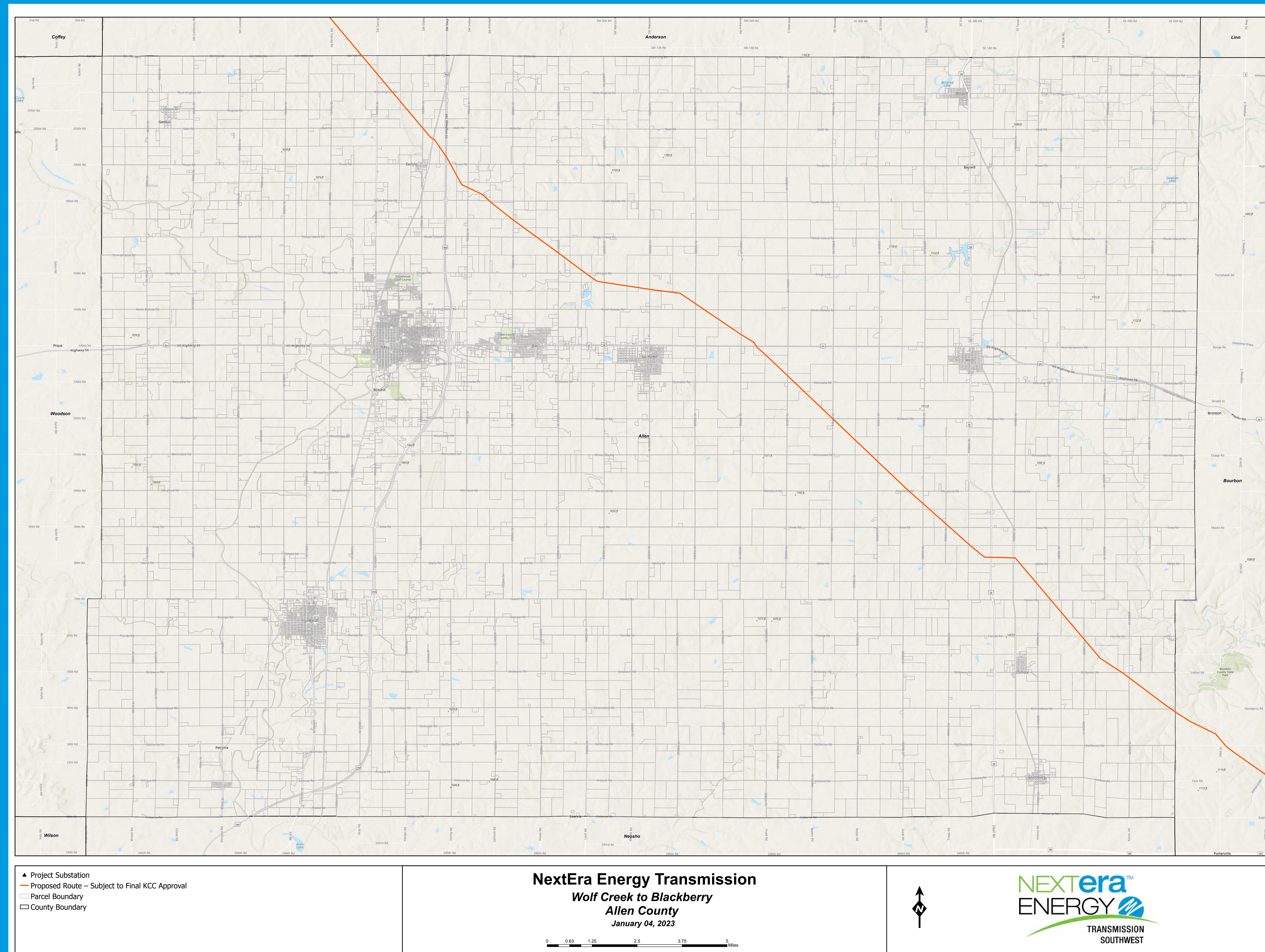


# Project Location Allen County



Note: The proposed project route is subject to change and may be altered by the relevant permitting agencies.



## **APPENDIX H – AGENCY CORRESPONDENCE**



April 19, 2022

Allen County, Kansas  
1 North Washington  
Iola, KS 66749

Terry Call, Allen County Zoning Department  
tcall@allencounty.org  
Mitch Garner, Allen County Director of Public Works  
pwwdir@allencounty.org  
Jerry B. Hathaway, Allen County Attorney  
jbhathaway@allencounty.org

Re: Notice of Project Construction and Intent to Obtain Coverage for Construction Activities  
within Allen County  
Wolf Creek – Blackberry Transmission Line Project  
NextEra Energy Transmission Southwest

Dear Mitch Garner, Terry Call, and Jerry Hathaway:

Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell), on behalf of NextEra Energy Transmission Southwest, LLC (NEET Southwest), has been retained to provide permitting services for the proposed construction of the new Wolf Creek-Blackberry Transmission Line Project (Project). Southwest Power Pool (SPP) identified the Project as a solution to help provide a more reliable and cost-effective grid capable of enabling a rapidly changing power generation mix. SPP awarded the Project to NEET Southwest following a competitive proposal process.

The Project includes construction of a new, 345-kilovolt (kV), overhead electric transmission line to meet the power needs of the southeast region of Kansas and the southwest region of Missouri. The Project termini are the Wolf Creek Generating Station in Coffey County, Kansas and the Associated Electric Cooperative, Inc. Blackberry Substation in Jasper County, Missouri. The Project is approximately 94 miles in length and will traverse across the following counties within Kansas State limits: Allen, Anderson, Bourbon, Coffey, and Crawford. Within Missouri State limits, Barton and Jasper Counties will be traversed (Project Vicinity Map, Appendix A).

Subject to receipt of necessary regulatory approvals, construction of the Project is scheduled to begin mid-2023 and be completed late 2024. It is anticipated that the Project may require County: road use permits or agreements, right of way (ROW) use permits, ROW tree-clearing permits, ROW crossing permits, ROW culvert or temporary construction access permits, floodplain permits, building permits, and/or other construction permits.



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### **Allen County Road and ROW Permitting, Regulations, and Agreements**

NEET Southwest plans to obtain, as required, County Road Use Agreement(s) or permits, Driveway Entrance Permit, and Utility and Encroachment Permits to span a conductor across and work within Allen County road ROW for construction activities associated with the Project.

We respectfully request the following information regarding Allen County road ROW usage and encroachment:

1. Typical road ROW width.
2. Can road ROW be used for blowout? If yes, how much?
3. Can structures be placed within the road ROW? If yes, what are the setback requirements relative to road centerline or road edge?
4. Are there any permits or regulations regarding tree clearing or vegetation maintenance in the ROW? If yes, please list permits and requirements.
5. Copy of the driveway entrance permit application and the required as built specifications.
6. Copy of the road ROW use and road ROW crossing permit application(s) and the required specifications.
7. Can multiple road crossings be combined into one road permit application?
8. Can multiple driveway entrances be combined into one driveway entrance permit application?
9. List of road ROW culvert or temporary construction access permit(s) and regulations.
10. List any requirements regarding Road Use Agreements, including road allowances.
11. List any other requirements regarding road ROW crossing and encroachment (i.e., fees, ink signature, paper or electronic permit submittal, length of permit and/or agreement coverage).

### **Allen County Floodplain Permitting**

NEET Southwest intends to coordinate and obtain Floodplain Permit(s), as required, to install a structure(s) within a floodplain for construction activities associated with the Project. Typically, for a Project such as ours, structures within a floodplain or floodway would be limited to a pole, that will be designed to meet the standards of the Kansas Department of Agriculture Division of Water Resources. Usually, a pole does not meet the definition of a structure or a building in most counties, but our team would like to understand the requirements of Allen County specifically.

We respectfully request the following information regarding the Allen County Floodplain Permit:

1. Applicability determination from Allen County on if a floodplain permit would be required for a transmission pole.
2. Copy of Floodplain Permit application.



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3. Confirmation of which floodplain maps are used for determination of flood zones (e.g. the latest approved FEMA FIRM, preliminary FIRM, or other).
4. If each pole will require a separate application, or if one application can be submitted with supporting materials for all poles.
5. Requirements for pole placement located within County regulated floodways and floodplains.
6. Would a transmission pole require a building permit? If yes, please provide copy of application and requirements.
7. List any other requirements regarding the Allen County Floodplain Permit (i.e., fees, ink signature, paper or electronic permit submittal).

**Allen County Building/Construction Permitting**

NEET Southwest intends to coordinate and obtain Construction Permit(s), as required prior to construction of the Project.

We respectfully request the following information regarding the Allen County Construction Permits:

1. What meets the definition of a structure or building in Allen County?
2. List any other permits or requirements regarding utility construction in Allen County.
3. List any applicable building permit(s) and county ordinances.

It is anticipated that the Project will qualify for authorization under other various local, State, and Federal jurisdictions, all necessary permits will be obtained. Since the Project is under the jurisdiction of the Kansas Corporation Commission (KCC), NEET Southwest plans to obtain a KCC Siting Permit and Certificate of Convenience and Necessity (CCN). Therefore, local siting, and/or special or conditional use permits will not be applicable to the Project.

If you have any questions or require additional information, please feel free to contact me via telephone at 737-263-3151 or by email at [cbartlett@burnsmcd.com](mailto:cbartlett@burnsmcd.com). We would appreciate receiving your response and feedback within 15 business days of the date of this letter.



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Sincerely,

A handwritten signature in black ink, appearing to read "Courtney Bartlett". The signature is fluid and cursive, with a long horizontal line extending from the end.

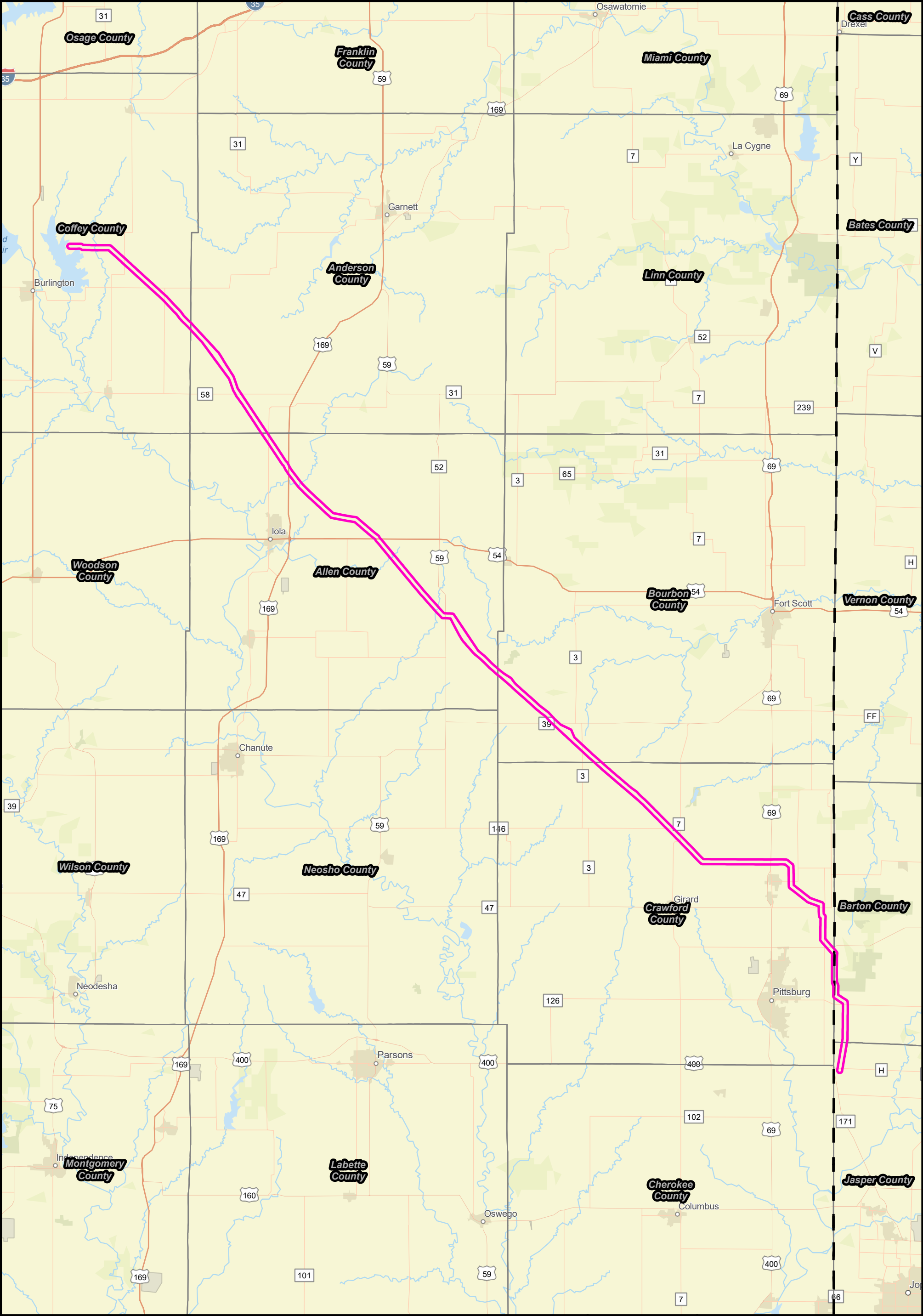
Courtney Bartlett, BMcD  
Assistant Environmental Scientist

Attachments:

Appendix A - Project Vicinity Map

cc: Kim Austin, NEET Southwest  
Natalie Borrelli, NEET Southwest  
Kara Wry, Burns & McDonnell  
Alex Lee, Burns & McDonnell

## **APPENDIX A - PROJECT VICINITY MAP**



Project Corridor

State Boundary

County Boundary

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L

E

S

Project Vicinity Map

Wolf Creek-Blackberry

Transmission Line Project

Exhibit DW-1

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Issued: 2/9/2022