



Pattern

SunZia Transmission, LLC
1088 Sansome Street
San Francisco, CA 94111
T +1 415 283 4000
F+1 415 362 7900
www.patternenergy.com

DRAFT

TO: Amy Leuders
Regional Director, U.S. Fish and Wildlife Service

CC: Melanie Barnes, Director
New Mexico State Office, Bureau of Land Management

FROM: Tri-State Generation and Transmission Association, Inc.
SunZia Transmission, LLC

DATE: February 13, 2023

RE: Intent to Enter into Negotiations regarding a Special Use Permit for SunZia Project/Rebuild of TSGT Transmission Line Crossing Sevilleta **NWR**

This joint memorandum is to notify U.S. Fish and Wildlife Service ("USFWS") that Tri-State Generation and Transmission Association, Inc. ("TSGT") and SunZia Transmission, LLC ("SunZia") are ready and willing to proceed with negotiating one or more special use permits to address incidental impacts to the Sevilleta National Wildlife Refuge ("NWR") associated with the planned reconstruction of TSGT's existing Bernardo-Socorro 115-kV transmission line where it crosses the Sevilleta National Wildlife Refuge ("**NWR**") and operation and maintenance of the rebuilt line.

As you know, the rebuild project includes the addition to the existing Bernardo-Socorro 115kV line, owned by TSGT within TSGT's existing easement, a nominal 525-kV transmission line for the SunZia Southwest Transmission Project ("SunZia Line"). The SunZia Line will be added to the existing Bernardo-Socorro 115-kV transmission line on a single set of monopole structures located within TSGT's existing easement, which predates establishment of the Sevilleta NWR.

Through this joint memo, or by submittal of a special use permit application form if USFWS prefers, TSGT and SunZia also request a special use permit from USFWS solely to authorize the lateral swing of the reconstructed line's wires outside the boundaries of the existing TSGT easement, commonly referred to as "blowout". National Renewable Energy Laboratory ("NREL"), in its February 14, 2022, review of the preliminary construction plan for the collocated transmission lines, noted that based on typical values for a conductor movement envelope, both sets of lines could be expected to swing beyond the TSGT easement's boundaries. Minimizing

the number of monopole structures within the Sevilleta NWR increases the movement of wires beyond the easement boundary, which is expected to occur periodically throughout the life of the Project.

TSGT and SunZia have signed a non-binding term sheet containing conditions for the co-location and are negotiating definitive agreements to address construction and operations of the SunZia Line and the rebuilt Bernardo-Socorro 115kV transmission line. The parties need to understand the requirements of the to-be-negotiated special use permits so that the definitive agreements can address those requirements.

USFWS policy favors development of special use permits as the vehicle for stipulations to alleviate or minimize impacts associated with the exercise of reserved property rights within a National Wildlife Refuge. 603 FW 2, 2.108. The rebuild project has been proposed because the parties believe that the provision of TSGT's existing easement, which grants "the right to permit the attachment of wires of others" allows the proposed co-location of transmission lines. The companies will negotiate special use permit terms to address incidental impacts to the Sevilleta NWR resulting from the exercise of those reserved property rights and request a special use permit to address the incidental impact of blowout outside of the easement footprint with the expectation that an SUP will be approved and provided to the parties so that this project may proceed.

The potential impacts of constructing and operating the proposed reconstructed transmission line on the Sevilleta NWR have been evaluated through the National Environmental Policy Act ("NEPA") review of SunZia's application for an amendment to its Bureau of Land Management ("BLM") right of way. NREL also reviewed the proposed plan for co-location of the transmission lines on the existing TSGT easement, as part of the ongoing NEPA review and at the request of USFWS and BLM. NEPA review is nearing completion and a Final Environmental Impact Statement ("FEIS") is expected within a few weeks. In addition, SunZia has worked with USFWS to develop a preliminary construction plan for work within the Sevilleta NWR, including plans for minimized temporary impacts outside of the easement footprint, access road use, best management practices, long-term Operations & Maintenance activities and a Sevilleta NWR-specific Reclamation Plan and Vegetation Assessment.

The list below of incidental impacts to the Sevilleta NWR which are anticipated in connection with the construction and operation of the proposed rebuild project has been developed from information gained through the BLM right-of-way amendment process, the NEPA environmental review, and discussions with USFWS.

We anticipate addressing the following incidental impacts, which will occur within and outside of the TSGT easement, through special use permit terms:

- Temporary construction impacts associated with:
 - Dismantling existing line and its structures
 - Temporary access roads
 - Clearing/vegetation removal
 - Construction of foundations and structures
 - Temporary work areas
 - Wire stringing activities
- Ongoing operation and maintenance activities, including:


- Periodic overland drive and crush
- Access to structures and conductors
- Annual vegetation management inspection
- Vegetation management as may be required
- Repair and replacement of the transmission line facilities
- Repair of access roads
- Ongoing periodic wind-driven swaying of wires/conductors

TSGT asks that USFWS work directly with SunZia to develop the special use permits. However, TSGT may contact USFWS directly at any time, and TSGT requests that SunZia and USFWS keep TSGT informed on a regular basis as negotiations proceed, including copying TSGT on all correspondence to and from USFWS. TSGT reserves the right to participate with SunZia and USFWS in all discussions and proceedings as TSGT in its sole discretion deems appropriate, including prenotification, opportunity to review and provide necessary comments to documents leading up to the final special use permit(s), ability to understand and provide review or comment to all information requests from SunZia to the agencies and approval of the final special use permit.

**TRI-STATE GENERATION AND
TRANSMISSION ASSOCIATION, INC.**

By: fwij
Name: Barry W. Ingold
Title: Chief Operating Officer

SunZia Transmission, LLC

By: 
Name: Cary Kotler
Title: Authorized Signatory