



0000026215

Docket

Arizona Corporation Commission

DOCKETED

APR 25 2003

BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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In the matter of the Application of Gila Bend Power Partners, L.L.C. and its assignees in conformance with the requirements of Arizona Revised Statutes Sections 40-360.03 and 40-360.06 for a certificate of environmental compatibility authorizing construction of one 500 kV transmission line and associated switchyard components in Maricopa County, Arizona originating at the Hassayampa Switchyard near the Palo Verde Nuclear Generating Station west of Phoenix, Arizona (Section 15, Township 1 south, Range 6 West) and terminating at the Jojoba Switchyard, (Section 25, Township 2 South, Range 4 West), a distance of approximately 20 miles.

Case No: 119
Docket No: L-00000V-02-0119
Decision No. 65866

DECISION OF THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE AND CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to the notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee ("Committee") held a public hearing at the Gila Bend Town Hall, 644 West Pima Street, Gila Bend, Arizona on October 1, 2002, and a public hearing at the Embassy Suites, 1515 N 44th Street, Phoenix, Arizona on February 19, 2003, in conformance with the requirements of Arizona Revised Statutes (A.R.S.) § 40-360, *et seq.*, for the purpose of receiving evidence and deliberating upon the Application of Gila Bend Power Partners, L.L.C. and its assigns ("Applicant") for a Certificate of Environmental Compatibility in the above-captioned case.

The following members and designees of members of the Committee were present at one or more hearings for the evidentiary presentation and/or deliberations:

1	Mark McWhirter	Designee for Director, Energy Office Arizona Department of Commerce
2		
3	Sandie Smith	Appointed Member
4	Jeff McGuire	Appointed Member
5	Laurie A. Woodall	Chair, Designee for Arizona Attorney General Terry Goddard
6	Ray Williamson	Arizona Corporation Commission
7	Richard Tobin II	Designee for Director Arizona Department of Environmental Quality
8		
9	Mike Palmer	Appointed Member
10	Margaret Trujillo	Appointed Member
11	A. Wayne Smith	Appointed Member
12		
13	Mike Whalen	Appointed Member

14

15 The Applicant was represented by Thomas H. Campbell of Lewis and Roca LLP.

16 Staff of the Arizona Corporation Commission (“Commission”) was represented by its

17 counsel, David Ronald. SRP intervened on behalf of the participants in the Southeast

18 Valley project and as operating agent for Palo Verde Transmission System and was

19 represented by Robert Taylor of Jennings, Strouss & Salmon PLC. There were no other

20 intervenors.

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23 Testimony was presented on the conclusion reached in the Central Arizona

24 Transmission Study that over the foreseeable future three transmission lines will be

25 necessary in the Palo Verde to Kyrene Corridor (“Corridor”). Additional testimony was

26 presented establishing that the construction of transmission lines in the Corridor is

27

1 complicated by geographical features near Gillespie Dam and its proximity to the Sonoran
2 Desert National Monument necessitating the proper sequencing and spacing of
3 transmission lines within the Corridor.
4

5 At the conclusion of the public hearings, after consideration of (i) the Application
6 and the evidence presented during the public hearings, and (ii) the legal requirements of
7 A.R.S. §§ 40-360 through 40-360.13 and Arizona Administrative Code (A.A.C.) R14-3-
8 213, upon motion duly made and seconded, the Committee voted 6-0 to grant Applicant
9 the following Certificate of Environmental Compatibility:
10

11 Applicant is hereby granted a Certificate of Environmental Compatibility for
12 authority to construct the following facilities, as requested in the Application: a 500kV
13 transmission line and associated switchyard components (the "Project").
14

15 Applicant's 500kV transmission line will originate at the Hassayampa Switchyard
16 near the Palo Verde Nuclear Generating Station west of Phoenix, Arizona, (Section 15,
17 Township 1 South, Range 6 West) and terminate at the Jojoba Switchyard in Section 25,
18 Township 2 South, Range 4 West. The 500kV transmission line alignment will parallel
19 and be adjacent to the existing Palo Verde-Kyrene 500kV transmission line. (See Exhibit
20 A) The transmission line will consist of steel lattice structures designed and constructed
21 to accommodate a 500kV circuit. The routing, design, height and material composition of
22 the 500kV transmission line facilities were testified to by Applicant's witness Robert
23 Walther at the October 1, 2002 hearing.
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4. The Applicant shall use dulled steel structures and non-specular and dulled conductors to reduce the contrast and visibility of the proposed Project.
5. Applicant and its assigns shall participate in good faith in state and regional transmission study forums and shall make every reasonable effort to ensure that such transmission line will be timely constructed in accordance with the needs of the integrated transmission grid.
6. To address concerns raised in testimony about the sequencing and spacing of lines within the Corridor, the Applicant shall locate the Gila Bend Power Partners Transmission Line in accordance with the legal description attached as Exhibit A (the "Alignment"). If, when the Applicant begins construction, another line is constructed or is under construction in the Alignment (the "New Line"), then the Applicant shall locate the Gila Bend Power Partners Transmission Line 130 feet west and south of the New Line.
7. Applicant shall comply with all existing applicable air and water pollution control standards and regulations, and with all existing applicable ordinances, master plans and regulations of the State of Arizona, the County of Maricopa, the United States and any other governmental entities having jurisdiction.
8. Before construction of this Project may commence, the Applicant shall file a construction mitigation, revegetation and restoration plan with the Commission Docket Control. Applicant shall, within one year of completion of the Project, rehabilitate to its original state any area disturbed by construction of the Project,

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- 13. The Applicant shall comply with Arizona's Native Plant Law and notify the Arizona Department of Agriculture no later than 60 days prior to the start of construction.
- 14. The Applicant shall continue to consult with the State Historic Preservation Office (SHPO) to reach a determination of any cultural resource impacts. The Applicant shall implement any impact avoidance and mitigation measures (e.g., monitoring during construction) for cultural resources developed in consultation with the BLM and the SHPO on land under BLM's jurisdiction and with ASLD on land under ASLD's jurisdiction, including the measures described in SHPO's October 11, 2002 letter to the Siting Committee, attached as Exhibit B. Applicant also will work with BLM to ensure that BLM consults with the Hopi Tribe as requested in the Hopi Tribe's letter of June 6, 2002, attached as Exhibit C.
- 15. The Applicant shall avoid or minimize impacts to properties considered eligible for inclusion in the State and National Register of Historic Places to the extent possible. If human remains and /or funerary objects are encountered during the course of any ground disturbing activities relating to the development of the subject property, the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum in accordance with A.R.S. §§ 41-865 and 41-844, or the BLM in accordance with the Native American Graves and Protection and Repatriation Act, depending on land ownership.

- 1 16. In consultation with SHPO and any applicable land-managing agency, the
2 Applicant shall consider and assess potential direct and indirect impacts to eligible
3 properties related to new access roads or any existing access roads that require
4 blading. An example of an indirect impact would be a road that leads directly to an
5 archaeological site that in effect invites intentional or unintentional vandalism, such
6 as looting or off-road vehicle use, in such case, adding a locked gate or otherwise
7 blocking the road would be an appropriate treatment.
8
9
- 10 17. The Applicant shall use existing access roads along the Palo Verde-Kyrene line for
11 construction and maintenance access and only build spur roads for access to new
12 structures.
13
- 14 18. The Applicant shall restrict all construction vehicle movement outside of the right-
15 of-way to predesignated access, contractor acquired access or public roads.
- 16 19. The Applicant shall restore the ground surface in construction areas (*e.g.*,
17 marshaling yards, structure sites) where ground disturbance is significant or where
18 recontouring is required. The method of restoration may include returning
19 disturbed areas to their natural contour (to the extent practical), reseeding with
20 native plants, installing cross drains for erosion control, placing water bars in the
21 road, and filling ditches. Seed must be tested and certified to contain no noxious
22 weeds in the mix. Seed viability must also be tested at a certified laboratory
23 approved by the authorized officer.
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20. The Applicant shall make every reasonable effort to identify and correct, on a case-specific basis, all complaints of interference with radio or television signals from operation of the line and related facilities, in addition to any transmission repairs, the relevant corrective actions may include adjusting or modifying receivers; adjusting, repairing, replacing or adding antennas, antenna signal amplifiers, filters, or lead-in cables; or other corrective actions.

21. The Applicant shall maintain written records for a period of five (5) years of all complaints of radio or television interference attributable to operation of the Project, together with the corrective action taken in response to each complaint. Complaints not leading to a specific action or for which there was no resolution shall be noted and explained. The record shall be signed by the Applicant and also the complainant, if possible, to indicate concurrence with the corrective action or agreement with the justification for a lack of action.

22. The Applicant shall advise interested parties how they may express concerns or submit complaints to the owner-operator of the Project when they believe the transmission line or switchyard facilities herein authorized are creating noise in excess of applicable Housing and Urban Development (HUD) standards or causing interference with communications signals in excess of applicable Federal Communication Commission (FCC) standards. Such complaints may, at the election of the complainant, be processed by owner-operator of the Project.

1 23. Prior to construction, the contractor shall be instructed on the protection of cultural
2 and ecological resources. To assist in this effort, the construction contract shall
3 address federal and state laws regarding antiquities and plants and wildlife
4 including collection and removal.
5

6 24. The Applicant shall cover construction holes left open at night. The covers shall be
7 secured in place and shall be strong enough to prevent livestock or wildlife from
8 falling through and into any hole.
9

10 25. The Applicant shall conduct a cultural survey of any areas not previously surveyed
11 (*e.g.*, new spur roads) prior to construction.

12 26. Within 45 days of securing easement of right-of-way for the Project, the Applicant
13 shall erect and maintain signs providing public notice that the property is the site of
14 a future transmission line. Such signage shall be no smaller than a normal roadway
15 sign. The Applicant shall place signs in prominent locations at reasonable intervals
16 such that the public is notified along the full length of the transmission line. The
17 signs shall advise:
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19
20 a) That the site has been approved for the construction of a 500kV
21 transmission line;

22 b) The expected date of completion of the Project facilities; and

23 c) A phone number for public information regarding the Project.
24

25 27. Copies of the Certificate shall be provided by the Applicant to city and county
26 planning agencies.
27

1 28. In order to ensure transmission system safety and reliability, all transmission
2 structures shall be placed a minimum of 100 feet from the edge of existing natural
3 gas pipelines rights-of-way.

4
5 29. The Applicant shall comply with the Standard Conditions attached to the BLM's
6 Decision Record, attached as Exhibit D. To the extent the BLM's Standard
7 Conditions are inconsistent with the conditions in the CEC, the BLM conditions
8 will control.

9
10 30. The Applicant or its assignee(s) shall submit a self-certification letter annually,
11 identifying which conditions contained in the CEC have been met. Each letter
12 shall be submitted to the Utilities Division Director on February 28, beginning in
13 2004, describing conditions which have been met as of December 31. Attached to
14 each certification letter shall be documentation explaining, in detail, how
15 compliance with each condition was achieved. Copies of each letter, along with
16 the corresponding documentation, shall also be submitted to the Arizona Attorney
17 General and the Directors of the Arizona Department of Environmental Quality and
18 Department of Commerce Energy Office.
19
20

21
22 GRANTED this 17th day of MARCH, 2003.

23
24 Arizona Power Plant and Transmission
25 Line Siting Committee

26 By: Laurie A. Woodall
27 Laurie A. Woodall, Chair

28 Decision No. 65866

1 **ORDER OF ARIZONA CORPORATION COMMISSION AFFIRMING AND**
2 **APPROVING CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

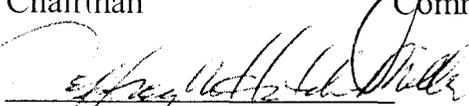
3 Having considered the foregoing decision of the Arizona Power Plant and
4 Transmission Line Siting Committee ("Committee") in light of the decision-making
5 factors specified in A.R.S. § 40-360.06, and, pursuant to A.R.S. § 40-360.07(c), having
6 balanced in the broad public interest the need for an adequate, economical and reliable
7 supply of electric power with the desire to minimize the effect thereof on the environment
8 and ecology of Arizona, it is the decision of this Commission that the Certificate of
9 Environmental Compatibility granted by the Committee on March 19, 2003 in Case No.
10 119, should be, and hereby is, affirmed and approved.
11

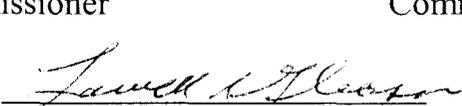
12
13 **BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

14 
15 _____
16 Chairman

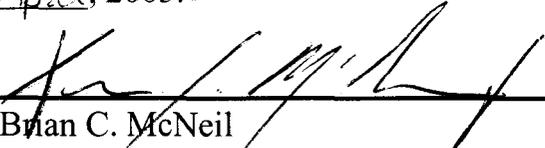
14 
15 _____
16 Commissioner

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16 Commissioner

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18 Commissioner

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17 _____
18 Commissioner

18 IN WITNESS WHEREOF, I, BRIAN C. MCNEIL
19 Executive Secretary of the Arizona Corporation
20 Commission, have hereunto, set my hand and caused
21 the official seal of this Commission to be affixed at
22 the Capitol, in the City of Phoenix, this 25th day of
23 April, 2003.

22 
23 _____
24 Brian C. McNeil
25 Executive Secretary

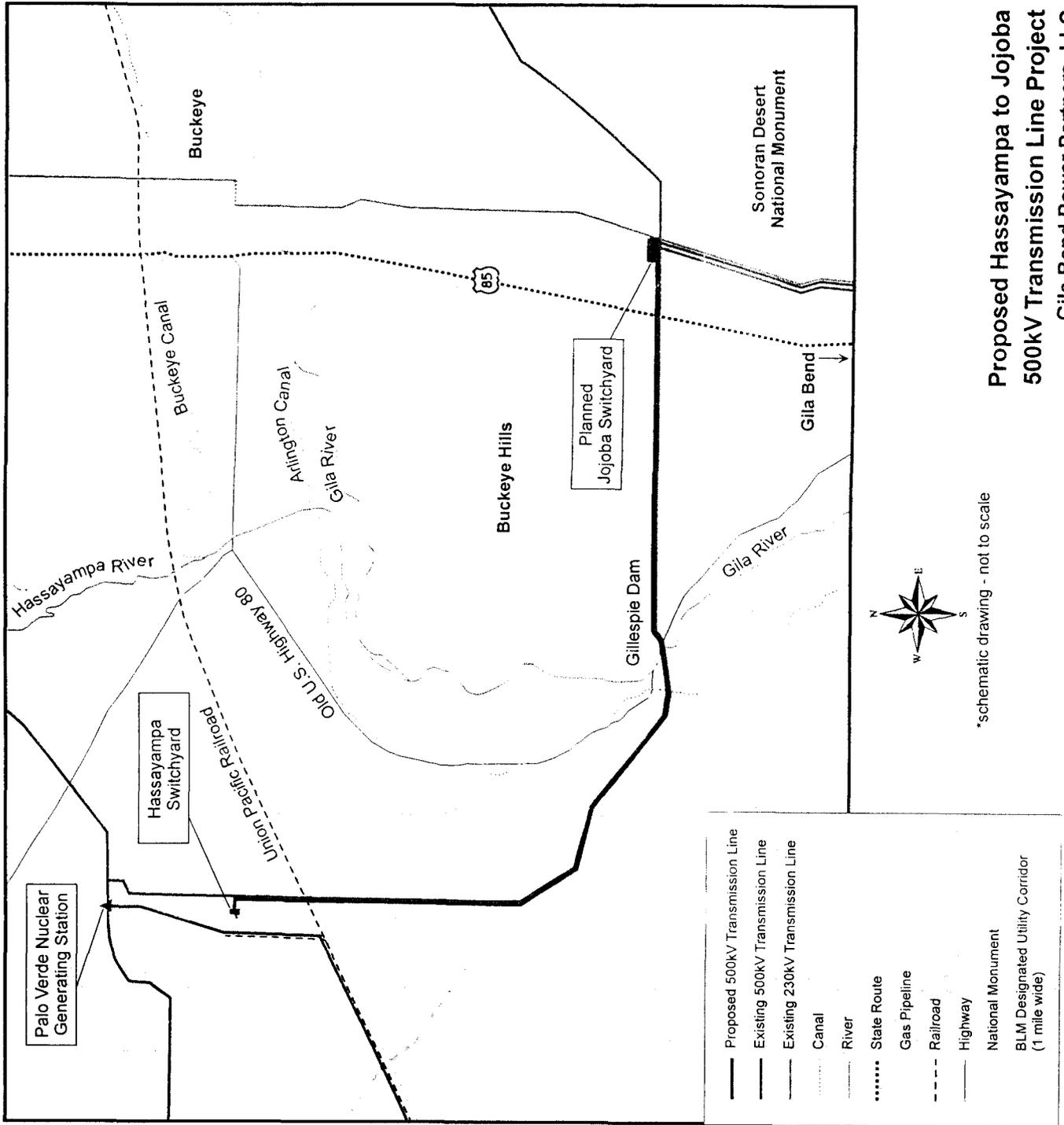
25 Dissent: _____

26 234583.1

27 Decision No. 65866

Description of the Proposed Hassayampa to Jojoba 500kV Transmission Line Route

The proposed 500kV transmission line would originate west of Phoenix, Arizona, at the Hassayampa Switchyard located in Section 15, Township 1 South, Range 6 West near the PVNGS. The proposed route would follow the west and south side of the existing PVNGS-Kyrene 500kV line to a point south of the Gillespie Dam, between Sections 28 and 29, Township 2 South, Range 5 West. At this point the proposed route will cross to the north of the existing PVNGS-Kyrene 500kV line and parallel the transmission line and the El Paso Corporation pipeline corridor east, crossing Old U.S. Highway 80 and State Route 85 to the Jojoba Switchyard in Section 25, Township 2 South, Range 4 West.



**Proposed Hassayampa to Jojoba
500kV Transmission Line Project**
Gila Bend Power Partners, LLC

October 2002

In reply, please refer to
SHPO-2002-1210 (12578)
more information requested

October 11, 2002

Laurie A. Woodall, Chairperson,
Power Plant and Transmission Line Siting Committee
Assistant Attorney General, Environmental Enforcement Section,
Office of the Attorney General
1275 West Washington
Phoenix, Arizona 85007

FAXED
10/11/02
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RE: Proposed Hassayampa-Jojoba 500kV Transmission Line, Maricopa County,
Arizona

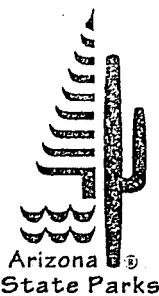
Dear Ms. Woodall:

Thank you for having the committee's applicant (i.e., Gila Bend Power Partners, L.L.C.) initiate consultation with this office regarding the above-mentioned state plan and associated certificate of environmental compatibility. The proposed plan entails the construction of 20 miles of overhead utility lines and access roads as needed. The proposed route originates from the Hassayampa Switchyard south of Wintersburg, and terminates at the Jojoba substation, which is under construction, in the Little Rainbow Valley, and crosses private, Arizona State Land Department (ASLD), Arizona Department of Transportation (ADOT), and U.S. Bureau of Land Management (BLM) lands. Historian Bill Collins and I reviewed the documents submitted and offer the following comments pursuant to the State Historic Preservation Act (i.e., A.R.S. § 41-861 to 41-864) and the committee's factors to be considered (i.e., A.R.S. § 40-360.06.A.5).

This plan also represents a federal undertaking, and BLM will consult directly with this office in regards to the National Historic Preservation Act. Our advice to the committee should not be interpreted or construed to infringe upon role of the lead federal agency regarding the scope and adequacy of identification efforts, eligibility determinations, effect findings, and treatment options.

The committee's applicants should be aware that our office has 30 working days in which to review state plans as stated in A.R.S. § 41-864, and our staffing level reflects this timeline. Due to a heavy volume of consultations, we were unable to review the documents that we received on September 11, 2002 prior to the committee's October 1, 2002 meeting as requested by the applicant's consultant.

The cultural resource survey of the proposed right-of-way corridor identified five historic-period structures, six archaeological sites, and 16 isolated artifact and/or feature occurrences (IOs). The report was professionally prepared and thorough. My technical comments on the reports are provided on the attached page. Please consider any comments the committee receives from the other land-managing agencies as well.



Arizona State Parks

1300 W. Washington
Phoenix, Arizona
85007

Tel & TTY: 602-542-4174

1-800-285-3703
from (520) area code

Fax: 602-542-4188
<http://www.pr.state.az.us>

This document is available
in alternative formats
by contacting the
ADA Coordinator.
602-542-7152

Decision No. 65866

We agree that the Southern Pacific Railroad (AZ T:10:84 ASM), Gila Bend Canal (AZ Z:2:66 ASM), and Enterprise Canal are eligible for inclusion in the State and/or National Registers of Historic Places (SNRHP) under Criterion A (Event) and other criterion may apply as well. We agree that the historic abandoned road segment identified as AZ T:9:63 (ASM) is ineligible for inclusion in the SNRHP under any criterion. We cannot agree with the consultant's eligibility assessment for old U.S. 80 at this time. The significance of the state highway system, of which old U.S. 80 is a part, has not yet been formally evaluated. We suggest treating the highway as if it were eligible for purposes of this plan.

We also agree that archaeological sites AZ T:9:5 (ASM), the Gillespie Dam Site (AZ T:13:18 ASM), AZ T:13:21 (ASM), and AZ T:13:121 (ASM) are eligible for inclusion in the SNRHP under Criterion D (Information Potential). We agree that Sites AZ T:9:60(ASM) is ineligible for inclusion in the SNRHP under any criterion. The Register-eligibility of Site AZ T:13:125 (ASM) is unclear at this time and may require archaeological testing; since this site occurs on BLM we look forward receiving to their eligibility determinations. We agree that the IOs are not eligible under any criterion.

We agree in principle that avoidance and preservation-in-place are appropriate treatment for Register-eligible properties. In fact, the transmission line may help protect historic properties by inhibiting other kinds of development within the proposed corridor.

However, the locations of the poles and access roads are unknown at this time, although it is likely that the Gillespie Dam site cannot be spanned or avoided. In addition, the spanning and temporarily fencing Site AZ T:13:121(ASM) during construction may not constitute avoidance, because the proximity of the petroglyph panels to the proposed centerline may impede important lines-of-sight. Consultation with knowledgeable members of Indian tribes would be an appropriate method to identify such characteristics and evaluate any impacts.

Based on the above, this office cannot assess the plan's effects at this time, and thus cannot concur with determination of impact at this time. Unless all historic properties can be avoided, a determination of negative impacts is likely.

If archaeological sites cannot be avoided by ground-disturbing activities, testing for eligibility and/or data recovery treatment within the portions of the properties directly impacted (and a buffer zone if necessary) is appropriate. We agree that a data recovery program (i.e., archaeological excavation) would be an acceptable treatment for the portions of Gillespie Dam site (AZ T:13:18 ASM).

We offer the following conditions for the committee's consideration:

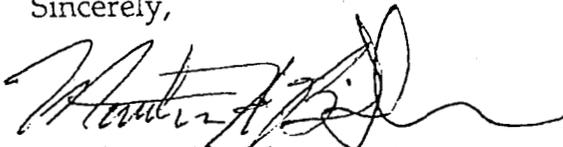
- 1) The applicant will continue to consult, on the committee's behalf, with the State Historic Preservation Office (SHPO) to reach a determination of impact. If the

result is a determination of negative impact, the applicant will continue to consult with SHPO to resolve the negative impacts.

- 2) The applicant will avoid and/or minimize impacts to properties considered eligible for inclusion in the State and National Register of Historic Places to the extent possible.
- 3) If the applicant decides that archaeological Sites AZ T:9:5 (ASM), the Gillespie Dam Site (AZ T:13:18 ASM), AZ T:13:21 (ASM), AZ T:13:121 (ASM), and AZ T:13:125 (ASM) cannot be avoided, then the applicant will plan and implement an archaeological testing and/or data recovery program in consultation with SHPO.
- 4) After construction, the applicant, in conjunction with the land-managing agency, if any, will allow Arizona Site Stewards a volunteer-staffed SHPO program, to periodically inspect the sites present within the corridor for vandalism or other damage.
- 5) In consultation with SHPO and the land-managing agency, the applicant will consider and assess potential direct and indirect impacts to eligible properties related to new access roads or any existing access roads that require blading.
- 6) The applicant will follow any instructions from the Arizona State Land Department and the U.S. Bureau of Land Management regarding the treatment of eligible properties situated on their land in consultation with SHPO.

We look forward to receiving a treatment plan for sites that cannot be avoided. We appreciate the committee's cooperation with this office in considering the effects of state plans on cultural resources situated in Arizona. If you have any questions, please contact me at (602) 542-7137 or via mbilsbarrow@pr.state.az.us.

Sincerely,



Matthew H. Bilsbarrow, RPA
Compliance Specialist/ Archaeologist
Arizona State Historic Preservation Office

attachment

cc. w/attachment: Bill Collins, SHPO
Matthew Hill; Environmental Planning Group; 1430 E Fort Lowell Ave; Tucson, AZ 85719

General and Technical Comments on "A Cultural Resources Survey of the Proposed Hassayampa-Jojoba Transmission Line, Maricopa County, Arizona"
Environmental Planning Group Cultural Resources Services Technical Paper No. 10. Tucson.

General Comments

- 1) Overall the report is professionally prepared and well-written. The photographs and maps were helpful.
- 2) Based on Figure 1, the survey included portions of Arizona Department of Transportation (ADOT) land for State Route 85. Please state the amount of ADOT land in the abstract and report text. ADOT should be offered the opportunity to comment on the portions of the plan that cross their land.

Technical Comment

- 1) The statement on Page 86 that "all the prior recorders of the site recommended the site was ineligible for inclusion on the National Register" is overly broad. At least one previous study, on file at ADOT but not cited in the report, reached the opposite conclusion. The citation is: Bilsbarrow, Matthew 1998 An Evaluation of the National Register of Historic Places-Eligibility of Three Road Segments of Old U.S. 80, West of Gila Bend, Southwestern Maricopa County, Arizona in A Cultural Resources Survey of Interstate-8 Highway Corridor in the vicinity of Painted Rock and Theba Traffic Interchanges, West of Gila Bend, Southwestern Maricopa County, Arizona by Matthew H. Bilsbarrow, Jennifer K. Tweedy, and Andrew R. Dutt. Archaeological Research Services Report No. 97-42. Tempe.

cc: GIB, MH

MEJ
Kathy
Crene
Chris
Camille

THE



HOPI TRIBE

RECEIVED
2002

JUN 13 AM 8:20

BUREAU OF LAND MGT
PHOENIX, ARIZONA

Wayne Taylor, Jr.
CHAIRMAN

Elgean Joshevama
VICE-CHAIRMAN

June 6, 2002

Rick Cooper, Acting Field Manager
Attention: Camille Champion
Bureau of Land Management, Phoenix Field Office
21605 North 7th Avenue
Phoenix, Arizona 85027

Dear Acting Field Manager Cooper,

Thank you for your correspondence dated June 3, 2002, regarding the Bureau of Land Management (BLM), Phoenix Field Office requesting comments for the proposed right-of-way for the Gila Bend Power Partners - Hassayampa to Jojoba Transmission Project in Maricopa County.

As we stated to you in letters dated May 20, 2002, regarding the preparation of an environmental assessment for a proposed land exchange, and May 28, 2002, regarding the preparation of resource management plans for the Agua Fria National Monument and other lands in central Arizona, the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in central Arizona, and therefore we appreciate your continuing requests for our comments and cultural concerns relating to these areas.

As we also stated in those letters, the Hopi Cultural Preservation Offices supports the identification and avoidance of prehistoric archaeological sites, and due to BLM Instructional Memoranda 98-131-2, opposes any proposal on BLM land with the potential to disturb the human remains of our ancestors.

Your letter notes, the Bureau of Land Management has decided to prepare an Environmental Assessment to determine whether or not the project will have significant effects, discussing issues including archaeological sites. Therefore, we accept your invitation to initiate consultations in this planning process.

And therefore, to address your letter and to ensure that our concerns are fully considered and incorporated into the process, we reiterate our May 20 and 28 invitations to representatives of BLM Phoenix Field Office to present the NLCS land exchange proposal, initiate consultations in the development of resource management plans for lands in central Arizona, and this proposal at our upcoming administrative meetings in Kykotsmovi. Please contact Lanell Yowytewa at 928-734-6636 to confirm an appointment.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Cultural Preservation Office

cc: Arizona State Historic Preservation Office

Decision No. 65866

FINDING OF NO SIGNIFICANT IMPACT

Name of Environmental Assessment: Hassayampa to Jojoba Transmission Project
Environmental Assessment No.: AZ-020-2002-0114
Case File No.: AZA-31468
Bureau of Land Management Office: Phoenix Field Office, Arizona

Finding of No Significant Impact: Upon review of the Environmental Assessment (EA) prepared for the above-named project and incorporated herein by reference, no significant long-term impacts on the human (socioeconomic) or natural environment would result. Short-term, temporary impacts on soils, water resources, biological resources, cultural resources, air quality, noise, and land use associated with construction activities of the proposed transmission line were identified which could be reduced by mitigation, and therefore are not considered significant. Long-term impacts on scenic quality were considered low to moderate, while the potential for long-term residual collision hazard for birds was considered low.

Recommendation: Grant a right-of-way to Gila Bend Power Partners (GBPP) for construction and operation of one (1) 500kV transmission line connecting the Hassayampa Switchyard, located approximately 1 mile south of the Palo Verde Nuclear Generation Station (PVNGS), to the proposed Jojoba Switchyard located on Arizona State Trust land approximately 20 miles to the south-east in Maricopa County, Arizona. The right-of-way, as it effects BLM administered land, would be 200 feet wide and approximately 6.8 miles long. Gila Bend Power Partners would implement the recommended Standard Operating Procedures and Mitigation Measures listed in Attachment A. The transmission line would be owned and operated by Gila Bend Power Partners, LLC.

Stipulations: Gila Bend Power Partners is to implement the recommended Standard Operating Procedures and Mitigation Measures listed in Attachment A. Compliance with stipulations and mitigation measures will be monitored during project implementation. BLM issuance of the right-of-way is conditional upon GBPP obtaining all other federal, state, and local permits required to construct and operate the Line. GBPP has applied for and is required to obtain a Certificate of Environmental Compatibility from the Arizona Corporation Commission. The Phoenix Field Office has fulfilled requirements in accordance with the Section 106 process regarding cultural resource issues, and requirements regarding biological resource issues.

Rationale: The EA for the Proposed Action has been prepared in accordance with National Environmental Policy Act (NEPA) requirements, including the public involvement procedures prescribed by 40 CFR §1506.6. The project design and mitigation measures proposed in the EA are integral to the Proposed Action, and would reduce short-term and long-term environmental impacts to a level of insignificance. Issuance of right-of-way application number AZA-31468 to GBPP for the construction and operation of an electric transmission line is consistent with the Lower Gila South Resource Management Plan (BLM 1988; which defines land uses along the Palo Verde to Kyrene Utility Corridor).

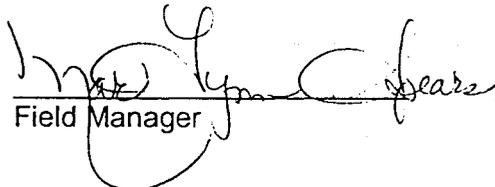
Recommendation of Finding:


Project Manager

02/11/03
Date

A 2/10/03
I concur:

Approval of Finding:


Field Manager

2/11/03
Date

DECISION RECORD

Serial No.: AZA-31468
EA No.: AZ-020-2002-0114

Decision:

It is decided that Gila Bend Power Partners (GBPP) be granted a right-of-way by the Bureau of Land Management (BLM) 200 feet wide and approximately 20 miles long, including the rights to design, construct, operate and own one (1) 500 kilovolt (kV) transmission line connecting the proposed Hassayampa Switchyard, south of the Palo Verde Nuclear Generating Station, to the proposed Jojoba Switchyard located on Arizona State Trust land approximately 20 miles to the south-east in Maricopa County, Arizona.

The entire right-of-way, as it effects BLM lands, is within a designated BLM utility corridor known as the Palo Verde to Kyrene Utility Corridor.

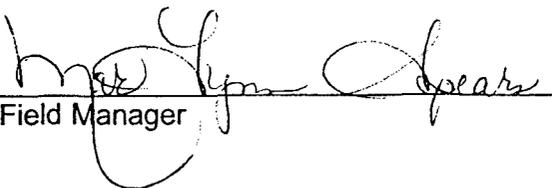
Rationale for Decision:

The Proposed Action is consistent with the Lower Gila South Resource Management Plan (BLM 1988) which promotes utility development within approved corridors (Palo Verde to Kyrene Utility Corridor) dedicated to the use and construction of structural facilities such as the Hassayampa to Jojoba 500 kV Transmission Project.

The Proposed Action will provide needed electrical power to Arizona, which is currently projected to have an electricity shortfall. Potential environmental impacts of the Proposed Action have been addressed through the incorporation of project design, construction, and operation measures. Upon implementation of the attached operating procedures and mitigation measures, short-term and long-term environmental and human (socioeconomic) impacts identified in the Environmental Assessment would not be significant. Compliance monitoring would be conducted to ensure that these mitigation measures are properly implemented and that sensitive resources are protected.

Standard Operating Procedures and Mitigation Measures:

See Attachment A.


Field Manager

2/11/03
Date

ATTACHMENT A

Standard Operating Procedures and Mitigation Measures

Standard Operating Procedures

1. All construction vehicle movement outside of the right-of-way will be restricted to predesignated access, contractor acquired access, or public roads.
2. The limits of construction activities will typically be predetermined, with activity restricted to and confined within those limits. No paint or permanent discoloring agents will be applied to rocks or vegetation to indicate survey or construction activity limits. The right-of-way boundary will be flagged in environmentally sensitive areas described in the final plan of development to alert construction personnel that those areas should be avoided.
3. In construction areas where recontouring is not required, vegetation will be left in place wherever possible to avoid excessive root damage and allow for resprouting.
4. In construction areas (e.g., marshalling yards, structure sites, spur roads from existing access roads) where ground disturbance is significant or where recontouring is required, surface restoration will occur as required by the landowner or land-management agency. The method of restoration will typically consist of returning disturbed areas to their natural contour (to the extent practical), reseeding or revegetating with native plants (if required), installing cross drains for erosion control, placing water bars in the road, and filling ditches. Seed must be tested and certified to contain no noxious weeds in the mix by the State of Arizona Agricultural Department. Seed viability must also be tested at a certified laboratory approved by the authorized officer.
5. Only the minimum amount of vegetation necessary for the construction of structures and facilities shall be removed. Topsoil will be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
6. The holder shall trim trees in preference to cutting trees and shall cut trees in preference to bulldozing them as directed by the authorized officer.
7. Watering facilities (e.g., tanks, developed springs, water lines, wells, etc.) will be repaired or replaced to their predisturbed conditions as required by the landowner or land management agency, if they are damaged or destroyed by construction activities.
8. Prior to construction, all construction personnel will be instructed on the protection of cultural, paleontological, and ecological resources. To assist in this effort, the construction contract will address (a) federal and state laws regarding antiquities, fossils, and plants and wildlife including collection and removal; and (b) the importance of these resources and the purpose and necessity of protecting them.
9. Impact avoidance and mitigation measures for cultural resources developed in consultation with BLM and the State Historic Preservation Officer will be implemented.
10. The project sponsors will respond to complaints of line-generated radio or television interference by investigating the complaints and implementing appropriate mitigation measures. The transmission line will be patrolled on a regular basis so that damaged insulators or other line materials that could cause interference are repaired or replaced.

11. The project sponsors will apply necessary mitigation to minimize problems of induced currents and voltages onto conductive objects sharing a right-of-way, to the mutual satisfaction of the parties involved.
12. All construction and maintenance activities shall be conducted in a manner that will minimize disturbance to vegetation, drainage channels, and intermittent and perennial streambanks. In addition, all existing roads will be left in a condition equal to or better than their condition prior to the construction of the transmission line.
13. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
14. During construction, water shall be applied for the purpose of dust control.
15. All requirements of those entities having jurisdiction over air quality matters will be adhered to and any necessary permits for construction activities will be obtained. Open burning of construction debris (cleared trees, etc.) will not be allowed on BLM administered lands.
16. Fences and gates, if damaged or destroyed by construction activities, will be repaired or replaced to their original predisturbed condition as required by the landowner or the land management agency. Temporary gates will be installed only with the permission of the landowner or the land management agency, and will be restored to their original predisturbed condition following construction.
17. The proposed hardware and conductor will limit the audible noise, radio interference (RI), and television interference (TVI) due to corona. Tension will be maintained on all insulator assemblies to assure positive contact between insulators, thereby avoiding sparking. Caution will be exercised during construction to avoid scratching or nicking the conductor surface, which may provide points for corona to occur.
18. During operation of the transmission line, the right-of-way will be maintained free of construction related non-biodegradable debris.
19. Totally enclosed containment will be provided for all debris. All construction waste including debris, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials will be removed promptly to a disposal facility authorized to accept such materials.
20. Structures will be constructed to conform to "Suggested Practices for Raptor Protection on Power Lines" (Raptor Research Foundation, Inc. 1981).
21. Species protected by the Arizona Native Plant Law will be salvaged. A salvage plan approved by the BLM will be included in the specific plan of development. Generally, salvage may include:
 - removal and stockpiling for replanting on site
 - removal and transplanting out of surface disturbance area
 - removal and salvage by private individuals
 - removal and salvage by commercial dealers
 - any combination of the above

21. The alignment of any new access roads or overland routes will follow the designated area's

landform contours where possible, providing that such alignment does not additionally impact resource values. This would minimize ground disturbance and reduce scarring.

22. All new access roads not required for maintenance will be permanently closed using the most effective and least environmentally damaging methods appropriate to that area with concurrence of the landowner or land manager (e.g., stock piling and replacing topsoil, or rock replacement). This would limit access into the area.
23. In designated areas, structures will be placed or rerouted so as to avoid sensitive features such as, but not limited to, riparian areas, watercourses, and cultural sites, or to allow conductors to clearly span the features, within limits of standard tower design.
24. Transmission line structures will comply with Federal Aviation Administration Guidelines to minimize aircraft hazards (Federal Aviation 77).
25. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.

Desert Tortoise Mitigation Measures

1. A desert tortoise protection education program shall be presented to all employees, the project site. The education program shall include discussions of the following:
 - legal and sensitive status of the tortoise
 - brief discussion of tortoise life history and ecology
 - mitigation measures designed to reduce adverse effects to tortoises
 - protocols to follow if a tortoise is encountered, including appropriate contact points.
2. A desert tortoise monitor (qualified desert tortoise biologist) will be required when constructing within Category I and II tortoise habitat. The biologist shall watch for tortoises wandering into construction areas, check under vehicles, check at least three times per day any excavations that might trap tortoises, and conduct other activities necessary to ensure that death and injury of tortoises are minimized.
3. Protocols for dealing with any tortoises found in project areas shall be in accordance with Arizona Game and Fish Departments *Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects*, revised January, 1997.
4.
 - a. Vehicle use shall be limited to existing or designated routes to the extent possible.
 - b. Areas of new construction shall be flagged or marked on the ground prior to construction. All construction workers shall strictly limit their activities and vehicles to areas that have been marked. Construction personnel shall be trained to recognize markers and understand the equipment movement restrictions involved.
5. Construction sites shall be maintained in a sanitary condition at all times. The project proponent shall be responsible for controlling and limiting litter, trash, and garbage by placing refuse in predator-proof, sealable receptacles. Trash and debris shall be removed when construction is complete.
6. All features that can entrap tortoise (i.e., trenches, pits, and other features) in the project area shall be checked twice daily (morning and afternoon) for trapped desert tortoise.

7. During and after completion of the project, trenches, pits, and other features in which tortoises could be entrapped or entangled, shall be filled in, covered, or otherwise modified so they are no longer a hazard to desert tortoise.
8. All dogs in the project area shall be on a leash.

Other Mitigating Measures

9. All applicable regulations in accordance with 43 CFR 2800.
10. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the Plan of Development (POD) dated February, 2003 and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved POD, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved POD, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
11. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the holder or any person working on the holders behalf, on public or federal land shall be immediately reported to the authorized officer. The holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of the evaluation and any decision as to the proper mitigation measures will be made by the authorized officer after consulting with the holder.
12. Construction holes left open over night shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.
13. Within 30 days of completion, the holder will submit to the authorized officer, as-built drawings and a certification of construction verifying that the facility has been constructed (and tested) in accordance with the design, plans, specifications, and applicable laws and regulations.
14. During construction, the holder shall apply water for the purpose of dust control.
15. The holder shall trim trees in preference to cutting trees and shall cut trees in preference to bulldozing them as directed by the authorized officer.
16. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil will be conserved during excavation and reused as cover on disturbed areas to facilitate re-growth of vegetation.
17. The holder shall maintain the right-of-way in a safe usable condition, as directed by the authorized officer.
18. The holder will be responsible for the total reclamation of the right-of way shall it ever be

relinquished or terminated. This reclamation will include the scarification of the road surface and the reseeding of the entire disturbed area with a native seed mixture that will be approved by the Authorized Officer prior to the reclamation work.

19. The holder of this right-of-way grant or the holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
20. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
21. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
22. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
23. The holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way. This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.
24. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
25. Archeological sites that are eligible or potentially eligible for the National Register shall be spanned and avoided during construction and maintenance activities. If an eligible site cannot be spanned, impact avoidance and mitigation measures developed in consultation with the State Historic Preservation Office and other interested parties shall be implemented during post-Environmental Assessment phases of project implementation.
26. Prior to construction, a training program shall be instituted that would stress the importance of avoiding unintentional and intentional damage to cultural, paleontological, and ecological resources.

GUIDELINES FOR HANDLING SONORAN DESERT TORTOISES
ENCOUNTERED ON DEVELOPMENT PROJECTS
Arizona Game and Fish Department
Revised January 17, 1997

The Arizona Game and Fish Department (Department) has developed the following guidelines to reduce potential impacts to desert tortoises, and to promote the continued existence of tortoises throughout the state. These guidelines apply to short-term and/or small-scale projects, depending on the number of affected tortoises and specific type of project.

Desert tortoises of the Sonoran population are those occurring south and east of the Colorado River. Tortoises encountered in the open should be moved out of harm's way to adjacent appropriate habitat. If an occupied burrow is determined to be in jeopardy of destruction, the tortoise should be relocated to the nearest appropriate alternate burrow or other appropriate shelter, as determined by a qualified biologist. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim. Tortoises should be moved quickly, kept in an upright position at all times and placed in the shade. Separate disposable gloves should be worn for each tortoise handled to avoid potential transfer of disease between tortoises. Tortoises must not be moved if the ambient air temperature exceeds 105 degrees Fahrenheit unless an alternate burrow is available or the tortoise is in imminent danger.

A tortoise may be moved up to two miles, but no further than necessary from its original location. If a release site, or alternate burrow, is unavailable within this distance, and ambient air temperature exceeds 105 degrees Fahrenheit, the Department should be contacted to place the tortoise into a Department-regulated desert tortoise adoption program. Tortoises salvaged from projects which result in substantial permanent habitat loss (e.g. housing and highway projects), or those requiring removal during long-term (longer than one week) construction projects, will also be placed in desert tortoise adoption programs. *Managers of projects likely to affect desert tortoises should obtain a scientific collecting permit from the Department to facilitate temporary possession of tortoises.* Likewise, if large numbers of tortoises (>5) are expected to be displaced by a project, the project manager should contact the Department for guidance and/or assistance.

Please keep in mind the following points:

- These guidelines do not apply to the Mohave population of desert tortoises (north and west of the Colorado River). Mohave desert tortoises are specifically protected under the Endangered Species Act, as administered by the U.S. Fish and Wildlife Service.
- These guidelines are subject to revision at the discretion of the Department. We recommend that the Department be contacted during the planning stages of any project that may affect desert tortoises.
- Take, possession, or harassment of wild desert tortoises is prohibited by state law. Unless specifically authorized by the Department, or as noted above, project personnel should avoid disturbing any tortoise.