditional use certificate have not been satisfied. Xcel Energy formally requests an extension to the 1-year limitation required to execute on those specific requirements. Xcel Energy requests an extension of six (6) months from the one-year anniversary of our approval of town council of May 21, 2025, to complete these actions. That places the extension date to complete these conditions as November 11, 2025.

In addition, Xcel Energy would like to notify the New Castle Planning Department of the status of Project compliance with each condition of approval as of the date of this letter. The attached Table 1 includes each condition of approval of the Resolution and status of compliance with each condition. This communication addresses all relevant conditions of approval for the Project in the Town of New Castle. Additional communication addressing any relevant conditions of approval for the Project in the Town of New Castle will be provided in advance of construction.

If any additional information is needed, please feel free to contact me by telephone at (303) 285-6533 or email at jennifer.l.chester@xcelenergy.com, or contact Xcel Energy's Siting & Land Rights Agent Cory Miller at (303) 571-7759 or cory.r.miller@xcelenergy.com, or contact Xcel Energy's permitting consultant, Brooke Hines with Burns & McDonnell at (720) 592-3403 or bahines@burnsmcd.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer L. Chester". The signature is fluid and cursive, with the first name "Jennifer" being more prominent than the last name "Chester".

Jennifer Chester
Xcel Energy
Siting & Land Rights, Senior Manager
Telephone: (303) 285-6533
jennifer.l.chester@xcelenergy.com

CC: Town of New Castle – Lauren Prentice
Xcel Energy – Julie Stencel, Cory Miller

Table 1: Mitchell Creek to Rifle-Ute Electric Transmission Line Rebuild Project Garfield County Location and Extent Permit No. LAEA-04-24-9018 - Status of Compliance with Conditions of Approval

Condition	Response/Status	Date (if Applicable)
A. No construction shall begin until a conditional use certificate has been issued by the Town Planner subject to Section 17.84.040.	Xcel Energy acknowledges that construction cannot begin until a conditional use certificate has been issued.	Xcel Energy anticipates construction will begin in early 2026
B. No construction shall begin on a parcel until Applicant has obtained new or revised easements from all Property owners of that parcel. Applicant shall provide recorded copies of all such easement agreements to the Town either (1) at the pre-construction meeting called for in Condition E, below, or (2) later when obtained but prior to construction on an individual parcel for which the easement was granted. Notwithstanding the foregoing, Applicant shall provide easement agreements for all parcels that require helicopter operations for installation of power poles prior to the commencement of helicopter activity on any of said parcels.	Prior to beginning construction on any individual property that is subject to the Conditional Use Permit, Xcel Energy will secure all necessary easements for the portion of the Project that will occur on the subject property and provide easement copies to the Town.	Ongoing
C. Prior to issuance of the conditional use certificate, the Applicant shall demonstrate conformance with recommendations provided by the Town Engineer and Colorado River Fire Rescue (Exhibits B & C to the staff report).	In response to the recommendations provided by the Town Engineer, Xcel Energy will submit a Grading Permit to the Town Public Works Department. Xcel Energy met with Colorado River Fire Rescue District to discuss the Emergency Action Plan and access to remote sites. An email summary was sent to the Fire District on October 2, 2024; the Town was included in that communication.	Grading Permit: Xcel Energy anticipates submitting the grading application in July/August 2025. Colorado River Fire Rescue District Meeting: October 2, 2024
D. Prior to the issuance of a conditional use certificate, a construction management plan shall be provided for review and approval by Town staff. A construction management plan shall include, but is not be limited to, the identification of off-site storage & delivery locations, any contractor off-site parking, refuse management, and bathroom locations.	Xcel Energy will submit a construction management plan to the Town Planning Department for approval.	Xcel Energy anticipates submitting the construction management plan in July 2025.
E. The Applicant shall conduct a pre-construction meeting with Town staff and relevant agencies at least 14 days prior to the beginning of construction.	Xcel Energy will schedule a pre-construction meeting at least 14 days prior to beginning construction.	Xcel Energy anticipates a construction to begin in early 2026 and will schedule a pre-construction meeting prior to construction mobilization.
F. The Applicant shall apply for any right-of-way permits through the Town's Public Works Department.	Xcel Energy will submit applications for right-of-way permits to the Town Public Works Department.	Xcel Energy anticipates submitting right-of-way applications prior to the commencement of construction

Condition	Response/Status	Date (if Applicable)
G. Easement adjustments shall be consistent with the site plan (staff report Exhibit A, page 15), as approved by Town Council. Each easement agreement shall include an exhibit showing the location of the easement across the subject property.	Each easement agreement includes an exhibit showing the location of the easement across the subject property. Any easement adjustments are consistent with the site plan approved by Town Council. Prior to beginning construction on any individual property that is subject to the Conditional Use Permit, Xcel Energy will provide easement copies to the Town.	Ongoing
H. Applicant shall comply with all applicable building and municipal code requirements, including the sign code and any grading or watershed permit requirements, and all county licensing requirements.	Xcel Energy will comply with all applicable County requirements. Xcel Energy received a CDPHE Stormwater Management Permit for the transmission line and will submit a Grading Permit to the Town Public Works Department.	Ongoing
I. No approved conditional use may be altered, structurally enlarged, expanded in parking area or expanded in ground area unless the site plan is amended and approved in accordance with the procedures applicable to approval of a conditional use as set out in § 17.84.070 of the Code.	Noted.	N/A
J. In the event the Town receives any complaints about the use of the site or in violation of the conditional use approval or other Code requirements or observes or becomes aware of any violations of the conditional use approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the permit should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the applicant or owner may present testimony or offer other evidence on its behalf.	Noted.	N/A
K. All representations of the Applicant in written and verbal presentations submitted to the Town or made at public hearings before the Commission or Town Council shall be considered part of the application and binding on the Applicant.	Noted.	N/A
L. The Applicant shall reimburse the Town for any and all expenses incurred by the Town regarding the Application, including without limitation all costs incurred by the Town's outside consultants such as legal and engineering costs.	Xcel Energy will reimburse the Town for expenses incurred regarding the Application.	N/A
M. Applicant shall be exempt from the Town's performance standards concerning noise for all construction and maintenance activity that requires use of a machine or other equipment that, as designed, may emit noise in excess of Town standards, provided that all such activities comply with any local, state, or federal requirements for use of the machine or equipment in question. Specifically, use of helicopters in connection with the Proposed Use shall comply with all applicable FAA standards and requirements.	Helicopters used during construction will comply with all applicable FAA standards and requirements.	N/A