



United States Department of the Interior



Fish and Wildlife Service Arizona Ecological Services Office

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In Reply Refer to:
AESO/SE
02EAAZ00-2018-I-0040

October 13, 2017

Ms. Melissa Pauley
Department of Energy
Office of Electricity Delivery and Energy Reliability
1000 Independence Avenue, SW
Washington, DC 20585

Dear Ms. Pauley:

Thank you for your correspondence of August 17, 2017, received by us on August 23, 2017. Your letter requested informal consultation on an application by Nogales Transmission L.L.C for the issuance of a Presidential Permit by the Department of Energy (DOE) for the proposed Nogales Interconnection Project, in compliance with section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531 *et seq.*). The project is located in the City of Nogales, Santa Cruz County, Arizona.

Your letter concluded that the proposed action may affect, but is not likely to adversely affect the endangered lesser long-nosed bat (*Leptonycteris yerbabuenae*) and would have no effect on the endangered Pima pineapple cactus (*Coryphantha scheeri* var. *robustispina*). We concur with your determinations and provide our rationale below.

Description of the Proposed Action

Nogales Transmission applied to DOE for a Presidential permit to construct, connect, operate, and maintain an approximately 5-mile-long, 138-kilovolt (kV) and 230-kV, AC electric transmission system that would cross the international border between Nogales, Santa Cruz County, Arizona and Sonora, Mexico. The proposed Nogales Interconnection Project would be constructed on 150-foot-wide right-of-way (ROW) and would consist of the following components: a new, approximately 3-mile-long, overhead 138-kV AC transmission line between the existing UNS Electric, Inc. Valencia Substation and a new Gateway Substation; a new, approximately 11-acre Gateway Substation, with capacity for direct current (DC) interconnection of up to 300 megawatts (MW) constructed on land currently owned by Tucson Electric Power; a new, approximately 2-mile-long, overhead 230-kV AC transmission line extending south from the new Gateway Substation to the proposed international border crossing; and associated access roads. Minor modifications within the existing footprint of the Valencia Substation would also be made. A portion of the proposed ROW for the new line from the new Gateway Substation to the proposed U.S.-Mexico border crossing would be adjacent to the Coronado National Forest, but would not be located directly on U.S. Forest Service land. This consultation discusses only the Applicant's Preferred Alternative, described in the Environmental Assessment (EA) as Alternative 3.

The other three alternatives analyzed in the EA (Alternative 1, Alternative 2, and Alternative 4) are not included in this document. The project area is defined as all areas in which any ground disturbance would take place as a result of the proposed Project, including a 150-foot-wide ROW, one new substation (the Gateway Substation), and 4.83 miles of new and upgraded access roads (i.e., the Project “footprint”).

Description of the Proposed Conservation Measures

The following conservation measures have been included in your proposed action intended to avoid or minimize the effects of the proposed action to lesser long-nosed bats, including:

- To the extent practicable, agaves would be avoided. Where impacts to agaves cannot be avoided, the Applicant would be required to include both transplanting and planting an additional agave for each transplant or, if certain agaves cannot be transplanted, replacing them at a 3:1 ratio.
- If protected native plants within the ROW would be affected, Arizona Department of Agriculture notification would be provided 60 days prior to construction. Prior to vegetation removal, all viable protected native plants would be tagged for avoidance, transplanted to areas of the ROW that would not be disturbed, or removed. Local nurseries, the Cacti and Succulent Society, and/or other interested non-governmental organizations who have obtained plant tags from the Arizona Department of Agriculture would remove the protected native plants. Plants tagged for transplantation would be transplanted to areas within the ROW that would not be disturbed.
- Every effort would be made to avoid impacts to vegetation through selective vegetation removal. Vegetation would only be removed when other options are unavailable or impracticable. For example, selective vegetation removal would be required for the work areas around pole sites, pulling and tensioning sites, and access roads, as well as for tall-growing vegetation that would be within the clear zone of the line.
- An environmental monitor would be present during all phases of construction to ensure that personnel stay within the limits of disturbance and avoid any areas identified for avoidance, as well as to respond to routine questions or address unexpected problems that may occur.
- The Applicant would conduct a Worker Environmental Awareness Program training and require all personnel to attend before entry to the project site. To demonstrate completion of training, a hardhat sticker and/or a badge would be issued. Personnel without a sticker and/or a badge would be required to leave the project site until training is completed.
- To prevent the introduction of invasive species seeds, the Applicant and its contractor would inspect all equipment at the laydown yard (in an on-site, contained setting), and the equipment would be washed prior to entering the ROW. This procedure would be described in more detail in the Noxious and Invasive Plant Species Management and Control Plan.
- To prevent invasive species seeds from leaving the impact analysis area, the Applicant and its contractor would inspect all construction equipment and remove all attached plant/vegetation and soil/mud debris prior to leaving the construction site. As above, this procedure would be described in more detail in the Noxious and Invasive Plant Species Management and Control Plan.
- Post-construction restoration activities would include removal and disposal of debris, removal of temporary structures, and employment of appropriate erosion control measures. Areas requiring stabilization would be seeded with low-growing species, such as grasses and forbs, or otherwise stabilized against erosion, in consultation with landowners and appropriate agencies.

- Structure sites would be restored to approximate pre-construction contours prior to revegetation with native species. Areas disturbed by construction activities that do not have appropriate regrowth would be reseeded with native vegetation similar to what was removed, except for vegetation that might violate height restrictions.
- Depending upon what month construction is completed, seeding may be done just prior to, or during, the summer monsoon season to ensure greatest germination and revegetation success (i.e. from mid-June to mid-November). To best mimic the natural condition, restoration seed mixes would include a diversity of native annual and perennial plants that represent both the spring and late summer/monsoon/fall growing seasons. Restoration would be completed within 6 months of the proposed Project being operational.
- In order to discourage unauthorized use of access roads, the Applicant would discuss including locked gates at access roads with landowners as part of the landowner agreements. Signage would be posted to make users aware that the access roads would be closed to the public, as well as subject to trespass laws.

The following conservation measures have been included in your proposed action intended to avoid the effects of the proposed action to the Pima pineapple cactus, including:

- If protected native plants within the ROW would be affected, Arizona Department of Agriculture notification would be provided 60 days prior to construction. Prior to vegetation removal, all viable protected native plants would be tagged for avoidance, transplanted to areas of the ROW that would not be disturbed, or removed. Local nurseries, the Cacti and Succulent Society, and/or other interested non-governmental organizations who have obtained plant tags from the Arizona Department of Agriculture would remove the protected native plants. Plants tagged for transplantation would be transplanted to areas within the ROW that would not be disturbed.
- Every effort would be made to avoid impacts to vegetation through selective vegetation removal. Vegetation would only be removed when other options are unavailable or impracticable. For example, selective vegetation removal would be required for the work areas around pole sites, pulling and tensioning sites, and access roads, as well as for tall-growing vegetation that would be within the clear zone of the line.
- An environmental monitor would be present during all phases of construction to ensure that personnel stay within the limits of disturbance and avoid any areas identified for avoidance, as well as to respond to routine questions or address unexpected problems that may occur.
- The Applicant would conduct a Worker Environmental Awareness Program training and require all personnel to attend before entry to the project site. To demonstrate completion of training, a hardhat sticker and/or a badge would be issued. Personnel without a sticker and/or a badge would be required to leave the project site until training is completed.
- To prevent the introduction of invasive species seeds, the Applicant and its contractor would inspect all equipment at the laydown yard (in an on-site, contained setting), and the equipment would be washed prior to entering the ROW. This procedure would be described in more detail in the Noxious and Invasive Plant Species Management and Control Plan.
- To prevent invasive species seeds from leaving the impact analysis area, the Applicant and its contractor would inspect all construction equipment and remove all attached plant/vegetation and soil/mud debris prior to leaving the construction site. As above, this procedure would be described in more detail in the Noxious and Invasive Plant Species Management and Control Plan.

- Post-construction restoration activities would include removal and disposal of debris, removal of temporary structures, and employment of appropriate erosion control measures. Areas requiring stabilization would be seeded with low-growing species, such as grasses and forbs, or otherwise stabilized against erosion, in consultation with landowners and appropriate agencies.
- Structure sites would be restored to approximate pre-construction contours prior to revegetation with native species. Areas disturbed by construction activities that do not have appropriate regrowth would be reseeded with native vegetation similar to what was removed, except for vegetation that might violate height restrictions.
- Depending upon what month construction is completed, seeding may be done just prior to, or during, the summer monsoon season to ensure greatest germination and revegetation success (i.e. from mid-June to mid-November). To best mimic the natural condition, restoration seed mixes would include a diversity of native annual and perennial plants that represent both the spring and late summer/monsoon/fall growing seasons. Restoration would be completed within 6 months of the proposed Project being operational.
- In order to discourage unauthorized use of access roads, the Applicant would discuss including locked gates at access roads with landowners as part of the landowner agreements. Signage would be posted to make users aware that the access roads would be closed to the public, as well as subject to trespass laws.

Determination of Effects

We concur that the proposed action may affect, but is not likely to adversely affect the lesser long-nosed bat. Our rationale for our concurrence is as follows:

- No lesser long-nosed bat roosts have been documented in the project area, therefore effects to roosting lesser long-nosed bats are discountable.
- To the extent practicable, agaves would be avoided. Where impacts to agaves cannot be avoided, the Applicant will be required to include both transplanting and planting an additional agave for each transplant or, if it is not feasible to transplant certain agaves, replacing them at a 3:1 ratio. Therefore, effects to lesser long-nosed bat forage species will be insignificant.
- Conservation measures, as described above, will avoid or reduce any potential impacts of construction on lesser long-nosed bat foraging habitat.

We concur that the proposed action will not affect the Pima pineapple cactus. Our rationale for our concurrence is as follows:

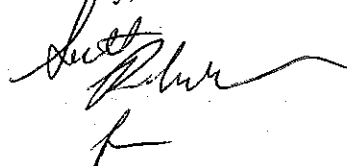
- No Pima pineapple cacti were found during survey of the project footprint, the ROW and new and upgraded access roads.
- Suitable habitat for this species is uncommon within the project area, due to previous development in the eastern and central portions, sandy, gravelly waterways (such as Mariposa Wash), and areas of steep slopes that do not provide suitable conditions for the Pima pineapple cactus.
- Conservation measures, as described above, will avoid or reduce any potential impacts of construction on potential Pima pineapple cactus habitat.

Ms. Melissa Pauley

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Thank you for your continued coordination. No further section 7 consultation is required for this project at this time. Should project plans change, or if information on the distribution or abundance of listed species or critical habitat becomes available, those determinations may need to be reconsidered. In all future correspondence on this project, please refer to consultation number 02EAAZ00-2018-I-0040. We fully support your continued coordination of this project with the Arizona Game and Fish Department. Should you require further assistance or if you have any questions, please contact Scott Richardson at (520) 670-6150 (x 242).

Sincerely,



Steven L. Spangle
Field Supervisor

cc (hard copy):

Field Supervisor, Fish and Wildlife Service, Phoenix, AZ (2 copies)
Assistant Field Supervisor, Fish and Wildlife Service, Tucson, Arizona

cc (electronic copy):

UNS Electric, Tucson, Arizona (Attn: Renee Darling)
Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ (pep@azgfd.gov)
Regional Supervisor, Arizona Game and Fish Department, Tucson, Arizona (Attn: John Windes)

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