# Title: Connecting Renewable Energy in Colorado

### **Section 1. Legislative declaration**

* The general assembly recognizes there is a compelling state interest in the need for new renewable and clean energy projects to continue making progress on the state’s greenhouse gas emissions reduction goals while also protecting public health, safety, welfare, and the environment, including wildlife resources.
* The general assembly declares that permitting and siting commercial wind and solar facilities is a matter of mixed local and statewide concern.
* The general assembly recognizes that protecting wildlife resources provides resilient lands and waters that can be utilized as nature-based solutions to mitigate some impact of climate change.
* The general assembly recognizes that the state will likely need to triple wind energy capacity and quintuple solar capacity by 2040 to make progress towards the greenhouse gas reduction goals in CRS 25-7-102.
* The general assembly further recognizes the development of clean energy resources will generate cost-savings for electricity consumers, and will provide more stable energy prices by reducing dependence on commodities with variable prices, reduce harmful air pollution and improve public health and will bring economic benefits to landowners and local communities. A fair and consistent approach to the siting and permitting of solar, wind, and transmission projects will encourage needed energy and economic development across the entire state.
* The general assembly further recognizes that a fair and consistent approach to siting and permitting is also necessary to reduce pollution and achieve the state’s climate goals, provide for economic prosperity for landowners and local communities through infrastructure development, achieve energy affordability by unlocking lower cost and more cost predictable clean energy, ensure the security of the state’s energy supply, and enable job creation.

### **Section 2. - Definitions**

1. (a) "Commercial solar energy facility" means any device or assembly of devices that:

(i) is ground installed;

(ii) equal or greater than 5 megawatts in total nameplate generating capacity; and

(ii) uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

1. "Commercial wind energy facility" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity.
2. “Compensatory Mitigation Plan” means a plan to offset the direct and unavoidable adverse indirect impacts to wildlife resources.
	1. Direct impacts to wildlife are unavoidable and occur from direct mortality or displacement during construction activities and habitat conversion to industrial facilities.
	2. Indirect impacts to wildlife occur over time from the cumulative functional habitat loss from fragmentation and modified habitat use as development density increases.
3. "Facility owner" means:
	1. a person with a direct ownership interest in a commercial wind energy facility, a commercial solar energy facility, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility; and
	2. at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility after commercial operation.
4. “High Priority Habitat” means habitat areas identified by Colorado Parks and Wildlife where measures to avoid, minimize, and mitigate adverse impacts to wildlife have been identified to protect breeding, nesting, foraging, migrating, or other uses by wildlife.
5. "Nonparticipating property" means any landowner except those on whose property all or a portion of a solar or wind energy facility is located pursuant to an agreement with the Facility Owner or Operator.
6. "Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.
7. "Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county:
	1. a school;
	2. a place of worship;
	3. a day care facility;
	4. a public library; or
	5. a community center.
8. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities and includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility, a commercial solar energy facility, or supporting facilities.
9. "Participating residence" means a residence that is located on participating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.
10. “Protected lands” means real property that is

(a) Subject to a permanent conservation easement;

(i) for the purposes of the following Sections, applicable conservation easements are limited to those that specifically identify the purpose of the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem

(b) Colorado Parks and Wildlife State Park or State Wildlife Area[[1]](#footnote-0);

(c) Colorado Natural Areas pursuant to CRS 33-33-101

(d) Government-owned County and city dedicated open spaces

(e) USFWS Wildlife Refuges

1. "Supporting facilities" means the transmission lines, generation interconnect lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the construction and generation of electricity by the commercial wind energy facility or commercial solar energy facility
2. “Wildlife Mitigation Plan” means a document for solar or wind energy facilities that describes the implementation of avoidance, minimization measures, and any mitigation requirements pursuant to consultation with CPW.
3. “Wildlife Resources” means fish, wildlife, and their aquatic and terrestrial habitats used for all life stages, including reproduction, rearing of young and foraging, and the migration corridors and seasonal ranges necessary to sustain robust wildlife populations.
4. “ Wind tower" means the wind turbine tower, nacelle, and blades.
5. “Adverse Impacts” includes
	1. avoiding adverse impacts means differentially selecting alternative locations, practices, or methods for commercial solar or wind energy facilities based on site-specific circumstances, so that those operations will not cause direct, adverse impacts to the potentially affected resource(s).
	2. minimizing adverse impacts means providing necessary and reasonable protections to reduce the extent, severity, significance, or duration of unavoidable direct adverse Impacts to public health, safety, welfare, the environment, or wildlife resources from commercial solar or wind energy facilities and supporting facilities.
	3. mitigating adverse impacts means, with respect to wildlife resources, measures that compensate for unavoidable direct, adverse Impacts and loss of such resources from commercial solar or wind energy facilities, including, as appropriate, habitat replacement, on- or off-site habitat enhancement, habitat banking, or financial payment in lieu of habitat replacement or enhancement to compensate for the loss of habitat and ensure that wildlife populations are protected.
	4. unavoidable adverse impacts means direct, adverse impacts to public health, safety, welfare, the environment, or wildlife resources that are not entirely eliminated through the application of alternative location selection or other methods designed to minimize adverse impacts from commercial solar or wind energy facilities.

### **Section 3. Standards for Commercial Wind Energy Facilities and Commercial Solar Energy Facilities**

1. (a) Notwithstanding any other provision of law or whether the county has formed a zoning commission and adopted formal zoning under the Local Government Regulation of Land Use Act, a county shall establish standards for commercial wind energy facilities, commercial solar energy facilities, or both.

(b) The standards described in Subsection (1)(a) may include all of the requirements specified in Section 2 but may not include requirements for commercial wind energy facilities or commercial solar energy facilities that are more restrictive to the county approval of a renewable energy facility than specified in this Section.

(c ) A county with an existing zoning ordinance in conflict with this Section shall amend that zoning ordinance to be in compliance with this Section within 120 days after the effective date of this Section.

1. (a) After a county establishes standards under Subsection (1), before the county grants siting approval or a special use permit for a commercial wind energy facility or a commercial solar energy facility (as applicable), or modification of an approved siting or special use permit, the county board of the county in which the facility is to be sited or the zoning board of appeals for the county shall hold at least one public hearing.

(b) A county may conduct the public hearing described in Subsection (2)(a) not more than 60 days after the filing of the application for the facility.

(c )The county shall also allow public comment at the public hearing..

(d) At the public hearing described in Subsection (2)(a), the county shall consider whether the proposed solar or wind energy facility meets the standards established by the county under Subsection (1)(a). The county shall also balance its own interests with the statewide interest in advancing greenhouse gas emissions reduction goals while also protecting public health, safety, welfare, and the environment, including wildlife resources, and the interest of the public in reliable, clean, and cost-effective energy.

1. The county shall issue a decision on any siting or permitting application described in this Section not more than 30 days after the conclusion of the public hearing.
2. A county shall publish notice of the hearing in a newspaper of general circulation under Section 44-3-311 - Public notice - posting and publication.
3. A local unit of government may implement a temporary moratorium on the development of energy facilities for no longer than 6 months while the local unity of government develops a renewable energy ordinance compatible with Section 3. A local unit of government shall not extend the moratorium period beyond the initial 6 months. If the moratorium period extends beyond the initial 6-month period, the local unit of government will be considered in non-compliance with XXX.” Compatible renewable energy ordinance” means an ordinance that provides for the development of energy facilities within the local unit of government, the requirements of which are no more restrictive than the provisions included in section 226(8). A local unit of government is considered not to have a compatible renewable energy ordinance if it has a moratorium on the development of energy facilities in effect within its jurisdiction.
4. [TK Language] on RE as an allowed or conditional use in Agriculture, Industrial/Brownfields, and Open Space zones
5. [TK language] on adopting reasonable fees for processing and issuing permits
6. [TK language] on adopting timelines for processing applications (mentioned ability for state resources to help)
7. [TK language] on requiring that Interconnection agreements, power purchase agreements, or proprietary project finance details can not be required as permit application materials.

### **Section 4. Siting – Setbacks**

1. The requirements set forth in this Section shall be waived subject to the written consent of the owner of each affected nonparticipating property.
2. The maximum setbacks that a county may require a wind tower of a commercial wind energy facilityto implement (setback distances, measured from the center of the base of the wind tower) are:

| (a) from occupied community buildings:  | 2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure; |
| --- | --- |
| (b) from participating residences:  | 1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure |
| (c) from nonparticipating residences:  | 2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure |
| (d) from boundary lines of participating property:  | none |
| (e) from boundary lines of nonparticipating property,  | 1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating property |
| (f) from public road rights-of-way,  | 1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way |
| (g) from overhead communication and electric transmission and distribution facilities, not including overhead utility service lines to individual houses or outbuildings:  | 1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of way containing the overhead line |
| (h) from overhead utility service lines to individual houses or outbuildings:  | none |
| (i) setback from Protected Lands if applicable, to avoid and/or minimize adverse impacts to wildlife resources: | to be determined in consultation with CPW as part of the consultation process described in Section 6. |

1. Notwithstanding subsection (2), facility owners or operators must comply with all applicable electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, the Colorado Public Utilities Commission, or the Federal Energy Regulatory Commission, and their designees or successors.
2. The maximum setbacks a county may require a commercial solar energy facility (setback distances measured from the nearest edge of any component of the facility), are:

| (a) from occupied community buildings and dwellings on nonparticipating properties: | 150 feet from the nearest point on the outside wall of the structure |
| --- | --- |
| (b) from boundary lines of participating property: | none |
| (c) from public road rights of way: | 50 feet from the nearest edge |
| (d) from boundary lines of nonparticipating property: | 50 feet to the nearest point on the property line of the nonparticipating property |
| (e) setback from Protected Lands if applicable, to avoid and/or minimize adverse impacts to wildlife resources:  | to be determined in consultation with CPW as part of the consultation process described in Section 6(1). |

1. A county may require a commercial solar energy facility:
	1. to enclose the facility's perimeter with fencing that is no more than 25 feet in height, incorporates measures to accommodate wildlife habitat, to the extent practicable and in accordance with fencing requirements in National Electrical Code (NFPA 70) or the National Electric Safety Code (NESC); and
	2. so that no component of a solar panel has a height of more than 20 feet above ground when the solar energy facility's arrays are at full tilt.
2. A county shall not require earthen berms or similar structures surrounding a commercial wind energy facility or commercial solar energy facility.
3. A county may not set blade tip height limits for wind towers in a commercial wind energy facility that are lower than what the Federal Aviation Administration determines is safe pursuant to Determinations of No Hazard to Air Navigation under 14 CFR Part 77 for towers in that facility.
4. A county may not condition approval of a commercial wind energy facility or commercial solar energy facility on a property value guarantee and may not require a facility owner to pay into a neighboring property devaluation escrow account.
5. A county shall require a facility owner/applicant to demonstrate avoidance of protected lands defined in Section 1.
6. A county may allow a facility owner to site a test wind tower or test solar energy system without formal approval by the county board.

### **Section 5. Road Use Agreement**

1. A facility owner may enter into a road use agreement with the Colorado Department of Transportation or local government entity.

1. (a) If a facility owner enters into a road use agreement described in this Section 5, the road use agreement shall require a facility owner to incur the reasonable cost of repairing and improving roads used by the facility owner to construct a commercial wind energy facility or commercial solar energy facility such that the roads are returned to a condition that is safe for the driving public after the completion of the facility's construction.

(b) A road use agreement described in this Section shall not require the facility owner to pay costs, fees, or charges for road work that is not specifically and uniquely attributable to the construction of the commercial wind energy facility or the commercial solar energy facility.

(c ) Any road use agreement described in this Section that provides road-related fees, permit fees, or other charges shall require those fees or charges to be reasonably related to the cost of administration of the road use agreement by the [Colorado Department of Transportation or local government entity].

### **Section 6. ECMC and CPW consultation**

1. For projects proposed within High Priority Habitat, areas of known or expected habitat or occurrence for state and/or federal threatened, endangered, or species of greatest conservation need that have been included in maps adopted by the Energy and Carbon Management Commission (ECMC), and areas within 1000 feet adjacent to Protected Lands defined in Section 2(11) the county shall require the Facility Owner/Applicant to engage in a pre-application consultation with the Energy and Carbon Management Commission (ECMC) prior to filing an application with the county for a commercial solar or wind energy facility.
2. For projects located outside of these areas, the facility Owner/Applicant may request a pre-application consultation with ECMC. Based on this pre-application consultation, the ECMC Director, in consultation with other state agencies at the discretion of ECMC such as the Colorado Energy Office and the Public Utilities Commission (PUC), shall provide an opinion as to whether the application appropriately advances the statewide interest in advancing greenhouse gas emissions reduction goals while also protecting public health, safety, welfare, and the environment, including wildlife resources, and the interest of the public in reliable, clean, and cost-effective energy. The opinion is not binding but may be a factor that is considered by the county in the approval or disapproval of a project. The ECMC Director’s opinion shall be provided to the PUC for any projects that fall within the PUC’s jurisdiction.
3. (a) The ECMC consultation described in Section 6(1) shall include a pre-application consultation with Colorado Parks and Wildlife (CPW) by the Facility Owner/Applicant prior to filing an application with the county for a commercial solar or wind energy facility in High Priority Habitats, areas of known or expected habitat or occurrence for state and/or federal threatened, endangered, or species of greatest conservation need that have been included in maps adopted by the ECMC, and areas within 1000 feet Protected Lands defined in Section 2(11).

(b) Based on this pre-application consultation, ECMC, in consultation with other state agencies at the discretion of ECMC such as the Colorado Energy Office and the PUC, shall provide an opinion as to whether the application appropriately advances the statewide interest in advancing greenhouse gas emissions reduction goals while also protecting public health, safety, welfare, and the environment, including wildlife resources, and the interest of the public in reliable, clean, and cost-effective energy.

(c) Included in the ECMC opinion described in Section 3(b), CPW shall provide recommendations to the Facility/Owner Applicant on measures to avoid, minimize, and mitigate adverse impacts to wildlife.The Facility/Owner Applicant shall include in their application an explanation of the recommendations provided by CPW, those the Applicant has adopted, and those the Applicant has not adopted and why.

(d)These recommendations are not binding, but shall be factors that are considered by the county in the approval or disapproval of a project.

(e) A county shall not require a wildlife mitigation plan or compensatory mitigation more extensive than that recommended by CPW.

1. (a) The ECMC consultation described in Section 6(1) shall include the development of a Wildlife Mitigation Plan for projects in Controlled Surface Use Habitats; areas of known or expected habitat or occurrence for state and/or federal threatened, endangered, or species of greatest conservation need, as determined by CPW on an annual basis.

(b) Based on this pre-application consultation, ECMC, in consultation with other state agencies at the discretion of ECMC such as the Colorado Energy Office and the PUC, shall provide an opinion as to whether the application appropriately advances the statewide interest in advancing greenhouse gas emissions reduction goals while also protecting public health, safety, welfare, and the environment, including wildlife resources, and the interest of the public in reliable, clean, and cost-effective energy.

(c) For projects in Controlled Surface Use Habitats the county may require the Facility Owner/Applicant to incorporate and include CPW recommendations to avoid and minimize adverse impacts within the facility siting, planning, design, construction, and operation.

(d) The county may require a facility owner/applicant to provide compensatory mitigation to offset impacts from projects in Controlled Surface Use Habitats where the extent and severity of the impacts identified in the Wildlife Mitigation Plan cannot be avoided. A facility/owner applicant may fulfill the obligation to provide compensatory mitigation by:

(i) Completing or causing to be completed a project approved by the county and CPW; or

(ii) Paying to CPW a habitat mitigation fee calculated to reimburse all reasonable and necessary direct and indirect costs that will be incurred by CPW in completing compensatory mitigation sufficient to offset the direct and unavoidable adverse indirect impacts to wildlife resources caused by the project.

(e) A county shall not require a wildlife mitigation plan or compensatory mitigation more extensive than recommended by CPW.

1. (a) The ECMC consultation described in Section 6(1) shall include the development of a Wildlife Mitigation Plan for projects in No Surface Occupancy Habitats, areas of known or expected habitat or occurrence for state and/or federal threatened, endangered, or species of greatest conservation need, as determined by CPW in maps adopted by ECMC on an annual basis.

(b) Based on this pre-application consultation, ECMC, in consultation with other state agencies at the discretion of ECMC such as the Colorado Energy Office and the PUC, shall provide an opinion as to whether the application appropriately advances the statewide interest in advancing greenhouse gas emissions reduction goals while also protecting public health, safety, welfare, and the environment, including wildlife resources, and the interest of the public in reliable, clean, and cost-effective energy.

(c) For projects in No Surface Occupancy Habitats the county shall require the Facility Owner/Applicant to incorporate and include CPW recommendations to avoid and minimize adverse impacts within the facility siting, planning, design, construction, and operation.

(d) The county shall require a facility owner/applicant to provide compensatory mitigation recommended by CPW to offset impacts from projects in No Surface Occupancy Habitats where the extent and severity of the impacts identified in the Wildlife Mitigation Plan cannot be avoided. A facility/owner applicant may fulfill the obligation to provide compensatory mitigation by:

(i) Completing or causing to be completed a project approved by the county and CPW; or

(ii) Paying to CPW a habitat mitigation fee calculated to reimburse all reasonable and necessary direct and indirect costs that will be incurred by CPW in completing compensatory mitigation sufficient to offset the direct and unavoidable adverse indirect impacts to wildlife resources caused by the project.

(e) A county shall not require a wildlife mitigation plan or compensatory mitigation more extensive than recommended by CPW.

1. The requirements in this section would not supersede consultations required by PUC Rules on Environmental Impacts nor does this alter any existing recommended consultation under federal guidelines or established industry standards on communication with state agencies.
2. Upon request by a local government, ECMC shall provide technical support to the participating local government concerning the implementation of the standards established in this Act. ECMC may collaborate with other state agencies when providing such support.

**Section 7. Decommissioning Plan**

1. A commercial solar or wind energy facility owner may not construct a commercial solar or wind energy facility or supporting facility unless the facility owner submits a decommissioning plan to a relevant county authority.
2. A decommissioning plan shall:

(a) provide that a commercial solar or wind energy facility owner is responsible for, at the facility owner’s expense, the decommissioning of the facility after the operational life of the commercial solar or wind energy facility

(b) state the conditions:

(i) that constitute the operational life of the commercial solar or wind energy facility; and

(ii) the conditions under which a facility owner is required to decommission the commercial solar or wind energy facility.; and

(iii) include a requirement to provide financial assurance in accordance with Section 11.

(c) State a decommissioning strategy that provides for the facility owner to either:

(i) restore the commercial solar or wind energy facility to operational life, including by repowering the energy facility’s equipment; or

(ii) remove the commercial solar or wind energy facility and supporting facilities from participating or nonparticipating property and restore the property to a useful condition that is similar to the property’s condition before construction of the commercial solar or wind energy facility.

1. A decommissioning strategy to remove a commercial solar or wind energy facility and restore participating or nonparticipating property under Subsection 9(2)(c)(ii) shall require the facility owner to:

(a) remove above-surface components of the commercial solar or wind energy facility and any supporting facilities that have no ongoing operational purpose; and

(b) unless provided otherwise by the permitting county or under agreement with a participating or nonparticipating landowner, remove underground components of the commercial solar or wind energy facility and any supporting facilities that have no ongoing operational purpose to a depth of 3 feet below the surface; and

(c) if agreed to by the owner of participating or nonparticipating property in advance, restore buildings, roads, or any other facilities.

1. (a) A commercial solar or wind energy facility owner may petition a permitting county to amend a decommissioning plan described in Subsection (1).

(b) A county shall permit a facility owner to amend a decommissioning plan if necessary to account for:

(i) advancements in available technology;

(ii) advancements in decommissioning, salvaging, or repowering processes or procedures; or

(iii) where otherwise in the best interest of the county and the facility owner.

### **Section 8. Financial Assurance.**

1. A decommissioning plan for a commercial solar or wind energy facility described in Section X shall include a requirement for the commercial solar or wind energy facility owner to provide the county with evidence of financial assurance that secures the facility owner’s obligation to remove the commercial solar or wind energy facility in accordance with the decommissioning plan.
2. A facility owner may provide the financial assurance described in Subsection (1) in the form of one or more of:

(a) a surety bond;

(b) a letter of credit;

(c) a self-guarantee;

(d) a parent guarantee;

(e) an escrow account; or

(f) any other form of financial assurance reasonably acceptable to the developer.

1. (a) The required amount of financial assurance described in Subsection (1) is the estimated cost of decommissioning the commercial solar or wind energy system, net of estimated salvage value and resale value.

(b) The evidence of financial assurance described in Subsection (1) shall include an estimate of the total cost of decommissioning the commercial solar or wind energy system, net of salvage value and resale value.

(c) A individual is qualified to conduct the estimate described in this Subsection (3) if the individual:

(i) is a registered professional engineer who is independent from the facility owner and the county; or

(ii) if agreed to by the facility owner and county, has other experience in the decommissioning commercial solar or wind energy systems of the type in question suitable to the facility owner and county.

1. The facility owner shall post the financial assurance required under Subsection (1) in accordance with the following schedule:

(a) An initial posting on or before the day ten years after the commercial operation date of the commercial solar or wind energy system no greater than 25% of the entire decommissioning cost calculated under Subsection (3);

(b) Intermediary postings occurring no less frequently than one posting every five years after the date of the initial posting; and

(c) a final posting on or before the day twenty five years after the commercial operation date of the commercial solar or wind energy system, such that the total amount posted is equal to the entire decommissioning cost calculated under Subsection (3).

1. The commercial solar or wind energy facility owner and county shall determine by agreement the amount of each posting described in Subsection (4)(a) and 4(b).
2. In the event of a transfer of ownership of a commercial solar or wind energy facility, the transferor facility owner shall maintain the financial assurance required by this Section (11) until the transferee facility owner posts financial assurance that complies with this Section (11).

### **Section 9. Decommissioning Timing**

1. A commercial solar or wind energy facility owner, to the extent practicable, and where required by this Section and the decommissioning plan described in Section 10, shall complete decommissioning no later than 12 months after the end of the operational life of the commercial solar or wind energy facility.
2. For the purposes of this section, unless otherwise defined in a lease agreement between a facility owner and a landowner, the operational life of a commercial solar or wind energy facility ends no later than the day following a period of 24 consecutive months during which the commercial solar or wind energy facility fails to generate or store electricity.

### **Section 10. Updating transmission planning**

* Focus would be updating transmission planning at the PUC and working to ensure that the planning is focused on aligned with state policy goals
* Additional requirements for regional cooperation (including State Land Board)
* Require the PUC and CETA to consider multiple benefits when making decisions, including the economic, reliability, operational, public policy, environmental, and climate benefits that transmission projects pose. Also requires PUC and CETA to facilitate stronger interregional collaboration and consider the multiple benefits consistently across regions.
* Require the PUC to allow utilities to allocate the costs associated with non-wires solutions for the purposes of cost recovery through transmission rates.
* Requires the PUC to direct utilities to study deploying grid-enhancing technologies (GETs) to reduce costs.
* Require the PUC to direct utilities to engage in regional dialogues with county representatives, tribal leadership, and designated environmental justice representatives.
* Require the PUC to direct utilities to consult with Colorado Parks and Wildlife to identify measures to avoid, minimize, and mitigate impacts of new transmission development on wildlife resources.
* Require CDOT to designate energy infrastructure corridors in certain state-owned areas of highways as available for installing electric transmission lines. It would require CDOT to negotiate with a developer payment for the use of state land within an energy infrastructure corridor. Any projects within the designated corridors must comply with the state’s energy facility siting approval process.
* 40-42-104(1)(m) should be modified *Identify and establish corridors for the transmission of electricity within the state, subject to siting and land use approval by the local government with siting and land use authority pursuant to article 65.1 of title 24;*
	+ Once a designated corridor is identified by CETA, local authorities must review and approve designation within 45 days.
	+ For transmission corridors that impact more than one county, a joint session of all interested local government parties shall be convened.
	+ If a majority of local governments approve the siting of the corridor, CETA may exercise the power of eminent domain for acquiring any property or rights-of-way.

### **Applicability**

[TK language] regarding where applicability in the bill does not apply to:

an application for siting approval or for a special use permit for a commercial wind energy facility or commercial solar energy facility if the application was submitted to a unit of local government before the effective date of this Section; or

a commercial wind energy facility or a commercial solar energy facility if the facility owner has submitted a wildlife impact mitigation agreement to the Colorado Parks and Wildlife before the effective date of this Section.

1. Ref 33-1-101-, 33-2.101-Nongame, Endangered, or Threatened Species Conservation Act [↑](#footnote-ref-0)