

BEFORE THE BOARD OF COUNTY COMMISSIONERS

OF THE COUNTY OF KIOWA

STATE OF COLORADO

RESOLUTION NO. 2025-2

RE: U.S. Department of Energy Grid Deployment Office Initiation of Phase 3 of National Interest Electric Transmission Corridor (NIETC), and for a Policy of Supporting Governmental Control, and Participation as a Cooperating Agency under the National Environmental Policy Act (NEPA)

WHEREAS, the United Department of Energy (DOE) Grid Deployment office is considering National Interest Electric Transmission Corridors (NIETC) whereby large scale easements and purchases of real estate could be designated within Kiowa County, Colorado; and

WHEREAS, the NIETC designation does not benefit Kiowa County as a whole, nor does it appear to consider local landowners and/or electrical producers whereby development of lands within Kiowa County would benefit from the production of green energy by its landowners; and

WHEREAS, the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. § 4321 et seq., established a national policy to promote the enhancement of the environment and requires federal agencies to assess the environmental effects of their proposed actions prior to making decisions; and

WHEREAS, the Council on Environmental Quality (CEQ) regulations implementing NEPA at 40 C.F.R. § 1501.8 specifically recognize the importance of including local governments as cooperating agencies due to their unique expertise, jurisdiction, and proximity to proposed projects; and

WHEREAS, local governments possess specialized knowledge, historical perspective, and practical experience concerning their respective regions that are critical to evaluating potential environmental, social, and economic impacts of federal actions; and

WHEREAS, inclusion of local governments as cooperating agencies ensures that NEPA analyses are comprehensive, well-informed, and reflective of local priorities, which leads to better project outcomes and enhanced public trust; and

WHEREAS, the Board of County Commissioners of Kiowa County believes that effective governance and the protection of local interests are best achieved when local governments are granted meaningful opportunities to participate in NEPA processes as cooperating agencies; and

WHEREAS, the active engagement of Kiowa County in NEPA processes will support the county's ability to safeguard its natural resources, protect public health and safety, and promote economic development; and

WHEREAS, certain landowners within Kiowa County may be able to benefit from the purchase of easement and real property needed for the purposes of building such transmission lines but only

if allowed to negotiate in good faith in a matter that gives fair compensation for any property used for the NIETC purposes; and

WHEREAS, Kiowa County should have be designated as a cooperating agency under NEPA to insure that local concerns and priorities are addressed as well as local landowners property rights are protected, and

WHEREAS, Kiowa County wishes to assign a representative to work directly with Southeast Colorado Enterprise Development, Inc. and the Southeast Colorado Regional Workforce Housing Project in the planning and development of regional workforce housing in accordance with the guidelines set forth in the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED, that the Kiowa County Board of County Commissioners that:

1. **Support for Local Government Participation:** The Board strongly supports the inclusion of local governments, including Kiowa County, as cooperating agencies under NEPA, pursuant to 40 C.F.R. § 1501.8, to provide special expertise and ensure that local concerns and priorities are addressed.
2. **Commitment to Cooperation:** Kiowa County is committed to cooperating with federal agencies in NEPA processes to contribute its knowledge and expertise in evaluating environmental, social, and economic impacts of proposed federal actions within its jurisdiction.
3. **Advocacy for Local Control:** The Board urges federal agencies and policymakers to uphold and strengthen local government participation in NEPA analyses, ensuring that local governments have a meaningful voice in decisions that affect their communities.
4. **Communication of Resolution:** A copy of this resolution shall be transmitted to the CEQ, relevant federal agencies, and the Colorado Congressional Delegation to emphasize the importance of local government involvement in NEPA processes.
5. **Impact Study Request:** Comprehensive impact studies should be completed for all proposed projects to ensure thorough evaluation of environmental, economic, and social effects within Kiowa County.
6. **Consideration of Wildlife Habitat including Habit Threatened and Endangered Species:** The analysis must consider the protection of habitats for wildlife and endangered species that may be impacted by proposed projects.
7. **Check Cultural Sites:** The evaluation process must include a thorough review of potential impacts on cultural and historical sites, ensuring their preservation and compliance with applicable laws.
8. **Landowners' Rights:** Landowners should reserve and retain surface and subsurface rights, and fair compensation must be provided for any takings resulting from federal actions. The improper use of eminent domain to seize private property without just cause or fair compensation is expressly opposed.

9. **Categorical Exclusions:** Any categorical exclusions proposed under NEPA must be discussed with the Kiowa County Commissioners before enactment to ensure alignment with local priorities and concerns.

DULY MOVED, SECONDED, AND PASSED ON A VOTE OF ____ FOR AND ____ AGAINST.

ADOPTED, this ____ day of February, 2025.

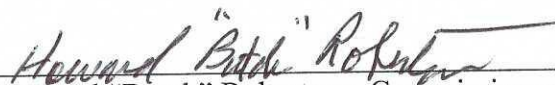
BOARD OF COMMISSIONERS
KIOWA COUNTY



Donald Oswald, Chairman




Michael Lening, Commissioner



Howard "Butch" Robertson, Commissioner

Attest:



Delisa Weeks
Clerk & Recorder
Kiowa County