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BEFORE THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

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2015 NOV 16 A 11:59

AZ CORP COMMISSION DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF SUNZIA TRANSMISSION LLC, IN CONFORMANCE WITH THE REQUIREMENTS OF ARIZONA REVISED STATUTES 40-360, ET SEQ., FOR A CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AUTHORIZING THE SUNZIA SOUTHWEST TRANSMISSION PROJECT, WHICH INCLUDES THE CONSTRUCTION OF TWO NEW 500 KV TRANSMISSION LINES AND ASSOCIATED FACILITIES ORIGINATING AT A NEW SUBSTATION (SUNZIA EAST) IN LINCOLN COUNTY, NEW MEXICO, AND TERMINATING AT THE PINAL CENTRAL SUBSTATION IN PINAL COUNTY, ARIZONA. THE ARIZONA PORTION OF THE PROJECT IS LOCATED WITHIN GRAHAM, GREENLEE, COCHISE, PINAL, AND PIMA COUNTIES.

DOCKET NO. L-00000YY-15-0318-00171

Case No. 171

NOTICE OF FILING OF PROPOSED CONDITIONS PER THE RECOMMENDATION OF THE CHAIR OF THE ARIZONA POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE

Arizona Corporation Commission

DOCKETED

NOV 16 2015

DOCKETED BY [Signature]

Parties Christina McVie, Peter T. Else and Norm "Mick" Meader file the above referenced Notice in compliance with Paragraphs 26 and 28 of Chairman Thomas K. Chenal's Procedural Order of September 11, 2015 and the specific recommendation of the Chair that, whether or not the Arizona Power Plant and Transmission Line Siting Committee recommends approval of a Certificate of Environmental Compatibility (CEC), the Chair intends to forward to the Arizona Corporation Commission Conditions that may be helpful in their deliberations. These Conditions do not alter our conclusion that a CEC is not warranted and should be denied. The proposed Conditions are attached as Exhibit A.

1
2 Respectfully submitted on November 16, 2015,

3
4 *Christina McVie*

5 Christina McVie

6 *P. T. Else*

7 Peter T. Else

8 *Norm "Mick" Meader*

9 Norm "Mick" Meader

10 ORIGINAL and 25 COPIES of the foregoing hand-
delivered on this 16th day of November 2015 to:

11 Arizona Corporation Commission
12 Docket Control
1200 W. Washington Street
Phoenix, AZ 85007-2996

13 PRINTED COPIES of this notice were hand-delivered
14 to the Chairman, Committee Members, all parties, and
the Court Reporter on November 16, 2015.

15 An EMAILED COPY of this Notice in word and PDF
16 form was sent on November 16, 2015 to the following:

17 Janice Alward jalward@azcc.gov
18 Lisa Romeo Lisa.Romeo@azag.gov
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Exhibit A Follows

1 **CONDITIONS to a CEC that may be recommended by the Arizona Power Plant and**
2 **Transmission Line Siting Committee or approved by the Arizona Corporation**
3 **Commission:**

4 Mitigation is defined at 40 CFR 1508.20 as:

- 5 (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
- 6 (b) Minimizing impacts by limiting the degree or magnitude of the action and its
7 implementation;
- 8 (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- 9 (d) Reducing or eliminating the impact over time by preservation and maintenance operations
10 during the life of the action; and
- 11 (e) Compensating for the impact by replacing or providing substitute resources or environments.

12 The following **Conditions** are hereby incorporated into the findings of the Arizona
13 Power Plant and Transmission Line Siting Committee:

- 14 1. The use of helicopters shall be employed for any and all activities in biologically
15 sensitive waters or habitats or culturally sensitive sites related to surveys and
16 construction, including tower placement, stringing, tensioning operation and
17 maintenance of any transmission line(s), which has been demonstrated as
18 technologically feasible by the completion of the Antelope-Pardee 500-kV
19 Transmission Project portion of the Tehachapi Renewable Transmission Project in the
20 Angeles National Forest in California.
- 21 2. Helicopters shall be used for any and all Project construction and maintenance
22 activities within the San Pedro River watershed.
- 23
- 24

- 1 3. Helicopters shall be used for any and all Project construction and maintenance
2 activities associated with other upland Sonoran desert, grasslands, and wooded areas
3 as determined in consultation with land managers, the Arizona Game and Fish
4 Department Region 5, and informal consultation with the Southeast Arizona
5 Ecological Field Office of the US Fish and Wildlife Service (USFWS).
- 6 4. Existing roads and bordering vegetation in the San Pedro watershed shall not be
7 altered or degraded from the existing state as a result of the Project.
- 8 5. New access and maintenance roads shall be prohibited in areas specified in these
9 Conditions. Elsewhere, construction of roads shall be avoided; if absolutely
10 unavoidable, they shall be minimized, monitored and adaptively managed and
11 mitigated for to the greatest extent practicable for the life of the Project.
- 12 6. At any and all riparian crossings, towers and conductors shall be of sufficient height
13 to avoid tree removal required to meet NESC and FERC safety standards.
- 14 7. In areas of pronghorn habitat and other sensitive grasslands, tower structure type and
15 transmission line placement shall be coordinated with Arizona Game and Fish
16 Department (AGFD) such that prescribed fire shall continue to be a viable
17 management option for grassland habitat management.
- 18 8. A cultural landscape study and detailed Class III cultural resource surveys shall be
19 conducted to fully evaluate the impacts of the Project on the cultural landscape prior
20 to the commencement of any Project activities, including acquisition of rights-of-way
21 (ROWs) or construction.
- 22 9. Tohono O'odham Nation cultural monitors shall be engaged and shall be present
23 during all construction activities associated with the Project.
- 24

- 1 10. Where fencing is placed or replaced, consultation with the AGFD shall determine the
2 appropriate type of fencing on a site-specific basis.
- 3 11. If the project is routed through the San Pedro River Valley, it shall be realigned so
4 that the right-of-way does not parallel Paige Canyon, as is currently the
5 case. Because the canyon is the primary wildlife corridor linking the Rincon
6 Mountains with the San Pedro River and Galiuro Mountains, the lines need to cross
7 the canyon where they first meet it and be routed as far west of the canyon as
8 practicable in avoidance of private land. The realignment shall be done in
9 coordination with the Cascabel Working Group, the Redington Natural Resource
10 Conservation District, The Nature Conservancy, the Arizona Game and Fish
11 Department, and the Arizona State Land Department.
- 12 12. Transmission towers and lines shall be designed to minimize adverse impacts to
13 raptors, cranes and waterfowl. Avian mortality shall also be minimized through use of
14 the best available technology to prevent collisions and electrocutions of birds by
15 transmission lines, overhead ground wires, and guy wires. In riparian and any other
16 sensitive areas, tower designs shall minimize the need for guy wires. The use of bird
17 diverters shall be required in proximity to avian migration corridors, riverine systems,
18 and designated or proposed Important Bird Areas such as the San Pedro River
19 watershed, the Willcox Playa and associated agricultural forage lands, the Sulphur
20 Springs Valley and the Cienega Creek and Davidson Canyon areas.
- 21 13. Monitoring of, and appropriate adaptive management and mitigation for any direct,
22 indirect, and related impacts to affected downstream riparian areas shall continue for
23 the life of the Project.
24

1 14. SunZia or its successors in interest or assignees shall convene a collaborative effort to
2 develop and implement an effectiveness monitoring and adaptive management
3 Program which shall include, but not necessarily be limited to: cultural and historic
4 resources; a vegetative and invasive species management plan; raptor, crane and other
5 avian mitigation measures; erosion management techniques; application of Standard
6 and Selective Mitigation Measures; vegetative replacement and restoration
7 techniques, and; residual impacts, for the life of the permit. This Program shall be
8 memorialized through an enforceable means such as a Collaborative Conservation
9 Agreement (CCA) or other mutually acceptable vehicle, prior to the completion of the
10 Plan of Development and/or within one (1) year of the Arizona Corporation
11 Commission's approval of the right of way, whichever comes first. NOTE: This
12 approach has previously been successful with Kinder Morgan's 674 mile Ruby
13 Pipeline Project.

14 15. SunZia or its successors in interest or assignees shall be signatories of the CCA or
15 other mutually acceptable vehicle and the collaborative effort shall continue until
16 such time as the power transmission line(s) is decommissioned. SunZia or the owner
17 of the right of way shall fund the Implementation of the Program at a 100% level.

18 16. Like-for-like compensatory mitigation shall be required for any loss or degradation of
19 lands managed for mitigation and/or conservation, fee simple or leased, and for
20 direct, indirect, cumulative, related and residual impacts to wildlife habitat and
21 corridors.

22 17. Pima County shall be compensated per the Conservation Lands System 4:1 mitigation
23 ratio, for losses to both the Conservation Land System AND for potential loss of, or
24 adverse impacts to, lands conserved with voter-approved funding for mitigation for

1 their pending Multi-Species Habitat Conservation Plan and Section 10 Incidental
2 Take Permit as authorized under the Endangered Species Act of 1973.

3 18. Arizona Game and Fish Department (AGFD) shall determine additional
4 compensatory mitigation for potential wildlife habitat and wildlife corridor losses,
5 degradation and residual impacts to the state per their statutory authorities.

6 19. As a part of the Plan of Development, SunZia or the current owner(s) of the right of
7 way, AGFD, ASLD, the USFWS Southeast Arizona Ecological Services Field Office,
8 and other interested stakeholders (including Pima County, if routed through Pima
9 County), and Parties, shall identify appropriate compensatory mitigation lands.
10 Acquisition in fee or granting a property right interest shall be funded by SunZia or
11 the current right of way owner before the commencement of line construction.

12 20. In all of the above Pima County, if the line is routed through Pima County, the
13 AGFD, and the Tohono O'odham Nation shall be granted status as full partners in the
14 Plan of Development.

15
16 **These Conditions Are Approved by the Arizona Power Plant and Transmission Line Siting**
17 **Committee on this ___ day of November, 2015.**