

The proposed Pathway transmission line and poles are exempt from the requirement to identify owners of mineral interests. The state statute commonly known as “The Surface Development Notification Act” (CRS 24-65.5-101 et seq.) provides that not less than 30 days before the date scheduled for the initial public hearing by a local government on an application for development, the applicant must send a notice of that hearing by certified mail to mineral estate owners (owners or lessees of the mineral estate under the property which is the subject of the application). Pursuant to the Act, the definition of an “Application for Development” covers a wide range of surface development land use approvals, but certain named development activities are specifically exempt from that definition. One exemption includes applications with respect to utility electric lines, which includes Xcel Energy’s transmission lines. Thus, due to the nature and scope of Pathway, the transmission line is exempt from the statutory mineral estate owner mailing notification requirements.

The USR permit application states that mineral owners associated with the repeater station would be notified under CRS 24-65.5-103

The application also describes the repeater station as “optional” and states, “A repeater station may be required in Washington County.” We have confirmed that the repeater station for Segment 2 will be located in Kit Carson County, and that a repeater station will not be necessary in Washington County. As a result, no mineral notifications were sent.