



0000094215



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Phoenix District

Hassayampa Field Office

21605 North 7th Avenue

Phoenix, Arizona 85027

www.blm.gov/az/



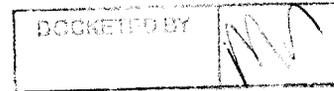
Arizona Corporation Commission

DOCKETED

MAR - 2 2009

ORIGINAL

In Reply Refer To:
2800 (AZP010)



Ms. Kristin K. Mayes, Madam Chairman
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

RECEIVED
2009 MAR - 2 P 2:49
AZ CORP COMMISSION
DOCKET CONTROL

RE: Docket No. L00000 D-08-0330-00138 - "Line Siting 138"

Dear Madam Chairman Mayes:

The Arizona Corporation Commission is now accepting comments in its deliberation of whether to approve the Line Siting Committee's recommended corridor for the Arizona Public Service Company (APS) TS5 to TS9 500/230 kV transmission line. The recommended corridor, if approved (Certificated) by the Commission, includes lands the Bureau of Land Management (BLM) administers along State Route 74.

Individuals have provided testimony to the Commission regarding the BLM process for considering applications for right-of-way authorizations across public land. The intent of this letter is to provide clarity on our process and the role of a Resource Management Plan in evaluation of right-of-way applications. The BLM is not in a position to make any statements regarding decisions we would make pending the determinations of the Commission.

The recommended corridor currently under review is within the boundaries of the Agua Fria National Monument and Bradshaw-Harquahala Proposed Resource Management Plan and Final Environmental Impact Statement (June 2008). A Record of Decision for this Plan is scheduled for completion this summer. The Bradshaw-Harquahala Plan does not identify a utility corridor along State Route 74 corresponding to the Line Siting Committee's recommended corridor.

A request for a right-of-way and/or an amendment to this Plan would be considered following BLM land use planning regulations and policy. Upon receiving an application for a right-of-way, the BLM would determine if the proposal is in conformance with the relevant resource management plan. If the right-of-way is in conformance, the BLM would process the application and comply with all necessary provisions of the National Environmental Policy Act. Where a proposal is not in conformance with the plan, the BLM may provide the applicant an opportunity to adjust their proposal, or the BLM may deny the proposal. The decision to deny is subject to appeal to the Interior Board of Land Appeals.

An applicant may request that the BLM amend the plan to allow an otherwise non-conforming proposal. If the BLM determines that the request is warranted, a plan amendment is initiated. If the BLM determines the request for amendment is not warranted, a decision to deny may be issued. This decision is subject to protest.

An amendment to the Bradshaw-Harquahala Resource Management Plan would require the BLM to complete an environmental analysis pursuant to the National Environmental Policy Act. This analysis would lead the BLM to consider a range of alternatives to meet the purpose and need of the proposed action, potentially including alternatives outside of the boundary of the recommended corridor. Such an amendment includes public scoping, public involvement, and public comment on any alternative considered. The ultimate outcome of the Plan Amendment may differ from the initial proposal. Selection of a preferred alternative and completion of a Record of Decision amending the Resource Management Plan would define the options available to the proponent. A plan amendment would compel the BLM to reconsider and adjust, if needed, other affected plan decisions. The Bradshaw-Harquahala Plan, which included extensive public involvement, identified resource values and allocations on public lands in this area, including sensitive desert tortoise habitat and visual resource management concerns north of State Route 74. The Plan also allocated 112,430 acres in this area as the Castle Hot Springs Special Recreation Management Area, with an emphasis on preserving open space and retaining scenic and visual qualities. These issues are described in depth in the Plan and are a matter of public record.

We hope this letter clarifies the BLM process. If you have any questions, please contact Steve Cohn at 623-580-5530.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Cohn', with a long horizontal line extending to the right.

Steven Cohn
Field Manager