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## BEFORE THE ARIZONA CORPORATION CO

**COMMISSIONERS**

Arizona Corporation Commission

**DOCKETED**

JUN 12 2012

GARY PIERCE, Chairman  
 SANDRA D. KENNEDY  
 PAUL NEWMAN  
 BOB STUMP  
 BRENDA BURNS

DOCKETED BY

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IN THE MATTER OF THE APPLICATION  
 OF TUCSON ELECTRIC POWER  
 COMPANY FOR A CERTIFICATE OF  
 ENVIRONMENTAL COMPATIBILITY  
 AUTHORIZING THE CONSTRUCTION OF  
 A 138kV TRANSMISSION LINE AND  
 ASSOCIATED FACILITIES FROM THE  
 PROPOSED TORO SWITCHYARD,  
 SECTION 29, TOWNSHIP 17 SOUTH,  
 RANGE 14 EAST TO THE ROSEMONT  
 SUBSTATION, AT SECTION 30,  
 TOWNSHIP 18 SOUTH, RANGE 16 EAST,  
 EACH LOCATED WITHIN PIMA COUNTY,  
 ARIZONA.

CASE NO. 164

Docket No. L-00000C-11-0400-00164

DECISION NO. 73232

ORDER GRANTING CERTIFICATE OF  
 ENVIRONMENTAL COMPATIBILITY AS  
 MODIFIED BY THE COMMISSION AND  
 VACATING DECISION NO. 73074

Open Meeting  
 June 19 and 20, 2012  
 Phoenix, Arizona

**BY THE COMMISSION:**

Pursuant to A.R.S. § 40-360, *et seq*, after due consideration of all relevant matters, the Arizona Corporation Commission ("Commission") finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee ("Siting Committee") is hereby approved as modified by this Order.

The Commission, in reaching its decision, has balanced all relevant matters in the broad public interest, including the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of this state, and finds that the CEC for the above-captioned application for siting approval is in the public interest as modified by this Order.

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Decision No. \_\_\_\_\_

1 The Commission modifies the CEC as follows:

2 **1. DELETE Condition 6 and INSERT the following revised Condition 6:**

3 6. This authorization to construct this Project shall expire unless the transmission  
4 line is capable of operation within seven (7) years from the date that the CEC is approved by the  
5 Commission. However, prior to expiration, the Applicant may request that the Commission extend  
6 this time limitation.

7 **2. DELETE Condition 23 and INSERT the following revised Condition 23:**

8 23. Applicant will not commence construction on the Project until the following  
9 have occurred:

10 (1) Issuance of a Record of Decision for approval of the Mining Plan of  
11 Operations for Rosemont Copper Company and/or Rosemont Copper Project;

12 (2) Issuance of a Section 404 permit pursuant to the Clean Water Act;

13 (3) Certification by the Arizona Department of Environmental Quality pursuant to  
14 Section 401 of the Clear Water Act, certifying that issuance of the Section 404 permit would not  
15 result in violation of the Arizona Surface Water Quality standards;

16 (4) Issuance of the Air Quality permit pursuant to the Clear Air Act; and

17 (5) Acquisition of right-of-way from the Arizona State Land Department for the  
18 construction of the transmission line across the Santa Rita Experimental Range.

19 **3. DELETE the text of Condition 26 (Table E-3 to remain) and INSERT the**  
20 **following revised text for Condition 26:**

21 26. Applicant shall engage the services of a Tohono O'odham Cultural Monitor  
22 during any construction activities on, or within, one hundred (100) feet of known prehistoric cultural  
23 resource sites that are eligible for the National Register of Historic Places, as identified in Table E-3  
24 of the Application, with the addition of Huerfano Butte.

25 **4. INSERT the following new conditions:**

26 27. If Tucson Electric Power Company constructs this transmission line, all costs  
27 for construction shall be charged to Rosemont Copper Company, its successors, or assignees by  
28 Tucson Electric Power Company.

1           28.     Until further order of the Commission, all operations and maintenance costs  
2 associated with this line shall be charged to Rosemont Copper Company, its successors, or assignees  
3 by Tucson Electric Power Company.

4           29.     If Tucson Electric Power Company constructs this transmission line and is  
5 subsequently required, for any reason, to remove this transmission line, all costs associated with such  
6 removal, including, but not limited to, all environmental remediation, shall be charged to Rosemont  
7 Copper Company, its successors, or assignees by Tucson Electric Power Company.

8           30.     Applicant shall construct and own the 138 kV transmission line serving the  
9 Rosemont Copper Company's mining operations.

10          31.     Applicant shall submit proof that all costs regarding removal of the  
11 transmission line and environmental remediation shall be covered by one or more mechanisms  
12 obtained by Rosemont Copper Company, its successors, or assignees to ensure that funds are  
13 available.

14          32.     Applicant shall certify annually, until further order of the Commission,  
15 whether service is still required by means of this transmission line. Once service is no longer needed,  
16 Applicant shall file a plan for removal of the transmission line.

17          33.     Applicant will complete cultural resources data recovery and, as part of the  
18 recovery efforts, will perform oral histories for the Helvetia townsite for areas that will be disturbed  
19 by the transmission line project to the extent this activity is not already part of the treatment plan.  
20 The items recovered shall be handled in accordance with state law, and to the extent allowed, will be  
21 provided to regional historical organizations. The results will be provided to the Arizona State  
22 Museum and to Pima County, subject to restrictions on disclosing information regarding specific  
23 cultural resources.

24          34.     Before commencing construction of Project facilities located parallel to and  
25 within one hundred (100) feet of any existing natural gas or hazardous liquid pipeline, the Applicant  
26 or its assignees shall perform the appropriate grounding and cathodic protection studies to show that  
27 the Project's location parallel to and within one hundred (100) feet of such a pipeline results in no  
28 material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are

1 in operation. If material adverse impacts are noted in the studies, Applicant shall take appropriate  
2 steps to ensure that such material adverse impacts are mitigated. Applicant shall provide to  
3 Commission Staff and to Docket Control reports of studies performed; Applicant shall also perform a  
4 technical study simulating an outage of the Project that may be caused by the collocation of the  
5 Project parallel to and within one hundred (100) feet of the existing natural gas or hazardous liquid  
6 pipeline. This study should either (a) show that such outage does not result in customer outages or  
7 (b) include operating plans to minimize any resulting customer outages. Applicant shall provide a  
8 copy of this study to Commission Staff and to Docket Control.

### 9 FINDINGS OF FACT

10 The Commission further finds and concludes that in balancing the broad public interest in this  
11 matter:

12 1. The Project is in the public interest because it aids the state in meeting the need for an  
13 adequate, economical and reliable supply of electric power.

14 2. In balancing the need for the Project with its effect on the environment and ecology of  
15 the state, the conditions placed on the CEC as modified by the Commission effectively minimize its  
16 impact on the environment and ecology of the state.

17 3. The conditions placed on the CEC as modified by the Commission resolve matters  
18 concerning the need for the Project and its impact on the environment and ecology of the state raised  
19 during the course of proceedings, and as such, serve as the findings on the matters raised.

20 4. The potential environmental cost of constructing and then dismantling the  
21 transmission line if the Mine is never operated weighs in favor of requiring certain permitting related  
22 to the Mine as set forth in Condition 23 to be concluded prior to construction of the transmission line.

23 5. In light of these conditions, the balancing in the broad public interest results in favor  
24 of granting the CEC as modified by the Commission and vacating Decision No. 73074.

25 6. The Commission values the intervention and participation of members of the public in  
26 the siting process. Such interveners provide a unique perspective to the proceedings, and we value  
27 their input. We appreciate the contributions made by Interveners Elizabeth Webb and Marshall  
28 Magruder in this case.

7. The Application to Intervene filed by Pima County is hereby granted.

**CONCLUSIONS OF LAW**

1. Tucson Electric Power Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-252, 40-253, and 40-360, *et seq.*

2. The Commission has jurisdiction over Tucson Electric Power Company and the subject matter of this Application.

3. Notice of the proceeding has been given in the manner prescribed by law.

4. The Commission, having reviewed and considered the applications for rehearing and the filings of the interested parties, concludes that it is in the public interest to vacate Decision No. 73074 and approve the Certificate of Environmental Compatibility issued by the Arizona Power Plant and Transmission Line Siting Committee subject to the modifications described herein.

**ORDER**

IT IS THEREFORE ORDERED that Decision No. 73074 is hereby vacated.

IT IS FURTHER ORDERED that the Certificate of Environmental Compatibility issued by the Arizona Power Plant and Transmission Line Siting Committee is hereby approved as modified by this Order.

IT IS FURTHER ORDERED that the Application to Intervene filed by Pima County is hereby granted.

IT IS FURTHER ORDERED that this decision shall become effective immediately.

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THE CEC ISSUED BY THE SITING COMMITTEE IS  
INCORPORATED HEREIN AND IS APPROVED AS MODIFIED BY ORDER OF THE  
ARIZONA CORPORATION COMMISSION

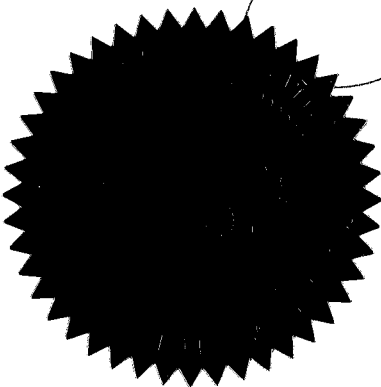
*[Signature]*  
CHAIRMAN

*[Signature]*  
COMMISSIONER

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COMMISSIONER

*[Signature]*  
COMMISSIONER

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COMMISSIONER



IN WITNESS WHEREOF, I, ERNEST G. JOHNSON,  
Executive Director of the Arizona Corporation Commission,  
have hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capital, in the City of Phoenix,  
this 12<sup>th</sup> day of June 2012.

*[Signature]*  
ERNEST G. JOHNSON  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

**SERVICE LIST FOR: TUCSON ELECTRIC POWER COMPANY  
DOCKET NO. L-00000C-11-0400-00164**

**Original and thirty-one (31)  
copies of the foregoing filed this  
\_\_\_\_\_ day of June, 2012 with:**

Docket Control  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

**Copies of the foregoing mailed  
this \_\_\_\_\_, day of June, 2012 to:**

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ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION OF  
TUCSON ELECTRIC POWER COMPANY FOR  
A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING THE  
CONSTRUCTION OF A 138 kV  
TRANSMISSION LINE AND ASSOCIATED  
FACILITIES FROM THE PROPOSED TORO  
SWITCHYARD, SECTION 29, TOWNSHIP 17  
SOUTH, RANGE 14 EAST TO THE  
ROSEMONT SUBSTATION, SECTION 30,  
TOWNSHIP 18 SOUTH, RANGE 16 EAST,  
EACH LOCATED WITHIN PIMA COUNTY,  
ARIZONA.

Docket No. L-00000C-11-0400-00164

Case No. 164

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CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY

Pursuant to notice given as provided by law, the Arizona Power Plant and Transmission Line Siting Committee (the "Committee") held public hearings on December 12, 13, 14, and 15, 2011, in Tucson, Pima County, Arizona, all in conformance with the requirements of Arizona Revised Statutes ("A.R.S.") § 40-360, *et seq.*, for the purpose of receiving evidence and deliberating on the Application of Tucson Electric Power Company ("TEP") (the "Applicant") for a Certificate of Environmental Compatibility ("CEC") for the Rosemont 138 kV Transmission Line Project (the "Project").

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

John Foreman

Chairman, Designee for Arizona Attorney General Tom Horne

Bret Parke

Designee for Director, Arizona Department of Environmental Quality

Jack Haenichen

Designee for Director, Arizona Governor's Office of Energy Policy

Michael J. Lacey

Designee for Director, Arizona Department of Water Resources

David L. Eberhart, P.E.

Designee for Chairman, Arizona Corporation

Arizona Corporation Commission  
DOCKETED  
DEC 20 2011

DOCKETED BY

Decision No. 73232



## Commission

1	Jeff McGuire	Appointed Member, representing Agriculture
2		Interests
3	Patricia Noland	Appointed Member, representing General Public
4	Michael Palmer	Appointed Member, representing General Public
5	David Richins	Appointed Member, representing Incorporated Cities
6		and Towns
7	F. Ann Rodriguez	Appointed Member, representing Counties
8	Paul Walker	Appointed Member, representing General Public

9 The Applicant was represented by: J. Matthew Derstine and Jason D. Gellman of Roshka,  
 10 DeWulf & Patten, PLC, and Marcus G. Jerden of UniSource Energy Corporation for TEP. The  
 11 following parties were granted intervention pursuant to A.R.S. § 40-360.05: Patrick J. Black and  
 12 Norman D. James of Fennemore Craig, P.C. for intervenor Rosemont Copper Company;  
 13 Lawrence V. Robertson, Jr. and Robert J. Metli, for intervenors Save the Scenic Santa Ritas  
 14 Association, Sky Island Alliance, Center for Biological Diversity and Tucson Audubon Society  
 15 collectively; Laura Berglan for intervenor Tohono O'odham Nation through its Office of Attorney  
 16 General; and Marshall Magruder, in propria persona.

17 At the conclusion of the hearings – after considering the Application, the evidence and  
 18 exhibits presented, the legal requirements of A.R.S. §§ 40-360 to 40-360.13, and upon motion  
 19 duly made and seconded – the Committee voted 11 to 0 to grant the Applicant, its successors and  
 20 assigns, this CEC for the construction of the Project (Case No. 164).

21 The Project as approved consists of a new single-circuit 138kV transmission line that is  
 22 approximately 13.2 miles in length from the proposed Toro Switchyard, located on the west end of  
 23 Section 29, Township 17 South, Range 14 East to the Rosemont Substation (to be owned and  
 24 operated by Rosemont), Section 30, Township 18 South, Range 16 East, in Pima County, Arizona.  
 25 The transmission structures will be double-circuit-capable monopole structures, with typical  
 26 heights of 75 to 150 feet; with taller structures at major road and/or line crossings not to exceed  
 27 199 feet. The corridor width for the entire Project route is 500 feet.

1 The route for the Project will be what was labeled the Preferred Route. Starting at the  
 2 proposed Toro Switchyard, located approximately 3 miles south of Sahuarita Road and 3.5 miles  
 3 east of I-19, the route travels east approximately 1 mile and then southeast paralleling Santa Rita  
 4 Road and a water pipeline alignment that is part of Rosemont's mining operations plan. Near the  
 5 intersection of Santa Rita and Helvetia roads, the Preferred Route turns northeast and follows the  
 6 proposed Rosemont water pipeline alignment as described in the Draft EIS (MB-R3-05-3 dated  
 7 September 2011, Figure ES3) for the Rosemont Copper Project over Lopez Pass to the Rosemont  
 8 Substation. This route is located on land owned by the Arizona State Land Department ("ASLD")  
 9 (which ASLD leases to the Santa Rita Experimental Range ("SRER")), Coronado National Forest  
 10 ("CNF"), and Rosemont. The length of this route is approximately 13.2 miles.

11 A location map of the Project is attached as Exhibit A.

## 12 CONDITIONS

13 This Certificate is granted upon the following conditions:

- 14 1. Any transfer or assignment of this Certificate shall require the assignee or successor  
 15 to assume all responsibilities of the Applicant listed in this Certificate and its  
 16 conditions in writing as required by A.R.S. § 40-360.08(A) and R14-3-213(F) of the  
 17 Arizona Administrative Code.
- 18 2. The Applicant shall comply with all existing applicable statutes, ordinances, master  
 19 plans and regulations of any governmental entity having jurisdiction during the  
 20 construction and operation of the Project -- including the United States, the State of  
 21 Arizona or Pima County.
- 22 3. If any archaeological site, paleontological site, historical site or an object that is at  
 23 least 50 years old is discovered on state, county, federal or municipal land during  
 24 the construction or operation of the Project, the Applicant or its representative in  
 25 charge shall promptly report the discovery to the Director of the Arizona State  
 26 Museum ("Director"), Coronado National Forest, the Cultural Affairs Office and the  
 27 Office of the Attorney General of the Tohono O'odham Nation, and in consultation

- 1 with the above entities, shall immediately take all reasonable steps to secure and  
2 maintain the preservation of the discovery, pursuant to A.R.S. § 41-844.
- 3 4. If human remains and/or funerary objects are encountered on private land during the  
4 course of any ground-disturbing activities relating to the construction or operation  
5 of the Project, the Applicant shall cease work on the affected area of the Project and  
6 notify the Director, pursuant to A.R.S. § 41-865.
- 7 5. The Applicant shall comply with the notice and salvage requirements of the Arizona  
8 Native Plant Law (A.R.S. §§ 3-901 *et seq.*) and shall, to the extent feasible,  
9 minimize the destruction of native plants during the construction and operation of  
10 the Project.
- 11 6. This authorization to construct this Project shall expire unless the transmission line  
12 is capable of operation within ten (10) years from the date the Certificate is  
13 approved by the Arizona Corporation Commission ("Commission"). However, prior  
14 to expiration, the Applicant may request that the Commission extend this time  
15 limitation.
- 16 7. In the event that the Project requires an extension of the term of this Certificate  
17 prior to completion of construction, Applicant shall use reasonable means to notify  
18 all landowners, neighborhood associations registered with Pima County and within  
19 the Project study area as set forth in the Application, and residents within one mile  
20 of the Project corridor, all persons who made public comment at this proceeding  
21 who provided a mailing address, and all parties to this proceeding of the request and  
22 the date, time and place of the hearing in which the Commission will consider the  
23 request for extension.
- 24 8. The Applicant shall make every reasonable effort to identify and correct, on a case-  
25 specific basis, all complaints of interference with radio or television signals from  
26 operation of the transmission lines and related facilities addressed in this Certificate.  
27 The Applicant shall maintain written records for a period of five years of all

1 complaints of radio or television interference attributable to operation, together with  
2 the corrective action taken in response to each complaint. All complaints shall be  
3 recorded to include notations on the corrective action taken. Complaints not leading  
4 to a specific action or for which there was no resolution shall be noted and  
5 explained. Upon request, the written records shall be provided to the Staff of the  
6 Commission.

- 7 9. Within 120 days of the Commission decision granting this Certificate, Applicant  
8 will post signs in or near public rights-of-way giving notice of the Project corridor  
9 to the extent authorized by law. The Applicant shall place such signs in prominent  
10 locations at reasonable intervals so that the public is notified along the full length of  
11 the Project until the transmission structures are constructed. To the extent  
12 practicable, within 45 days of securing easement or right-of-way for the Project, the  
13 Applicant shall erect and maintain signs providing public notice that the property is  
14 the site of a future transmission line. Such signage shall be no smaller than a normal  
15 roadway sign. The signs shall advise:

- 16 (a) That the site has been approved for the construction of Project facilities;  
17 (b) The expected date of completion of the Project facilities;  
18 (c) A phone number for public information regarding the Project;  
19 (d) The name of the Project;  
20 (e) The name of the Applicant; and  
21 (f) The website of the Project.

- 22 10. Applicant or its assignees shall design the transmission lines to incorporate  
23 reasonable measures to minimize impacts to raptors.  
24 11. Applicant shall use non-specular conductor and dulled surfaces for the Project's  
25 transmission line structures.  
26 12. Before construction on this Project may commence, the Applicant shall file a  
27 construction mitigation and restoration plan ("Plan") with ACC Docket Control,

1 intervenors, and the Coronado National Forest. Where practicable, the Plan shall  
2 specify the Applicant's plans for construction access and methods to minimize  
3 impacts to wildlife and to minimize vegetation disturbance outside of the Project  
4 right-of-way particularly in drainage channels and along stream banks, and shall re-  
5 vegetate, unless waived by the landowner, native areas of construction disturbance  
6 to its preconstruction state outside of the power-line right-of-way after construction  
7 has been completed. The Plan shall specify the Applicant's plans for coordination  
8 with the Arizona Game and Fish Department ("AGFD") and the State Historic  
9 Preservation Office ("SHPO"). The Applicant shall use existing roads for  
10 construction and access where practicable and the Plan shall specify the manner in  
11 which the Applicant makes use of existing roads.

12 13. Applicant shall follow any published guidelines adopted by AGFD or the United  
13 States Fish and Wildlife Service ("USFW") for handling contacts during the  
14 construction and operation of the Project with any species designated as  
15 endangered. Applicant also shall follow any published and adopted guidelines for  
16 handling contacts with any species of greatest conservation need as designated by  
17 AGFD. If no published and adopted guidelines exist, the Applicant shall use  
18 reasonable care to avoid any harm to individuals of the designated species. If the  
19 avoidance of harm to individuals is not possible, the Applicant shall contact AGFD  
20 and USFW to obtain any appropriate permits and guidance for removing the  
21 individual members of the species contacted from the area of the Project.

22 14. With respect to the Project, Applicant shall participate in good faith in state and  
23 regional transmission study forums to coordinate transmission expansion plans  
24 related to the Project and to resolve transmission constraints in a timely manner.

25 15. The Applicant shall provide copies of this Certificate to the United States Forest  
26 Service, Bureau of Land Management, Pima County, the Arizona State Land  
27 Department, SHPO and AGFD.

- 1 16. Before construction commences on this Project, the Applicant shall provide known  
2 homebuilders, neighborhood associations registered with Pima County within the  
3 study area as set forth in the Application, and developers of record who are building  
4 upon or developing land within one mile of the center line of the Certificated route  
5 of the transmission line, a written description of the Project. The written  
6 description shall identify the location of the Project and contain a pictorial  
7 description of the type of transmission line being constructed. The Applicant also  
8 shall encourage the developers and homebuilders to include this information in the  
9 developers' and homebuilders' homeowners' disclosure statements.
- 10 17. Applicant will follow the latest Western Electricity Coordinating Council/North  
11 American Electric Reliability Corporation Planning standards as approved by the  
12 Federal Energy Regulatory Commission, and National Electrical Safety Code  
13 construction standards.
- 14 18. The Applicant shall submit a self-certification letter annually, identifying progress  
15 made with respect to each condition contained in the Certificate, including which  
16 conditions have been met. Each letter shall be submitted to the Docket Control of  
17 the Commission and intervenors on March 1 beginning in 2013. Attached to each  
18 certification letter shall be documentation explaining how compliance with each  
19 condition was achieved, including any required actions pursuant to the United States  
20 Forest Service – Coronado National Forest Record of Decision. Copies of each  
21 letter along with the corresponding documentation shall be submitted to the Arizona  
22 Attorney General, and the Arizona Governor's Office of Energy Policy (or its  
23 successor organization). The requirement for self-certification shall expire on the  
24 date the Project is placed into operation.
- 25 19. Within one hundred twenty (120) days of the Commission decision approving this  
26 Certificate, the Applicant shall make good faith efforts to commence discussions  
27 with private landowners, on whose property the Project corridor is located, to

- 1 identify the specific location for the Project's right-of-way and placement of poles.
- 2 20. The Applicant will pursue reasonable efforts to work with private landowners on
- 3 whose property the Project right-of-way will be located, to mitigate the impacts of
- 4 the location, construction, and operation of the Project on private land.
- 5 21. Applicant will retain a qualified biologist to monitor all ground clearing and
- 6 disturbing construction activities that may affect sensitive species or habitat. The
- 7 biological monitor will be responsible for ensuring that proper actions and
- 8 conservation measures are taken if a special status species is encountered, including
- 9 completion of pre-construction surveys if necessary. If Sonoran desert tortoises are
- 10 encountered during construction, the Applicant will follow the Guidelines for
- 11 handling Sonoran desert tortoises from the AGFD.
- 12 22. The Applicant shall avoid or minimize impacts to properties listed, or eligible for
- 13 listing, on the National Register of Historic Places and sites including shrines,
- 14 ceremonial sites, and burials significant to the Tohono O'odham Nation.
- 15 23. Applicant shall not commence construction on the Project until a Record of
- 16 Decision is issued by the United States Forest Service – Coronado National Forest
- 17 regarding the Rosemont Copper Company Mining Plan of Operations, which
- 18 approves the Proposed Action, or any Alternative Action (other than the No Action
- 19 Alternative) described in the Environmental Impact Statement for the Rosemont
- 20 Mining Plan of Operations.
- 21 24. Applicant shall make all reasonable efforts to comply with the recommendations,
- 22 mitigation measures and actions to reduce or prevent environmental impact that are
- 23 applicable to the Project and included in the Record of Decision issued by the
- 24 United States Forest Service – Coronado National Forest for the Rosemont Mining
- 25 Plan of Operations.
- 26 25. Applicant will retain a qualified archaeologist to monitor all ground clearing and
- 27 disturbing construction activities that may affect historical or cultural sites that are

listed, or eligible for listing, on the National Register of Historic Places. The archaeologist will be responsible for ensuring that approved mitigation measures are implemented according to a treatment plan approved by State Historic Preservation Office after consultation with the Cultural Affairs Office of the Tohono O'odham Nation.

26. Applicant shall consult with the Tohono O'odham Cultural Affairs Office during any construction activities on, or within, 100 feet of known prehistoric cultural resource sites that are eligible for the National Register of Historic Places, as identified in Table E-3 of the Application, with the addition of Huerfano Butte.

**Table E-3. NRHP Eligible Historic Properties along Preferred and Alternative Routes**

No.	Site Number	Description	CL Length through Site	Route <sup>1</sup>
1	AZ EE:1:80(ASM)	Historic mining town of Helvetia	1830'/560m (P, 2) 2823'/860m (1, 3)	P, 1, 2, 3
2	AZ EE:1:99(ASM)	Prehistoric artifact scatter with thermal features and tools	817'/249m (P, 1) 846'/258m (2, 3, 4)	P, 1, 2, 3, 4
3	AZ EE:1:242(ASM)	Prehistoric artifact scatter with thermal features and tools	512'/156m	2, 3, 4
4	AZ EE:1:245(ASM)	Prehistoric artifact scatter with thermal features and tools	545'/166m	2, 3, 4
5	AZ EE:1:392(ASM)	Prehistoric artifact scatter with thermal features and tools	700'/213m	P, 1
6	AZ EE:1:446(ASM)	Prehistoric habitation site (multiple room blocks)	262'/80m	P, 2
7	AZ EE:1:450(ASM)	Historic CCC-constructed Box Canyon Road	50'/15m (P, 1) 107'/31m (4)	4
8	AZ EE:1:452(ASM)	Prehistoric resource processing	184'/56m	2, 3
9	AZ EE:1:454(ASM)	Prehistoric artifact scatter	604'/184m	4
10	AZ EE:1:455(ASM)	Prehistoric artifact scatter with features	358'/109m	2, 3, 4



**Table E-3. NRHP Eligible Historic Properties along Preferred and Alternative Routes**

No.	Site Number	Description	CL Length through Site	Route <sup>1</sup>
11	AZ EE:1:423(ASM)	Historic mine and road	1207'/368m (spannable to north of centerline)	P, 1, 2, 3
12	AZ EE:1:431(ASM)	Historic road	Parallels CL for approximately 1654'/504m.	P, 1, 2, 3
13	AZ EE:2:149(ASM)	Historic mining town of New Rosemont	891'/272m (spannable west of centerline)	P, 1, 2, 3
1 "P" indicates Preferred route; numbers indicate Alternative routes 1 through 4.				

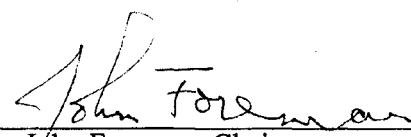
**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This Certificate incorporates the following findings of fact and conclusions of law:

1. The Project aids the state in meeting the need for an adequate, economical and reliable supply of electric power.
2. The conditions placed on the Project in the CEC by the Committee effectively minimize the impact of the Project on the environment and ecology of the state.
3. The Project is in the public interest because the Project's contribution to meeting the need for the adequate, economical and reliable supply of electric power outweighs the minimized impact of the Project on the environment and ecology of the state.

DATED this 19th day of December, 2011.

**THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE**






  
\_\_\_\_\_  
Hon. John Foreman, Chairman

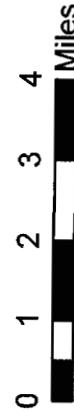
# EXHIBIT A: Approved Alignment

Toro Switchyard to the  
Rosemont Substation 138kV  
Transmission Line Project

December 2011

## Legend

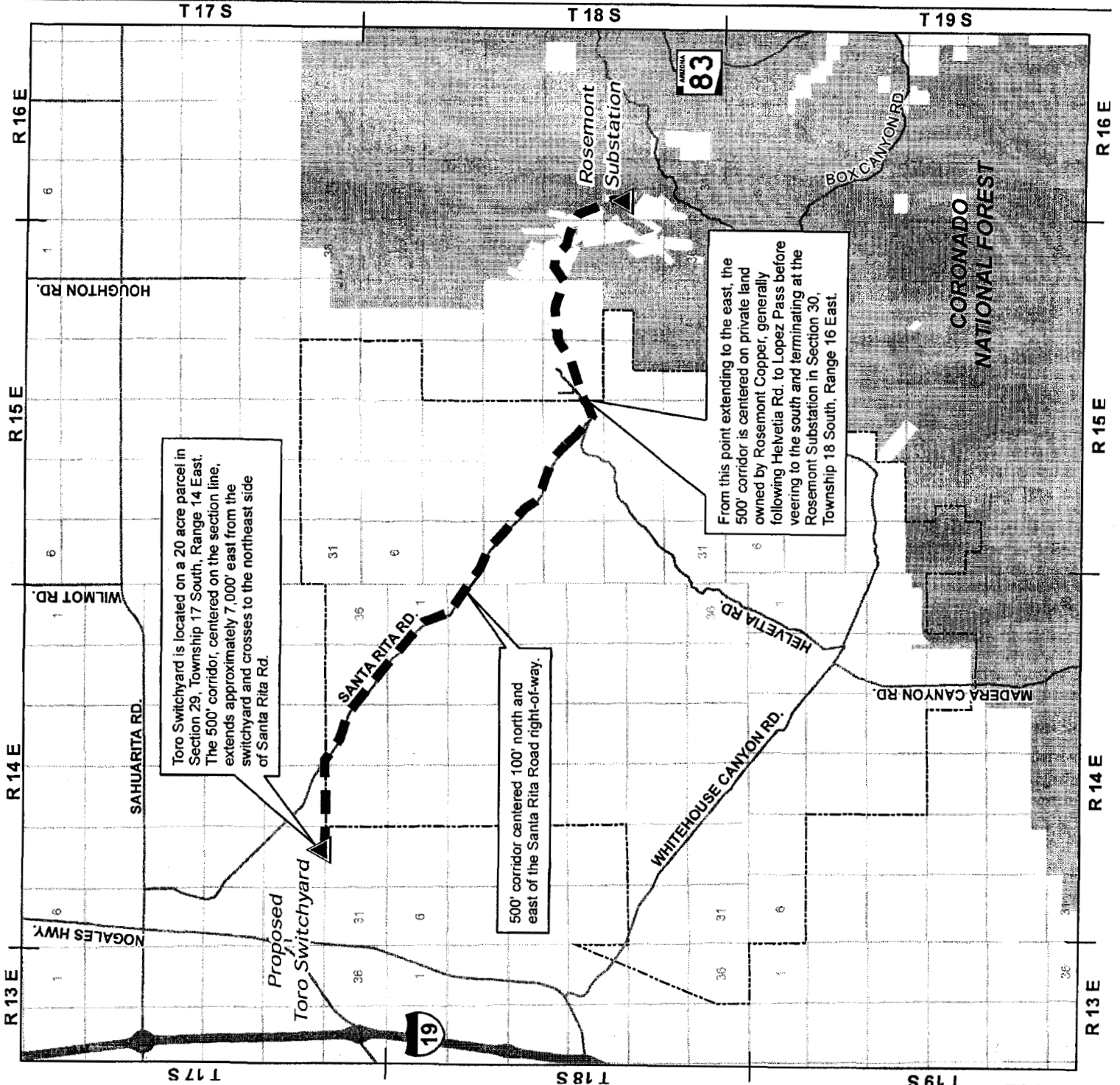
-  Approved 500' Corridor
-  Switchyard/Substation
-  Santa Rita Experimental Range Boundary (ASLD)
-  Interstate
-  Road



L-00000C-11-0400-00164



A UniSource Energy Company



Decision No. **73232**