



**Land Use & Building Department**  
**8999 Independence Way Suite 100 • Alamosa, CO 81101**  
Phone: 719-589-3812 • Email [landuse@alamosacounty.org](mailto:landuse@alamosacounty.org)

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July 15, 2024

Adapture Renewables, Inc.  
Attn: Luis Meneses  
1901 HARRISON ST, STE 1630  
Oakland, CA 94612, USA

[lmeneses@adapturerenewables.com](mailto:lmeneses@adapturerenewables.com)

RE: Comments on preliminary 1041 Application for Major Facilities of a Public Utility

Attached are the comments from our third-party review of your preliminary application. Alamosa County concurs with their recommendations and requests for additional information and asks that you address these items in your final application submittal. I would note that a recent BESS application approved by the county included development of an emergency response plan.

If you have any specific questions on these comments, please let me know and we can schedule a conference call with Logan Simpson to discuss.

You are also welcome to re-submit the waiver request with any specifics to your proposal (e.g. items noted in comments and those relevant to support buildings), and once I understand that to be final, we will schedule a public hearing with the Permit Authority to consider the waiver request. Once we receive the final application, we'll discuss public hearing schedules for that.

Please let me know if you have any questions.

Sincerely,

Richard Hubler,  
Land Use Administrator

cc: email to John Lauer, Adapture Renewables, Inc. [jlauer@adapturerenewables.com](mailto:jlauer@adapturerenewables.com)  
email to Matt Press, Adapture Renewables, Inc. [mpress@adapturerenewables.com](mailto:mpress@adapturerenewables.com)  
email to Chrissy Gaglione, Adapture Renewables, Inc. [cgaglione@adapturerenewables.com](mailto:cgaglione@adapturerenewables.com)  
email to Jason Kelly, Alamosa County Attorney [jtkelly@alamosacounty.org](mailto:jtkelly@alamosacounty.org)

enclosures: Logan Simpson comments dated June 10, 2024



## M e m o r a n d u m

**To:** Richard Hubler, Alamosa County Director of Land Use and Building  
**From:** Logan Simpson Inc.  
**Date:** June 10, 2024  
**Project Name:** Haynack Solar/BESS Project  
**Subject:** Preliminary Application Technical Review

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After review of the preliminary application of the Haynack Solar/BESS Project submitted by Adapture Renewables, we found that the following items need to be added or clarified in the final application:

- Suggest consistent spelling of Project name (Haynack vs. Haynach).
- Need clarification in Section 2.1.1.1
  - What is meant by “A light-colored ground cover or palliative may be used to increase electricity production?”
  - Add specifics on fencing type for perimeter, substation, and BESS. We recommend utilizing and referencing CPW fencing recommendations.
  - Application is inconsistent as to whether a BESS will be included. Revision needed for consistency.
  - Improve and expand description of fire containment and safety for BESS.
- Figure 1 map needs to show the relationship of the site to the surrounding area. Suggest update to figure that includes roads, municipalities, and other features within 50 miles of the site.
- Waiver requests:
  - Diameter and length of pipeline – grant waiver, this is not applicable.
  - Capacity of storage tanks/type of petroleum stored – waiver not granted. Petroleum derivatives are typically involved in substation components. Please include a description.
  - Resource area – Grant waiver, resource (sunlight) isn’t limited to a specific area.
- Please state in the application if there are any future phases or extensions of the Project (such as a BESS).
- Landscaping is listed in Section 2.1.2, but not described. Suggest elaboration on landscaping and revegetation if that is to occur. Consider preparation of a Vegetation Management Plan for the Project.
- Provide feasible "non-structural" alternatives to meet the objectives of the proposed site selection and construction. If there are none, state so and explain why.
- The Applicant should take the analysis to the next level and explain how the Project will comply with requirements, not just say that they will. This could be prepared as a separate exhibit with a compliance matrix.

- Update Table 3 in Exhibit E to reflect that the silverspot is now listed as threatened under the ESA.
- Section 4.5 in Appendix E: Recommend preconstruction nest surveys to occur no more than 5 days prior to disturbance (not 7 days).
- Section 4.7 of Exhibit E: Why is a preconstruction bald eagle survey recommended? If so, why not a golden eagle survey also?
- Exhibit E: What is meant by "SAM species"? SAM stands for Species Activity Mapping. Are these species SGCN? Species of Concern? Need to clarify status of species discussed in the report.
- A CODEX report is referenced in Exhibit E but is not included in the list of references. Suggest citing and referencing the report. Suggest including the CODEX report.
- Please include a discussion on water rights in the final application including a demonstration of benefits/losses associated with the transition from farmland to solar.
- Please include a discussion of recent legislation (SB24-212) regarding CPW coordination and recommended Best Management Practices.

Detailed notes regarding each required component can be viewed on the following pages. Items highlighted in yellow are deemed incomplete or insufficient for permit determination.

## Permitting Process and Requirements for a Solar PV Project

### HB1041 Regulations Chapter 6: Regulations for Site Selection and Construction of Major Facilities of a Public Utility

Code Reference				STEP 1: Preliminary Application	Present in application?	Sufficient?	Suggested Action
	(a)			<b>Application Form</b>			
		(i)		A completed Application Form	Yes.	Partially.	Prepare and include a completed Application Form. Exhibit D includes a completed Waiver Checklist.
		(ii)		Description of proposed facility and site	Exhibit A	Partially.	Need clarification in Section 2.1.1.1: What is meant by "A light-colored ground cover or palliative may be used to increase electricity production." Need additional specifics on fencing: perimeter fencing, substation fencing, BESS fencing, etc. Recommend referencing CPW fencing recommendations. The project description states that a BESS will be included in the Project. Section 2.1.1.5 begins with a statement that a BESS <u>MAY</u> be included. Suggest consistency. Need additional and improved description of fire containment and safety for BESSs.
		(iii)		<b>Description of present use and zoning</b>			
			A	Location Map showing proposed site and clearly indicating the relationship of the site to the surrounding area within 50 miles from site	Figure 1	Partially.	Figure 1 presents a map with a 50-mile radius on a small insert of the State of Colorado. This map does not meet the criteria of "clearly indicating the relationship of the site to the surrounding area within 50 miles from site." Suggest preparation of a separate figure that includes roads, municipalities, and other features within 50 miles of the site.
			B	<b>Type of facility: - specify where applicable</b>			
			1	approximate floor space of office building	Section 2.1.1.8 in Exhibit A	Yes.	
			2	voltage and length of transmission line	Section 2.1.1.6 in Exhibit A	Yes.	
			3	Power source and generating capacity	Exhibit A	Yes.	
			4	Function and size of substation	Section 2.1.1.4 in Exhibit A	Yes.	
			5	Diameter and length of pipeline	N/A	N/A.	Grant waiver. Not applicable

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				6	<b>Capacity of storage tanks, and type of petroleum derivative to be stored</b>	No.	No.	Describe whether petroleum derivatives will be associated with substation.
				7	<b>Service area</b>	Exhibit A	Yes.	Describes the manner in which the Project will capture solar energy and provide it to the grid. It lists providing electricity to Alamosa County.
				8	<b>Resource area (e.g. source of power being generated or transmitted, source of petroleum derivative being transported)</b>	Exhibit A	Yes.	
				C	<b>Proposed Development Schedule</b>			
				1	<b>Estimate max number of employees, number of shifts and employees per shift during the following phases: construction, operation and maintenance</b>	Section 2.1.3.1 in Exhibit A	Yes.	
				2	<b>Specify any future phases or extensions of the facility and relationship of the facility to larger programs and plans.</b>	Exhibit A	Partially.	Exhibit A describes the relationship of the Project to the existing substation and transmission line. It presents an existing solar project south of the proposed Project in narrative and photographs. If there are no future phases of the project, please specify.
				3	<b>Specify timetable for planning (e.g. federal permits, state permits, local zoning, etc.)</b>	Exhibit C	Yes.	
				4	<b>Estimate beginning and completion of construction and beginning of operation of facility.</b>	Section 2.1.2 in Exhibit A Exhibit C	Yes.	
				5	<b>Describe support facilities (eg pollution control, parking areas, landscaping, etc.) to be provided</b>	Exhibit A	Partially.	Landscaping is listed in Section 2.1.2, but not described. Suggest elaboration on landscaping and revegetation if that is to occur. Consider preparation of a Vegetation Management Plan for the Project.
				6	<b>Describe any feasible "non-structural" alternatives to meet the objectives of the proposed site selection and construction</b>		No.	Provide feasible "non-structural" alternatives to meet the objectives of the proposed site selection and construction. If there are none, state so and explain why.

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				<b>D Hazards and emergency procedures</b>			
			<b>1</b>	<b>Describe hazards, if any, of fire, explosion and other dangers to the health, safety and welfare of employees and the general public</b>	Section 2.1.3.4 in Exhibit A Section 2.1.5 in Exhibit A	Yes.	
			<b>2</b>	<b>Describe hazards, if any, of environmental damage and contamination due to materials used at or activities taking place at the proposed facility.</b>	Section 2.1.3.4 in Exhibit A Section 2.1.5 in Exhibit A	Yes.	
			<b>3</b>	<b>Describe emergency procedures to be used in the event of fire, explosion or other event which may endanger the public health, safety and welfare</b>	Section 2.1.3.4 in Exhibit A Section 2.1.5 in Exhibit A	Yes.	
			<b>4</b>	<b>Describe any prevalent natural hazards that will affect or be affected by development, and describe mitigating measures to be taken to reduce danger due to such natural hazards</b>	Section 3.2 in Exhibit E: Flood hazard Section 5.0 in Exhibit J	Yes.	