SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

REGULAR MEETING

June 13, 2017

Henry Roybal, Chair - District 1
Anna Hansen, Vice Chair - District 2
Anna Hamilton - District 4
Ed Moreno - District 5

Robert A. Anaya - District 3 [Excused]

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SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

June 13, 2017

I. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:15 p.m. by Chair Henry Roybal in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Geraldine Salazar and indicated the presence of a quorum as follows:

Members Present:
Commissioner Henry Roybal, Chair
Commissioner Anna Hansen, Vice Chair
Commissioner Anna Hamilton
Commissioner Ed Moreno

Members Excused:
Commissioner Robert A. Anaya

C. Pledge of Allegiance
D. State Pledge
E. Moment of Reflection

The Pledge of Allegiance was led by Erica Martinez, the State Pledge by Peter Olsen and the Moment of Reflection by Patricia Boies of the Community Services Department.

Commissioner Roybal conveyed Commissioner Anaya's request for a moment of silence for Robert Garcia of Las Vegas, New Mexico.

I. F. Approval of Agenda
1. Amendments
2. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Mr. Chair, we have, on page 1, we have some amendments to the agenda. Under Employee program and volunteer recognitions, item 1. H. 2 and 3, those were just corrections to the captions. Same items but the titles of the captions were corrected. Then on page 2 under Consent Agenda, item

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II. A. 3, a resolution to acquire through negotiated purchase and sales agreement real property interest, that item was added.

On page 3 under Matters from the County Attorney, item VI. A. 2, that item added, and item VI. C was also added. These amendments were made at 1:06 pm on June 9th and no changes to the agenda since then.

CHAIR ROYBAL: Okay. Is there any other amendments or withdrawn items? Seeing none, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve as amended.

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton. Do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: And a second from Commissioner Hansen.

The motion passed by unanimous [4-0] voice vote.

I. G. Approval of Minutes

1. Approval of May 9, 2017, Board of County Commissioners Meeting Minutes

CHAIR ROYBAL: What's the pleasure of the Board? Is there any amendments? Commissioner Hansen.

COMMISSIONER HANSEN: Okay. On page 2, in the second paragraph, it says the reason it's it in red, we actually put Managers from the Manager. It should be Matters from the Manager. Then on page 3, nine paragraphs down, Chair Roybal says I want to ditto those comments. Then he calls on me – wait a second. I've got to look at this. I'll leave that one. And then on to page 15, it was when the children were speaking, Ella Miranda, When I drive to school every day there is almost garbage – it would make sense that she probably said always garbage on the road, but I don't know what was said there, but I thought. And then on the next paragraph, throwing it out the window, Now only could this help, instead of now I think it's not.

And then on page 25, our chairman, Mr. Dan Varone, who is the Mayor of Taos, his name is misspelled. I think it's spelled with a B, instead of a V. Let's see. It is a B. [Barrone] That's all I have at the moment.

CHAIR ROYBAL: Okay, thank you, Commissioner Hansen. Is there a motion to approve with the corrections?

COMMISSIONER HAMILTON: I move to approve these with stated corrections.

CHAIR ROYBAL: Okay, so I have a motion to approve the May 9, 2017 Board of County Commissioner meeting. Is there a second?

COMMISSIONER MORENO: I'll second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

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I. H. Employee/Program/Volunteer Recognitions

1. Government Finance Officers Association - Financial Reporting Achievement Award

DON MOYA (Finance Director): Good afternoon, Mr. Chair, Commissioners, Manager Miller. What you have before you today is to recognize the Finance Department, all of whom are here today, for receiving the Government Officers Finance Association Award for the comprehensive annual financial report for 2016. This is quite a prestigious award. It's not bestowed on everybody and we are extremely proud to stand here before you today and be recognized for it. The staff really deserves the lion's share of the credit and as every single one of them has contributed to the successful completion of the CAFR and the award.

My predecessors also deserve a huge piece of the credit for this, as well as Lynette Kennard who is no longer with the County but she spent many nights and weekends pulling the comprehensive annually financial report together. If you haven't read it I would invite you to do so and I'm happy to provide you copies of it because it really is a comprehensive look at the County's finances, how revenues work and expenditures work and it would become pretty clear to you why we did receive this most prestigious award. So with that I would invite any questions that you might have and/or comments, and again, the lion's share of the credit goes to the team. Thank you.

CHAIR ROYBAL: Thank you, Mr. Moya. Do we have comments from the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: I just want to state the obvious, which is it's amazing that you guys got the award and it's really clear how important it is, how valuable it has been to us and to County staff to have such excellent and easy to understand, easily summarized – or I should say well summarized information to base decisions on. It's an incredible boon. And big, big congratulations for doing it. It's an amazing amount of work to get something like this.

MR. MOYA: Thank you.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: I just want to also recognize all of the staff of the Finance Department because I know how hard it is and all of these detailed characteristics of taking care of the finances, and it makes me incredibly proud as a Commissioner to have such confidence in the Finance Department. It is a gift to the County and I think that it is something that we can be really proud of as a County that we have this kind of integrity because this is what it creates, it creates integrity for the public and that is what's really important. So thank you so much.

CHAIR ROYBAL: Commissioner Moreno, do you have any comments?

COMMISSIONER MORENO: Just congratulations to all the staff and I know they've worked very hard. You are the person that we see most.

MR. MOYA: Is that good or bad?

COMMISSIONER MORENO: But applause to all.

CHAIR ROYBAL: Okay, and I echo the words that my fellow Commissioners have said but I also want to say that I've been a Commissioner for three years now and every year the Finance Department gets awards like this and I just want to

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commend all the hard work that they do put forward doing this and I'm just in aw thinking that every year they want to do better and every year they shine, so congratulations and keep up the great work. Thank you. And if we could have one more round of applause and I'd like to invite everybody up for a photo.

MS. MILLER: Mr. Chair, I just wanted to say this is the highest form of recognition that a finance office can get relative to financial reporting and governmental accounting and this is the fifth year in a row that the Finance Office has been preparing their own CAFRs and received the award. So we have this plaque and then they give us an annual medallion to go on it. So we have 2012, 2013, 2014, 2015 and 2016. So I just want to commend Finance staff and all the staff throughout the County that helped achieve this, because it does require performance throughout the County and all the different departments to make sure they stay on top of all their financial reporting to the Finance Department and for sure, the staff in the Finance Department. They have done an excellent job in making sure we have good financial reporting and governmental auditing. So I wanted to congratulate them and thank them.

MR. MOYA: Thank you, Manager Miller.

CHAIR ROYBAL: Thank you and thank you for clarifying and making us aware that it is five years. I knew it was at least three, so great job. So if we could have all the Finance Department come forward and we can take a picture.

MR. MOYA: If I might take a moment, we have a couple new hires too. We have Torrey Gallegos, who's our finance intern for the summer and we also have Amanda Portillo from Accounts Receivable who's just started with us as well. So welcome.

CHAIR ROYBAL: Welcome aboard.

[Photographs were taken.]

I. H. 2. National Association of Counties (NACo) 2017 Achievement Award to Santa Fe County for the "Dollars4Schools Initiative"

MS. MILLER: Mr. Chair, I'll be doing this. Every year NACo, the National Association of Counties, requests submittals for achievement awards for programs and this year, Santa Fe County received a 2017 achievement award for our program titled Dollars4Schools Initiative in the category of community and economic development. The letter from NACo states, Congratulations to everyone involved in developing this innovative program. Your hard work will yield positive results for Santa Fe County residents.

And just in case you're not aware of what that program is is that – and this is from our submittal, the Santa Fe Community Foundation and Santa Fe County Youth Development Program, our Youth Detention Facility program, through the Dollars4Schools Initiative is a shared commitment to student success and community collaboration. In January of 2015 a partnership between the Santa Fe County YDP and the Santa Fe Community Foundation through Dollars4Schools Initiative was created to support the introduction of educational programming into our Youth Detention Facility. Dollars4Schools continues to be an important part of supporting the facility and the

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mission of enhancing services to youth. The initiative has provided over $15,000 in funding to bring programs that help mentorship, anti-bullying, positive self-expression, interpersonal relationships, art programs and music to the youth in our facility. Dollars4Schools partnership has been pivotal in enhancing the programmatic and educational environment of youth in the facility, funding a wide range of programs focused on cultural heritage, arts education, personal empowerment, apprenticeship and music appreciation.

And I just to say that it's really also increased collaborative effort and partnerships in tremendous community outreach and in turn has made a significant difference in the lives of youth. So I just wanted to let you know we did receive that achievement award and I want to congratulate Director Sedillo and the staff at the YDP for this unique program.

CHAIR ROYBAL: Thank you, Manager Miller. Any other comments from the Board? If we could just get a round of applause for that.

MS. MILLER: We'll send the certificate over to the YDP and frame it and they can put it on the wall there. It's a good program. And let the community foundation know as well that we've received that achievement award.

CHAIR ROYBAL: Great. Thank you, Manager Miller.

I. H. 3. Recognition of the 2017 Secretary of Defense Employer Support Freedom Award

MS. MILLER: I'll take this one as well. Mr. Chair, I just want to say that Santa Fe County proudly and humbly received two Employer Support Freedom Award nominations from the Secretary of Defense in 2017. One was for the Santa Fe County Sheriff's Office and the second one was for the Santa Fe County Regional Emergency Communications Center, the RECC or dispatch center. The Secretary of Defense Employer Support Freedom Award is the highest recognition given by the US government to employers for their support of their employees who serve in the National Guard and Reserve.

Nominations must come from a Guard or Reserve member who is employed by the organization they are nominating or from a family member. The award was created to publicly recognize employers who provide exceptional support to their National Guard and Reserve employees. It's the highest in a series of employer recognition awards given by the Department of Defense. All states screen their nominations and the most deserving nominations into the national competition in Washington, DC, one nomination per category per state is allowed. Public sector, large employer, small employer, the Freedom Award is presented annually to the nation's 15 most supportive employers, five winners in each category. They are recognized during a special ceremony hosted by the Secretary of Defense in Washington, DC in September of each year. Previous winners for the State of New Mexico include Albuquerque Police Department and Albuquerque Fire Department.

Again, we are honored to have been a nominee for this very important award.

CHAIR ROYBAL: Great job. Is there any other comments from the Board? Very impressive and thank you for sharing that.

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I. H. 4. Recognition of Judy Williams for Service on the Health Policy and Planning Commission

PATRICIA BOIES (Health Services Division Director): Thank you, Mr. Chair, Commissioners. It has been my privilege to work with Judy Williams since I first came to the County and began serving as staff to the Health Policy and Planning Commission. Judy Williams recently completed her service and she has served as chair of HPPC for many years and has been instrumental in ways that are far more than we can even list in advancing the policies and the programs of the Community Services Department and indeed, benefiting the residents of Santa Fe County as a whole.

Her contributions include but are by no means limited to her deep involvement in the preparation of the Community Health Profile that we did jointly with Christus and then the Santa Fe County *Health Action Plan* that continues to really be the lodestar to guide us as we move forward with the programs that benefit the county residents in the health arena. Judy has provided insightful policy guidance on our healthcare assistance program formerly known more as the indigent program, and she has done this all during a crucial time of healthcare reform on both the state and the federal level. Her expertise in the health arena, her dedicated involvement in the community, her compassion and advocacy for those underserved, her perspicacity and her skills at chairing the Commission with diverse and often very strongly held opinions have serve the Health Policy and Planning Commission and the County well and I personally have appreciated her leadership, her humor and her wisdom.

So we are very honored to be recognizing her today and the current chair of the Health Policy and Planning Commission, Reena Szczepanski, would also like to say a few words.

REENA SZCZEPANSKI: Members of the Commission, I'm so honored to have a chance to recognize Judy because she is one of those volunteers that if we weren't doing this today she would be sort of behind the scenes and we wouldn't have a chance to bring all of her contributions into the light. And I know when I was first appointed to the Health Policy and Planning Commission she reached out with a warm welcome and I was so impressed with her because she really figured out a way to get all of the Commissioners engaged and engaged in the areas that they really held expertise.

As Patricia said, her accomplishments in spearheading the Community Health Profile and the *Health Action Plan*, those are long-lasting contributions to the health of our Santa Fe County residents. And when I became chair of the Health Policy and Planning Commission I told Judy that I could not do this without her and she has served as a mentor to me. So I want to thank you for all that you've done and just – I appreciate this moment to honor her in front of all our guests and with the Commission today. So thank you.

CHAIR ROYBAL: Thank you. And do we have – we'll go ahead and go to the Commission and we'll save the applause for after. Commissioner Hansen.

COMMISSIONER HANSEN: I really want to recognize Judy, although I don't know you know you quite that well. I am incredibly impressed because you went to Brandeis University and I want to say this because as a young girl that was where I really

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wanted to go to school, more than any other place. So to graduate from the Heller School created for social policy and health is just so impressive to me. Even though I have my degree from the University of New Mexico and I'm quite proud of that I would really have loved to have gone to Brandeis. It was my first choice of any school ever and I just am really impressed by that, and all the work that you have done since then in the health and social policy arena because that is the training that Brandeis gave to people and I know that and I know what kind of school that it is and how important they believe in social policy and health policy. So thank you, and thank you for all your service and everything that you have done for the County and for the community of Santa Fe.

CHAIR ROYBAL: Thank you, Commissioner Hansen. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Judy, I clearly also, sadly enough, don't really know you personally. I, however, know really, really well how important these committees can be to the function of the County and what we're able to accomplish at the County and what we're able to accomplish as a Commission because – oh, my gosh – we can't know everything. Your level of expertise is amazing and to contribute that for all those years and I can't tell you how much feedback I have gotten from people, since you're in my district, which makes me very proud.

However, somebody else, my predecessor, Kathy Holian, did have in her own words, the honor of knowing you quite well and working with you and she asked me to read this since she couldn't be here, so if you don't mind, from Kathy:

I wanted to be at the BCC meeting today in order to say a few words in appreciation of Judy Williams' service to the County on the Health Policy and Planning Commission, but I am currently in California to attend a family graduation celebration, so I'm asking Commissioner Hamilton to read my remarks. I have known and worked with Judy for most of the eight years that I was in office and I gained a great appreciation for her thorough knowledge regarding healthcare issues. Her expertise in the complexities of the policy and programs related to healthcare on a local level has been invaluable to the work and accomplishments of the HPPC. For example, she was instrumental in the development of the Santa Fe *Health Action Plan* – I guess we've heard that a few times; it's really important – a blueprint for how the County can be involved in promoting improved health outcomes for our community. I was very proud of this plan and Judy's leadership was crucial to make it happen. So I would like to say that all of us in Santa Fe County owe a deep debt of gratitude to Judy for her service over the years. Thank you, Judy.

And thank you from me as well.

CHAIR ROYBAL: Thank you, Commissioner Hamilton. Commissioner Moreno.

COMMISSIONER MORENO: Thank you, Mr. Chair. As a resident of District 5 you were the person I contacted to begin my education in the ways of health and health policy and I also have a professional relationship with Reena, who was my boss during one legislative session. Welcome. Those two-plus hours that we had coffee at La Tienda was my introduction to how the complexities of health planning can be and since then I've sat in other meetings that formalized, finalized in my mind that this is going to be a very big deal for a long time and we really don't have time to waste in all

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the issues that Santa Fe County faces.

So thank you for the introduction and many good returns. Thank you.

CHAIR ROYBAL: Thank you, Commissioner Moreno, and I'd like to ditto a lot of the remarks. I did serve on the Board with Commissioner Holian and I know that everything that she said was definitely reflective of everything you've done. I do want to say thank you for your dedication and service. You did a lot, laid a lot of groundwork and actually helped to support the foundation that's on the Health Policy and Planning Commission. So it's our honor to be here today to share this day with you and to honor you for all your service. So I'd like to say thank you. Thank you from Santa Fe County and from my constituents. And I'd also – I want to go Madam Clerk, and then after we'll go ahead and do a round of applause and I'd like to take a photograph of the Commission. And then I'll have you speak right after. Madam Clerk.

GERALDINE SALAZAR (County Clerk): Ms. Judy Williams, I want to thank you for your public service to Santa Fe County but in addition to that, for your many, many leadership roles in our community and within our state. It's not just this one; there's many roles that you have contributed as a leader in our community. Thank you so much for your public service.

CHAIR ROYBAL: And Ms. Williams, would you like to say a few words? The floor is yours.

JUDY WILLIAMS: Thank you. This is really overwhelming. I'd like to thank the Commission for the confidence they've placed in the Health Policy and Planning Commission. I think it's really an important body and I think you were wise to create it. And I know that we've helped over the years or you've come to us over the years for advice and vetting of things. And I want to say about Commissioner Holian, this is all her fault. She recruited me many, many years ago and I was getting to the point where I think people thought I'd never leave. So I am leaving and it's not always happily. I have been so fortunate in my retirement years to be able to do something that I actually know a little bit about, have had such wonderful colleagues, my friends and colleagues in the County, my friends and colleagues on the Commission. You have a wonderful resource, both in your staff – I've been so impressed with County staff and the work they've done to create a really needed healthcare program, health and social service safety net program and I know they'll keep it up and they know where I live and they can come and get me anytime if they need me. So thank you so much.

[Photographs were taken.]

II. CONSENT AGENDA

A. <u>Resolutions</u>

1. Resolution No. 2017-59, a Resolution Authorizing the Disposition of Fixed Assets in Accordance with State Statute (Finance Division/Don Moya)

2. Resolution 2017-60, a Resolution Directing Staff to Submit a Joint Grant Application in Conjunction with the Bureau of Land Management Taos Field Office to the National Park Service Rivers, Trails and Conservation Assistance Program

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Seeking Assistance in Developing a Conceptual Trail Plan On the Burnt Corn Special Recreation Management Area (Growth Management Department/Maria Lohman/ Public Works Department/Colleen Baker)

3. **Resolution 2017-61, a Resolution Authorizing the County Manager to Acquire Through Negotiated Purchase and Sale Agreements Sufficient Real Property Interests to Construct and Operate Phase IV of the Arroyo Hondo Trail and Further Authorizing the County Attorney to Bring Condemnation Actions, if Necessary, to Acquire Such Interests (Public Works Department/Mike Kelley)** *[Exhibit 1: Staff Memo]*

B. **Miscellaneous**

1. **Ratification of Santa Fe County Treasurer's Six-month Investment Strategy Presented at the May 30, 2017, Board of County Commission Meeting**
2. **Request approval of (i) Amendment No. 2 to Agreement No. 2014-0267-CORR/IC with ACC Health LLC for an Increased Contract Amount of $154,000 and Extend the Contract Term One Additional Year to Provide Dental Services for Inmates and Residents at Adult Detention Facility and the Youth Development Program and (ii) Grant Signature Authority to the County Manager to Sign the Purchase Order (Purchasing Division/Bill Taylor)**

CHAIR ROYBAL: What's the pleasure of the Board?
COMMISSIONER HANSEN: I move to approve.
CHAIR ROYBAL: Okay, we have a motion to approve.
COMMISSIONER HAMILTON: Second.
CHAIR ROYBAL: And we have a second.

The motion passed by unanimous [4-0] voice vote.

[County Clerk Salazar provided resolution numbers throughout the meeting.]

III. ACTION ITEMS

B. **Appointments/Reappointments/Resignations**

1. **Accept Resignation of Ms. Bette Booth from the Santa Fe County Planning Commission and Appoint Mr. Charlie Gonzales as the Commission District 2 Santa Fe County Planning Commission Member**

TONY FLORES (Deputy Manager): Thank you, Mr. Chair. In 2015 the Board enacted the ordinance amending and restating in its entirety the SLDC code and contained within the SLDC were provisions of how Board members – how the Planning Commission was made up: the length of terms, the numbers of members, etc.

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Specifically, the Commission consists of seven members, five of them are members of the districts they reside in and then what I would consider two are at-large members.

In April of this year the Planning Commission raised concerns during a Commission meeting about the attendance of board members, the ability to hold meetings with a quorum and how that affected decisions of those applications that were before them. Staff took that direction or that request from the Commission and started doing an in-depth analysis of attendance records of the Planning Commission. During that time we received a resignation from Ms. Bette Booth from her position on the D-2 seat, based upon her inability to make some of the meetings.

Around the same timeframe we also received a letter of interest and résumé from Mr. Charlie Gonzales to fill that the D-2 seat if it became available. So the item before you today for action is one, to accept the resignation of Ms. Bette Booth, and also to then appoint Mr. Charlie Gonzales as the Commission District 2 representative to fill that vacant seat. Mr. Gonzales is here. I understand at the last Board meeting the Board requested that applicants for seats be available for questions or comments so Mr. Gonzales has been gracious to be present with us today. And with that, Mr. Chair, I'll stand for any questions.

CHAIR ROYBAL: Thank you, Mr. Flores. Do we have questions from the Board? No. Okay, what's the pleasure of the Board?

COMMISSIONER HAMILTON: A point of question. Do we need to do this in two separate motions?

CHAIR ROYBAL: Yes.

COMMISSIONER HAMILTON: So I move we accept the resignation of Bette Booth as submitted.

CHAIR ROYBAL: Do I hear a second?

COMMISSIONER HANSEN: Second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

CHAIR ROYBAL: Okay, on the next item, do I hear a motion to appoint Mr. Gonzales?

COMMISSIONER HANSEN: I would like to move to appoint Charlie Gonzales to the District 2 position on the Planning Commission, and it is my great honor to appoint him.

CHAIR ROYBAL: Okay, we have a motion and I did have – Commissioner Moreno, did you have a question, sir?

COMMISSIONER MORENO: A question. Going forward, Mr. Flores, is there a process – what is the process for making sure that people serve and fulfill their obligations.

MR. FLORES: Mr. Chair, Commissioner Moreno, we don't single out any particular board. Staff has actually undertaken the review of all our boards and committees that have attendance issues and at the June 27th meeting we'll be providing that list, specifically as it relates to the Planning Commission. I'll work with the Growth Management staff. I attend those meetings so I'll be able to have a better handle of

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attendance records of that Commission and if we run into any issues we have to bring that back to the Board for consideration.

COMMISSIONER MORENO: Okay. Thank you.

COMMISSIONER HAMILTON: I'd like to second Commissioner Hansen's motion.

CHAIR ROYBAL: So we have a motion to appoint Mr. Charlie Gonzales by Commissioner Hansen and a second by Commissioner Hamilton.

The motion passed by unanimous [5-0] voice vote.

CHAIR ROYBAL: Congratulation. Commissioner Hansen, did you have some questions?

COMMISSIONER HANSEN: Mr. Gonzales, would you like to say a few words? Thank you. And thank you for being here. I really appreciate it.

CHARLIE GONZALES: Thank you for the appointment. I would just like to say I will use my expertise and my background in land use over the last 27 years and I will do my best to help you guys out.

COMMISSIONER HANSEN: Thank you so much.

CHAIR ROYBAL: We appreciate that, Mr. Gonzales and congratulations. Any other questions? Commissioner Hamilton.

COMMISSIONER HAMILTON: I just want to thank you for taking the time to be here and be available for questions and what not, and for your service.

MR. GONZALES: Thank you for having me.

III. C. <u>Miscellaneous</u>

1. Request Approval of Amendment No. 1 to Agreement No. 2016-0150-DWI/BT to allow for Contract Assignment from CHRISTUS St. Vincent Regional Medical Center to Santa Fe Recovery Center to Provide Enhanced Social Detoxification Services, Extending the Term an Additional Year, and Increasing the Amount by $300,000 *[Exhibit 2: Amendment Text]*

RACHEL O'CONNOR (Community Services Director): Thank you. Before I give a little bit of background as to how this amendment came to be. I want to thank my partners who have been so vital and so giving of their time over the last month to make this come to fruition. So Kathy Etre, many of you know, vice president of mission for Christus St. Vincent, and Sylvia Barela, who is the CEO of the Santa Fe Recovery Center, Lupe Sanchez, coordinator of Santa Fe County DWI program, and the chair of the Health Policy and Planning Commission who supported this effort, Reena Szczepanski.

Commissioners, in 2006 the County started what we now call sobering services, which was a social detox program that reduced the burden on law enforcement, first responders and hospital emergency staff. It was at the time a very progressive program that was created. It was created under the leadership of Commissioner Anaya. It served many purposes in Santa Fe County in efforts to allow people to come and have social

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detox services provided to them.

In 2011 Santa Fe County made the decision to contract these services to Christus St. Vincent and Christus St. Vincent took over the operation of the sobering center. We provided funding in the amount of $300,000 a year to provide those services. Those funds were provided through a DWI grant that comes from the State of New Mexico and is funded by the alcohol excise tax. And Mr. Chair, Commissioners, that's something that we receive to this day, and what comprises the amendment and the funding in the amendment that were referred to earlier in terms of the $300,000.

Christus has operated this program since 2011 serving many people in our community, Mr. Chair, often up to 1,200 a year. In late 2016 I think it's fair to say that Santa Fe really started to feel the burden of the drug overdose issues. In 2007 we started to see increasing rates across the State of New Mexico, across the country. Over the past year I would say that the observations that we've made at the sobering center, not just the County, but the hospital as well as other providers is that we were seeing people come in, one, with more entrenched substance abuse issues, often involving opiates, often involving one or more drugs, and often people presenting with more significant and severe medical issues than we had seen historically at the sobering center.

We began having conversations about this in 2016 and in the past several months made a decision to enter into negotiations with the Santa Fe Recovery Center to see if they could provide a higher level of detox services to Santa Fe County that was more appropriate to the kind of clientele that we were seeing coming to sobering services. And what they proposed was significant enhancement of the services and includes such enhancements as increased medical oversight of the program to include on-call services on a 24/7 basis, 365 days a year by a licensed medical professional to include either of a physician or registered nurse. That's enhancement number one.

Number two, increased medical support by the use of onsite medical technicians who will monitor clients and manage medications of the clientele. Number three, availability of a licensed counselor for clients experiencing detoxification so that people can received counseling services onsite. Number 4, access to treatment and counseling groups during the detoxification process. Number 5, onsite case management, and number six, I think of particular interest to us, the ability to involve people in a continuum of service.

Santa Fe Recovery Center provides treatment services in Santa Fe County, both residential and non-residential treatment. We fund them to provide those treatment services. We've had great relationships with Santa Fe Recovery Center and we really appreciate the enhancements that they have offered going forward.

Following the proposal that was put forth by the Santa Fe Recovery Center, we sat down and brainstormed in terms of what each collective body could bring to the table. Santa Fe County is proposing through the amendment that you see today to take the $300,000 from the contract that we currently have with Christus St. Vincent and assign it to Santa Fe Recovery for a time period of one year, at which time we would go out on a competitive bid process. But in addition to that, Christus has provided $487,000 a year in funding to the Recovery Center, is indeed more than matching what we are providing, a generous contribution I think to the welfare of the people of Santa Fe County in providing an enhanced detox service. The City has also indicated that they are interested

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in contributing towards the service.

So Mr. Chair, we're requesting assignment of the terms of contract with Christus to the Santa Fe Recovery Center. Thank you.

CHAIR ROYBAL: Thank you, Rachel. So is there any questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I don't have any questions.

CHAIR ROYBAL: No questions. Is there a motion?

COMMISSIONER HANSEN: I want to make a motion to approve the Amendment No. 1 to Agreement No. 2016-0150-DWI/BT to allow for contract assignment from CHRISTUS St. Vincent Regional Medical Center to Santa Fe Recovery Center to provide enhanced social detoxification services, extending the term an additional year, and increasing the amount by $300,000.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: Okay, so we have a motion and a second, multiple seconds.

The motion passed by unanimous [4-0] voice vote.

III. C. 2. Request Authorization for the County Manager to Execute and Sign the Purchase Order for the Installation of a New Camera System at the Adult Detention Facility and the Youth Development Program, for a Not to Exceed Amount of $850,000, Inclusive of NM Gross Receipts Tax

MR. FLORES: Thank you, Mr. Chair. Before you is a request for authorization to give to the County Manager to execute the purchase order for a new camera project at both facilities. The current resolution states certain thresholds that the County Manager can actually execute purchase order. We are requesting that that be waived in this instance so that she can continue the process of having the Purchasing Division work with the Corrections Department to secure a contractor via a state price agreement. So the authorization is to allow Katherine, the County Manager to execute that purchase order. And I stand for questions.

CHAIR ROYBAL: Thank you, Mr. Flores. Is there questions from the Board? No? Okay, I'll entertain a motion.

COMMISSIONER HAMILTON: I would move to approve.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: So we have a motion from Commissioner Hamilton, Commissioner Moreno did you have a second?

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: So we have a motion and a second.

The motion passed by unanimous [3-0] voice vote. [Commissioner Hansen was not present for this action.]

III. C. 3. Request Approval of (i) Agreement No. 2017-0220-PW/IC with

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HDR Engineering Inc. for Master Planning Services for Water and Wastewater Utilities for a Total Contract Amount of $384,245.00, Exclusive of NM Gross Receipts Tax and (ii) Grant Signature Authority to the County Manager to Sign the Purchase Order *[Exhibit 3: Professional Services Agreement]*

MR. FLORES: Thank you, Mr. Chair. I did leave a revised contract for this item on the dais. There were some questions on the indemnity clause that hadn't been worked out so I did provide that contract for your review. Mr. Chair, this is asking approval of that agreement with HDR for the development of that water and wastewater utilities plan which would include the potable water utility master plan, a wastewater utility master plan and the analysis and preparation of water and wastewater utility cost of service studies and related reports. This contract was as a result of a formal request for proposals. There were five firms that submitted their proposals for this contract and the evaluation team deemed that HDR was the most responsive and most qualified and entered into negotiations with this firm.

So we're requesting authorization for the approval of that contract as well as to give the County Manager the authority to execute the purchase order. And I stand for any questions.

CHAIR ROYBAL: Do we have any questions from the Board? Okay, what's the pleasure of the Board?

COMMISSIONER MORENO: I would move approval of this professional service agreement between Santa Fe County and HDR Engineering Inc. for water and wastewater master planning services.

CHAIR ROYBAL: Okay, so we have a motion from Commissioner Moreno. Do I hear a second?

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: And we have a second from Commissioner Hamilton.

The motion passed by unanimous [3-0] voice vote. [Commissioner Hansen was not present for this action.]

III. C. 4. Notification of (i) the Receipt of Transportation Alternative Program Awards for Santa Fe Rail Trail, Segment 5 and Arroyo Hondo Trail, Phase 4 and (ii) Request Approval of the Re-allocation of Funding for the Local Match Portion

ERIK AABOE (Public Works): Thank you, Mr. Chair, Commission. Through the initiative of Ray Matthew, our transportation planner in the Growth Management Department and Colleen Baker in Public Works, they took the initiative to put a grant application together, put the information required together and submitted it to the Department of Transportation. We recently received notification that we've gotten two awards from the Transportation Alternatives program for the Santa Fe Rail Trail segment five and for one of the phases of the Arroyo Hondo Trail.

These two awards require a local match of approximately 15 percent and so in

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addition to informing you that these awards have been granted we're requesting that you approve reallocation of some of the funding that was approved for the Rail Trail that is no longer needed because of this award to the Arroyo Hondo Trail to become the match for the program. Those funds are not yet in a budget. The revenues will be coming from revenue from the bonds from the 2016 question general obligation bonds, so as soon as those bonds are sold and revenues available to be budgeted we are requesting that they do that. But what we'd like to do is get your authority to increase the allocation to the Arroyo Hondo Trail by taking the match portion from the Santa Fe Rail Trails. I could answer any questions if you have them.

CHAIR ROYBAL: Okay. Do we have questions from the Board? I have one question. What is the amount?

MR. AABOE: So in the packet, the total amount, the award for the Rail Trail is total project cost of $455,000, and 85 percent of that will be coming from the feds. And for the Arroyo Hondo Trail, the total project cost is $1.45 million and in each the local match required, $66,211.

CHAIR ROYBAL: Okay. I just wanted to have that reflected on the public record. So what's the pleasure of the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the request for approval of reallocation of funding for the local match portion.

CHAIR ROYBAL: So we have a motion.

COMMISSIONER HAMILTON: I'll second.

CHAIR ROYBAL: We have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

III. C. 5. Request Approval of (i) Construction Contract No. 2017-0261-PW/MM Between Santa Fe county and GM Emulsion, LLC in the Amount of $752,217.04, Exclusive of NM GRT for the Road Improvements for Various County Roads and (ii) Grant Signature Authority the County Manger to Sign and Execute the Agreement and Purchase Order

MR. FLORES: Thank you, Mr. Chair. This is one of those good projects that we can bring forward and a construction agreement with the work of the Public Works Department, specifically Mr. Martinez and Mr. Gomez and the Purchasing Division under Mr. Taylor. They were actually able to put a bid together that encompassed quite a few roads and almost 4.5 miles in length that would be improved. And they put it into a single bid so that we didn't have to put individual bids out for all the roads. The result of that is we actually received very favorable pricing under what we estimated the total construction cost was.

The bid was done through a competitive process. We have four vendors submit their bids and GM Emulsions was the lowest responsive bid and staff is asking for approval of one, the construction contract with GM Emulsions in the amount of $752,217.04 without gross receipts tax, and then second, authorizing the County Manager to execute the P.O. And with that, Mr. Chair, I'll stand for questions.

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CHAIR ROYBAL: Do we have any questions from the Board? Okay, I'll entertain a motion.

COMMISSIONER HAMILTON: Mr. Chair, I'll move to approve this.

CHAIR ROYBAL: We have a motion from Commissioner Hamilton. Do I hear a second?

COMMISSIONER HANSEN: Second.

COMMISSIONER MORENO: Second.

CHAIR ROYBAL: And multiple seconds from Commissioner Moreno and Commissioner Hansen.

The motion passed by unanimous [4-0] voice vote.

COMMISSIONER HANSEN: I'd just like to make a comment.

CHAIR ROYBAL: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you for putting all these roads together and making it into one project, because I think that's a really efficient way to use our resources, and I appreciate you thinking about that.

MR. FLORES: Mr. Chair, Commissioner Hansen, the credit goes to Public Works and Purchasing.

COMMISSIONER HANSEN: Thank you.

IV. MATTERS OF PUBLIC CONCERN

CHAIR ROYBAL: Is there anybody from the public who would like to address the Commission today? Okay, we don't have anybody from the public so I'll go ahead and close Matters of Public Concern.

V. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous Updates

MS. MILLER: Mr. Chair, I just have a couple items and I was also going to suggest that after my updates if you wanted to do your Matters from the Commissioners or Other Elected Officials from item VII. B. 1 and 2. You might want to do that before we go into executive session, since those are usually just comments and not action items anyway.

But the two things that I had, it's just a reminder, we started our fitness challenge last Saturday for employees and my understanding is there is a Commissioners' team. At least I am hoping there is, and we so far have 14 teams signed up and I think most of the teams have five or six members, all the way to six members. So that's a great amount of participation of over 80 employees that will be joining in. I think it's a ten-week program and we have a couple of different things this year related to recycling and sustainability and additional requirements on our community service. So I hope that will be a good challenge and a fruitful competition this summer.

Also, our interns, our summer interns – we have 15 summer interns started this Monday and are out and about in the different County departments and assigned to

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different departments and hopefully you'll have an opportunity to see some of them throughout the summer. They'll be here all summer and working on a variety of different County issues in different County departments.

Then the last thing I wanted to bring up is a reminder that we have our joint City Council-County Commission meeting on Thursday, this Thursday, June 15th at 10:00 am. We're estimating to go to about 2:00. We will provide lunch so that you have an opportunity to work through lunch, a working lunch. We have an agenda that has been posted. Basically, we'll have some discussion items. We will give a brief overview of some items that have been brought forward, either by County Commissioners or City Councilors and staff will give about a five- to ten-minute overview of those items along with kind of the current status and what still needs to happen in order for us to move forward on these items, and the ones we have right now are the Regional Emergency Communications Center, a joint powers agreement that we have with the City and the Town of Edgewood, our gross receipts tax proposals that are on the table for the June 27th meeting, the regional water authority, and that is we have passed a resolution and I believe the City has entertained if not passed a resolution looking at a regional water authority between the City and County, and then annexation – where we are to date on the City annexation of portions of the county, and what is left to happen and alternative options to what's in our agreement, and then the City and County growth management planning, looking at the county's designated growth areas as well as the City initiatives.

Then we will have an open dialogue, and what we hope to do, Commissioners, is just present those items and not take questions during that time so that we get through the presentations, and then turn it over to the elected officials for an open dialogue to ask any questions on the items that were presented, as well as bring up any other potential joint issues that we may want to discuss or that the City Councilors or County Commission would like additional information on.

Then we have some next steps to talk about how the City has done a community survey. It's in line with a public community survey that we have ready to – it's not ready to go out yet but we've already worked on the questions and how that would look and it's a comparative survey. It's through the International City/County Managers Association so it's a similar program. And then to talk about options for future meetings. So I'd like you to think about between now and then we'll present a couple of ideas of different ways we might approach dealing with the issues that are brought up at the joint City-County meeting and hopefully get some direction from both governing bodies of how they would like to move forward in the future, or how we can work together with the City.

So I just wanted to give you that information. That's what's planned for Thursday and that's all I have, so I stand for questions if you have any questions.

CHAIR ROYBAL: Okay, do we have any questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: I just have one question. Is there any reason or possibility to have an executive session or has that ever happened in a joint meeting? Just a question.

MS. MILLER: Mr. Chair, Commissioner Hansen, the only thing we would have executive sessions for are for those things that are allowed by law and I don't think

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that there's anything in this particular agenda or that's pending between the City and County, like pending litigation or threatened litigation, personnel matters, acquisition of real estate, so there's only a few items that you could go into executive session for, and none of those items are something that's been requested to discuss or is pending.

So it could be in the future, if you had joint City-County meetings where there was some talk of acquisition of property or we had some litigation between the two parties that you might need that, but we don't have anything of that sort for this meeting and so we wouldn't notice that we would have an executive session.

COMMISSIONER HANSEN: Okay. I was just curious. It was just a curiosity question.

MS. MILLER: And Mr. Chair, Commissioner Hansen, I don't know – we've had joint City-County meetings before. The ones that I've been involved in the last 6 ½, 7 years have not had an executive session, but I can't say that that's never happened, but we haven't had cause to have one.

COMMISSIONER HANSEN: Thank you.

CHAIR ROYBAL: Thank you, Manager Miller. Thank you for the question, Commissioner Hansen. Commissioner Hamilton, did you have a question?

COMMISSIONER HAMILTON: I actually just had a comment. Since Manager Miller asked question, we do in fact have a generating Team Commish, that everybody signed for except the one Commissioner who had to be absent today. So we're on our way.

COMMISSIONER HANSEN: Yay, Team Commish.

COMMISSIONER HAMILTON: There's a healthy snack sitting in the room.

MS. MILLER: I was noticing. You're ready for a picture already.

VIII. B. Matters from County Commissioners and Other Elected Officials
1. Elected Officials Issues and Comments

CHAIR ROYBAL: I'm going to move item VIII. forward so that when come out of executive session the only thing that we will have left on our agenda will be public hearings and presentation. So we're going to go ahead and move on to item VIII. B. 1. And this is going to be any comments from elected officials. Do we have any elected officials that would like to comment on the record tonight?

CLERK SALAZAR: I'm almost at a loss for words, but I want to commend the Board that I feel that you have been very mindful of the public and that our meetings have been very well coordinated. You have listened very well to the public and to staff, so I want to thank you for that, especially since I'm here at all the meetings, I've noticed that your business has been done very well in a timely manner. So thank you so much from the Clerk and her staff.

CHAIR ROYBAL: Thank you, Madam Clerk. We appreciate that. Any other comments from elected officials? Okay, so I'm going to close comments from elected officials. That's VIII. B. 1.

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VIII. B. 2. Commissioner Issues and Comments

CHAIR ROYBAL: Is there any Commissioners that have comments that they'd like to present on the Board? Commissioner Hansen.

COMMISSIONER HANSEN: So yesterday I had the honor of going to a conference on the Attorney General protecting tomorrow today. It really was about students and what was happening to our student population in the State of New Mexico, and the opening speaker was a woman who had been – had had an internet experience and had been abducted when she was 13 years old. And it was really a miracle that she stayed alive and it was really a disturbing story to listen to and how these predators attack our children and are so underhanded about how this happens and so it was a really impressive conference talking about that.

The other thing that was really important for I think the public to know is that Title IX covers expectant parents in high school. And so they are covered to receive equal education. There is a plan set out for children or young adults who are pregnant in high school and that they can receive their diploma and get their education, and I found that really encouraging because I know we have issues like that. I have a pamphlet from the conference and it was just really heartfelt to see the providers that and the people who were attending. And so I'm thankful to the County for allowing me to attend.

Then on a more upbeat note, the County Manager and I attended the Chamber of Commerce Hollywood Gala out at a jet hangar on Thursday and it was a very well attended event and we dressed up in Hollywood style and in my personal opinion the County Manager should have won the prize for best costume or best interpretation, so it was a very fun event and I think it's important for us as Commissioners to share events that we attend out in the community and meetings that we attend with the constituents and from the dais. So thank you. That's all I have to share.

CHAIR ROYBAL: Do we have any other comments from Commissioners? Well, thank you for sharing that information, especially the missing and exploited children and I think it is very important for us to let the public know that we are attending these meetings that are out in the area, so I think that's important to be involved with your community. So thank you for saying that.

VI. MATTERS FROM THE COUNTY ATTORNEY

A. Executive Session. Threatened or Pending Litigation in Which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1(H)(7) NMSA 1978 and Discussion of Competitive Sealed Proposals Solicited Pursuant to the Procurement Code, as Allowed by Section 10-15-1(H)(6) NMSA 1978

1. **Proposals for Workers' Compensation Insurance for Fiscal Year 2017**
2. **Potential Enforcement Actions for Violations of the Santa Fe County Sustainable Land Development Code**

RACHEL BROWN (Deputy County Attorney): Mr. Chair, I would ask

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that we go into executive session to discuss threatened or pending litigation in which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H)(7) NMSA 1978, and discussion of competitive sealed proposals solicited pursuant to the Procurement Code, as allowed by Section 10-15-1(H)(6) NMSA 1978, as detailed on the agenda.

CHAIR ROYBAL: Okay. What's the pleasure of the Board?

COMMISSIONER HAMILTON: I move that we go into executive session per Assistant Attorney Rachel Brown's reading.

COMMISSIONER HANSEN: I second it.

CHAIR ROYBAL: We have a second. Can we get a roll call.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (6 and 7) to discuss the matters delineated above passed by unanimous roll call vote as follows:

Commissioner Anaya	Excused
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Moreno	Aye
Commissioner Roybal	Aye

CHAIR ROYBAL: Thank you. We're in executive session. I think we'll be back before 5:00. It's 3:30 now. We have plenty of time to get back so we'll be back at 5:00 for public hearing. Manager Miller, did you have a comment?

MS. MILLER: Mr. Chair, I was just going to say, everything we have left on the agenda is to be no earlier than 5:00. So I'd say we'll be back right at 5:00.

CHAIR ROYBAL: Thank you.

[The Commission met in executive session from 3:30 to 5:13.]

CHAIR ROYBAL: Good afternoon, everybody. I'd like to go ahead and call the meeting to order. We're coming back out of executive session so I'll entertain a motion to come out of executive session.

COMMISSIONER HAMILTON: I would like to move that we come out of executive session and indicate that the only matters that were discussed were the ones that were read by Assistant County Attorney Brown, and the people present were the four Commissioners who are sitting up here, the County Manager and the Assistant County Attorney.

CHAIR ROYBAL: Okay, we have a motion by Commissioner Hamilton.

COMMISSIONER HANSEN: I'll second that.

CHAIR ROYBAL: A second by Commissioner Hansen.

MS. BROWN: Before you finish, there was one additional person present.

CHAIR ROYBAL: Mark Lujan.

COMMISSIONER HAMILTON: Yes. I'd like to make that an addition to my motion.

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CHAIR ROYBAL: And does your second include that?
COMMISSIONER MORENO: I second that motion.

The motion passed by unanimous [4-0] voice vote.

VI. C. Possible Action with Respect to Threatened or Pending Litigation in Which Santa Fe County is or may Become a Participant Discussed in Executive Session

CHAIR ROYBAL: We do have a couple of action items from executive session so I'll entertain a motion for those items.

COMMISSIONER HAMILTON: I'd like to move to authorize the County Attorney, his staff or contract attorneys under his direction to commence a civil enforcement action in the First Judicial District Court pertaining to the real property located at 11 Camino Iglesias, Santa Fe, New Mexico, 87507 to remedy violations of the Santa Fe County Sustainable Land Development Code and any other applicable County ordinances.

CHAIR ROYBAL: Okay, we have a motion. Is there a second?
COMMISSIONER HANSEN: Second.
CHAIR ROYBAL: Okay, we have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

VI. B. Resolution No. 2017-62, a Resolution Delegating to the County Manager the Authority to Negotiate for Workers' Compensation Insurance for Fiscal Year 2017 and to Execute Purchase Orders, Agreements, and Other Documents Necessary or Advisable to Effectuate Such Insurance

CHAIR ROYBAL: Okay, we have another item that was from executive session. Is there a motion on that item?

COMMISSIONER HAMILTON: Sure. I'd like to move to accept the resolution delegating to the County Manager the authority to negotiate for Workers' Compensation insurance for fiscal year 2017 and to execute purchase orders, agreements and other documents necessary or advisable to effectuate such insurance.

CHAIR ROYBAL: Okay, I have a motion.
COMMISSIONER HANSEN: Second.
CHAIR ROYBAL: A motion and a second.

The motion passed by unanimous [4-0] voice vote.

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VII. PUBLIC HEARINGS

A. Land Use Cases

1. BCC CASE #MIS 17-5120 Arable, LLC Restaurant Beer and Wine License. Arable, LLC, Applicant, is Requesting a Restaurant Beer and Wine License. The Property is Located At 7 Avenida Vista Grande Suite B-6, within the US 285 South Highway Corridor District Overlay, within Section 9, Township 15 North, Range 9 East (Commission District 5)

CHAIR ROYBAL: First of all, I'd like to see a show of hands. How many are from the public to speak to this item? Let me read what it is. It's the Arable LLC beer and wine license. Is there anybody from the public to speak to this? Mr. John Salazar is the case planner.

JOHN MICHAEL SALAZAR (Development Review Specialist): The property is located at 7 Avenida Vista Grande, Suite B-6 within the US 285 Highway South District Overlay at the Agora Shopping Center. The property is in a commercial neighborhood. Table 9-10-12, 285 SHCD use matrix allows restaurants with incidental consumption of alcoholic beverages as a permitted use. The previous restaurant in this location was Chez Dre, which also had a restaurant beer and wine license.

Mr. Chair, staff recommends approval of a restaurant beer and wine license to be located at 7 Avenida Vista Grande, Suite B-6, and I'll stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board? Seeing none, is there anybody from the public that would like to speak to this? I'll ask you again. Okay, Commissioner Moreno.

COMMISSIONER MORENO: I understand that this will be located in a previous restaurant location. Are these the same people that have the Loyal Hound?

MR. SALAZAR: Mr. Chair, Commissioner Moreno, I would need to refer that question to the applicant.

COMMISSIONER MORENO: Okay.

CHAIR ROYBAL: Sir, if you could come forward and state your name for the record.

DAVE READYHOUGH: My name is Dave Readyhough. Yes, it's the same owner as Loyal Hound, my wife and I both.

COMMISSIONER MORENO: Okay. That area has been – that part of the Agora has been vacant for quite a long while. Are you confident that you're going to make a go of it. My wife and I have lunched a lot at your other location and it's been a hard property to lease, frankly. Your thoughts.

MR. READYHOUGH: Sure. We're actually super-confident. We did our due diligence in researching and like yourself, we have a large community at our current restaurant that lives out in that area of town and even before we decided to go through with it we had many phone calls asking when we were coming out there so we feel pretty confident. I'm familiar with the community having lived out there 15 years, two daughters who went to school out there so I don't currently live there but I'm still part of that community just because of friends and family.

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COMMISSIONER MORENO: Thank you very much.

[Mr. Readyhough was placed under oath and spelled his name for the record.]

CHAIR ROYBAL: I went to the public earlier and I didn't see any hands. I want to ask one more time. Is there anybody from the public that would like to speak to this. Seeing none we'll go ahead and close public comment. What's the pleasure of the Board? Commissioner Moreno, this is your district. What would you like to do? Do you want to make a motion?

COMMISSIONER MORENO: I would move to approve Case BCC MIS 17-5120 for the Arable LLC Restaurant beer and wine license.

COMMISSIONER HAMILTON: Second.

CHAIR ROYBAL: We have a motion from Commissioner Moreno and a second from Commissioner Hamilton.

VIII. A. 2. CASE # 10-5364 St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2. Vegas Verdes, LLC, Applicant, JenkinsGavin, Inc., Agent, Request Preliminary Plat Approval for Phases 1-4, Which Consists Of 22 Lots And Final Plat Approval of Phase 1, Consisting of 4 Lots and Phase 2, Consisting of 8 Lots, On 68.94 Acres, of the St. Francis South Mixed-Use Subdivision. The Property is Located at 199 Rabbit Road, Via St. Francis Drive, Within Section 11, Township 16 North, Range 9 East, (Commission District 4) *[Exhibit 4: Staff Memo; Exhibit 5:Applicant's Design Standards; Exhibit 6: Applicant's Permitted Use List; Exhibit 7: Location Plat; Exhibit 8: Letters of Opposition]*

MR. SALAZAR: Thank you, Mr. Chair. Vicki Lucero is handing out some additional information for the Commission. On September 16, 2010 the County Development Review Committee recommended approval of a request for master plan zoning for a mixed-use subdivision, commercial, residential and community service consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 square feet of structures at full build-out.

On December 14, 2010 the Board of County Commissioners approved the master plan zoning for the mixed-use subdivision consisting of those 22 lots. On January 14, 2014 the BCC approved a request for master plat authorization to proceed with the creation of those 22 lots on 69 acres. On March 21, 2017 the Santa Fe County Hearing Officer recommended approval of a variance request to reduce the width of the right-of-way for the loop road within the subdivision to 70 feet. On May 18, 2017 the Santa Fe County Planning Commission approved the same variance, reducing the right of way of the internal road to 70 feet.

The site for the development is located in SDA-1 within a planned development district in the SLDC which requires residential uses and allows commercial, retail, recreational, community and employment uses. The applicant as stated in the caption is requesting preliminary plat approval for phases 1 through 4 which consists of 22 lots and final plat approval of phase 1, consisting of four lots and phase 2 consisting of eight lots

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on the 68.94-acre tract.

This application, Mr. Chair, was reviewed for compliance with the applicable standards as set forth in the SLDC as follows: it was reviewed for the environmental impact report, adequate public facilities and service assessment, and just for the record, Mr. Chair, the third paragraph within that section should be struck because it was from a previous report. This property is not by New Mexico 599. It was also reviewed for the water service availability report, traffic impact assessment, access and road design standards, fire protection, landscaping and buffering, lighting, signs, parking and loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, operation and maintenance of common improvements, and affordable housing.

Mr. Chair, Building and Development Services staff reviewed this project for compliance with conditions of preliminary and final plat approval and for compliance with pertinent SLDC requirements and found the facts presented support the request for preliminary plat approval for phases 1 through 4, and final plat approval for phases 1 and 2 of the St. Francis South Mixed-Use Subdivision, subject to the following conditions. Mr. Chair, may I enter conditions 1 through 8 into the record.

CHAIR ROYBAL: Yes.

[The conditions are as follows:]

1. Compliance with applicable review comments from the following:
    a. NMDOT
    b. NMED
    c. OSE
    d. SHPO
    e. Soil and Water
    f. Santa Fe Public Schools
    g. County Public Works
    h. County Fire Marshal
    i. County Utilities
    j. County Planning Division
    k. County Open Space and Trails
    l. County Affordable Housing
2. Preliminary and Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
3. All Staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat.
4. The following notes shall be included on the Plat:
    a. 10% Open Space Required on each lot
    b. Water restrictions and conservation covenants shall be filed in the County Clerk's Office and referenced on the plat.
5. A financial guaranty shall be submitted prior to Final Plat recordation.
6. Compliance with conditions of the Original Master Plan.

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7. The two proposed Street lights located at each of the entrances shall not exceed 25 feet in height.
8. Access permits must be obtained from NMDOT prior to plat recordation

MR. SALAZAR: Also, we have additional conditions, Mr. Chair. Conditions 9 through 19. The applicant submitted a revised plat addressing the Planning Commission conditions of approval. As staff reviewed the new plat it was discovered that additional conditions should be recommended. These conditions have been handed out to the Commission and been discussed with the applicant's agent and are as follows:

9. The applicant shall be required to plat 38-foot internal easements with a 60-foot radius cul-de-sac turn around on all internal cul-de-sacs.
10. Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20 and 21 shall be required to access lots through internal cul-de-sacs only. These lots shall not access directly onto the main loop road.
11. Lots 13, 14, 15, 16 and Lots 1 and 2 shall be required to share driveways.
12. Access to Lot 22 shall be directly across the shared driveway for Lots 1 and 2.
13. Lots 15 and 16 shared driveway shall be directly across Lots 13 and 14's shared driveway.
14. Access to Lot 17 shall be directly across the internal cul-de-sac road between Lots 7 and 10.
15. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
16. If multiple lots are purchased by one owner/developer and lots are consolidated the Land Use Administrator is authorized to approve the vacation of easements through a plat approval.
17. The applicant shall be responsible for all design and construction costs associated with the two intersection connections with the northeast connector project.
18. The northeast connector shall be constructed prior to applicant requesting final plat for remaining phases of subdivision or prior to the applicant requesting lot development approval if an approved TIA – traffic impact analysis shows that intersection improvements are warranted at that stage.
19. A traffic impact analysis is required for all lot development and future platting and shall include existing development and approvals to analyze the cumulative effect within the entire development and analyze all existing traffic on Rabbit Road to determine when intersection improvements are warranted.

Mr. Chair, those are our additional conditions by staff and I'll stand for questions.

CHAIR ROYBAL: Do we have any questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: What is going to happen at the end of Rabbit Road? Not the end, but the end of St. Francis and Rabbit Road?

MR. SALAZAR: Mr. Chair, Commissioner Hansen, the end of Rabbit Road, the intersection of Rabbit Road and St. Francis –

VICKI LUCERO (Building & Development Services Manager): Mr. Chair, Commissioner Hansen, that right now is under study and under design as part of

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the northeast connector phase, so we're still waiting to see what exactly is going to be needed at that point.

COMMISSIONER HANSEN: Is the New Mexico DOT here to address that?

MS. LUCERO: Mr. Chair, Commissioner Hansen, I don't believe we have anybody from NMDOT here tonight.

COMMISSIONER HANSEN: I did request – I want for the record to show that I requested that New Mexico DOT be present at this hearing.

CHAIR ROYBAL: Is that it, Commissioner Hansen?

COMMISSIONER HANSEN: For the moment. I have more questions but I know we have a tremendous amount of public here. My other concern is the 30 percent open space and the fact that that's not addressed here. At the moment they have 20 percent open space and the ten percent is going to be on each lot owner but I don't think that that's adequate. I think that they need to provide 30 percent. Or if you could please explain to me why they're not providing 30 percent open space when that is part of the Land Use Code.

MR. SALAZAR: Mr. Chair, Commissioner Hansen, the applicant is requesting that each site development plan that comes in after the plat has been approved address that additional ten percent on their lot to reach that 30 percent open space requirement. It would go through an administrative review from staff and it would have to meet that 30 percent requirement. It would have to come out to that on every lot.

MS. LUCERO: Mr. Chair, Commissioner Hansen, if I could just clarify. The ten percent open space on the individual lots will act as a buffer. So that will be counted towards their open space requirement.

COMMISSIONER HANSEN: So why isn't that just included right now in the plat, such as an open space trail between Lot 1 and Lot 4 and 3. Like there could be a trail easement along there. Or over some of the other areas, there could be areas where there could be open space access.

MS. LUCERO: Mr. Chair, Commissioner Hansen, what we could do is add a condition stating that prior to the plat being recorded that they actually show the additional open space on each lot, like an open space easement that would account for the additional ten percent.

COMMISSIONER HANSEN: Because – that's one way to deal with it but what I'm concerned about is there's no – I don't see any trails except for around the exterior loop, so I don't see a way for people to access the outer loop from the inner loop on open space. So if I'm in Lot 2 or 22, if I'm in Lot 22 and I happen to build a house on that lot or I have employees, there's really no place for them to walk. There's really no place for them to access open space and so that concerns me. It seems a little dense in that regard. Also, like if I was at Lot – on the other side of the loop there would be no way for people to access the driveway with a cul-de-sac ending – they could walk up the driveway but then the cul-de-sac ends and then if people wanted to access the exterior loop I don't see any place for them to do that and I think it's important that there's a trail system involved in this development so that people have access and they can walk around.

I do believe that – I don't know how much of housing is going to be involved in

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this but this is a mixed-use development so I want to make sure that housing is part of this development, that it's just not commercial space because at the moment we are in desperate – we are told we are in so-called desperate need of housing. So how much assurance am I going to get that housing is part of this development?

MS. LUCERO: Mr. Chair, Commissioner Hansen, as part of the master plan approval, they were approved as a mixed-use development with a residential component. One of the conditions of approval was that the residential component had to come in as part of phase 1 or phase 2 if I recall. So that needs to come in early on.

COMMISSIONER HANSEN: So that means that like Lot 1, it looks like that's the early part of the phase, is a ten-acre lot. So that would mean that if that was possibly a residential unit that would mean that the roundabout on Rabbit would need to be built in phase 1. And I read in the materials that the roundabout will be – is accounted for in the money. There's two roundabouts accounted for in the phasing and phase 1, so one would be on Rabbit and the other one would be where? But what I'm really concerned about is public access. So let's say Lot 1 is where we build housing. Those people are trapped and will not be able to walk around the loop, unless the person that buys Lot 1 makes sure that there's access to it, but then Lot 2, if that happens to be the housing, which is not ideal, since it's so close to the freeway, how would they get access?

The open space issue really bothers me. Okay. And I was under the impression and I could be wrong that each lot would have to have 30 percent open space, once they're subdivided. Or is that not true? Once this is platted, we're giving this whole subdivision 30 percent and then they're going to start selling these lots and that means that these lots are only going to have to have ten percent open space and not 30 percent open space, once they're separate?

MS. LUCERO: Mr. Chair, Commissioner Hansen, it would be 30 percent in total, so they've already accounted for 20 percent open space, I believe that they're showing on the actual plat which is basically around the perimeter of the 69 acres, and then each additional lot will have to provide 10 percent open space. And also, just to get back to your question regarding circulation on the loop road system going through the project, there's actually sidewalks proposed on both sides so that will provide a better pedestrian circulation.

COMMISSIONER HANSEN: Sidewalks on both sides of where?

MS. LUCERO: Of the loop road, the main loop road.

COMMISSIONER HANSEN: And then what about the roundabouts?

MS. LUCERO: Mr. Chair, Commissioner Hansen, are you speaking about the actual roundabouts?

COMMISSIONER HANSEN: In phase 1 there is a roundabout when you enter into the property, on the drawings. On Rabbit.

MS. LUCERO: Commissioner Hansen, are you looking at one of the pages within the packet?

COMMISSIONER HANSEN: I am.

MS. LUCERO: Which sheet is –

MR. SALAZAR: That's in Exhibit 2, Commissioner Hansen.

COMMISSIONER HANSEN: There's a roundabout shown on Rabbit Road going into the loop road. I know I saw it on one of the drawings. Right there.

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MS. LUCERO: Mr. Chair, Commissioner Hansen, there's only one roundabout proposed and it would be on the western entrance to the site.

COMMISSIONER HANSEN: Yes. But I remember seeing when I was reading this, in the phasing and the pricing, there was a price for two roundabouts. It was listed – I'll find the page with all the pricing.

MS. LUCERO: They will be required to do intersection improvements on the eastern entrance but we don't know that that's going to be a roundabout. But there may be some improvements that will eventually be warranted on that intersection as well.

COMMISSIONER HANSEN: Right. But we have no information from DOT what they're going to do?

MS. LUCERO: Mr. Chair, Commissioner Hansen, at this point it's all going to be part of the study for the northeast connector and as the conditions stated that we handed out, at the point where this development, in addition to the traffic on Rabbit Road warrants intersection improvements or a roundabout, then that's when that will be designed and constructed.

COMMISSIONER HANSEN: And then how much will this development contribute to that improvement?

MS. LUCERO: Per condition #17, the applicant will be responsible for all design and construction costs associated with the two intersection connections, in conjunction with the northeast connector project. So they'll be responsible for the cost of their two intersections.

COMMISSIONER HANSEN: And that's it? They won't be responsible to contribute towards the intersection at St. Francis and Rabbit?

MS. LUCERO: Per the condition, they would not be responsible for that but they would also be responsible for probably the additional improvements along the frontage of their property.

COMMISSIONER HANSEN: And that's it? Over 800,000 square feet of commercial? And residential?

MS. LUCERO: That's what staff is recommending at this point. We don't know the residential densities that are going to be going out there yet at this point, but that's the condition that staff's recommending. If the Commission decides they want to change that condition or add to it them that would be at the pleasure of the Board.

COMMISSIONER HANSEN: Okay.

CHAIR ROYBAL: Is there any other comments from the Board or do we want to go to public comment next? Looks like we'll go to public comment. How many people are here today to speak for or against this? So we're going to go ahead and give three minutes to be able to speak. If there's anybody that wants to donate time to somebody else, that's fine; just let us know. But if we could all make our way forward so you can be sworn in. Manager Miller.

MS. BROWN: The applicant hasn't made their presentation yet. You may want to allow that before the public comment.

CHAIR ROYBAL: Okay. So, yes. Let's go to the presentation first. Well, we can swear everybody in since everybody is up. Let's go ahead and do that.

[Those wishing to speak were placed under oath.]

CHAIR ROYBAL: So when you come up to speak be sure to state your

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name and address for the record.

[Duly sworn, Jennifer Jenkins testified as follows:]

JENNIFER JENKINS: Good evening, Chairman, Commissioners. My name is Jennifer Jenkins and I'm here this evening on behalf of Vegas Verdes, LLC in request for preliminary and final subdivision plat approval for the St. Francis South mixed-use project. As I know staff did a great job of putting some background information in your staff report but I'll just touch on a little bit of that for you as well.

Prior to the approval of the master plan in 2010 by this body we had been working closely with staff as they were developing the Sustainable Land Development Code. And we worked closely with staff through that process because this is a unique piece of property in Santa Fe County and I would venture to say it is one of the most unique pieces of property of Santa Fe County. The subject property is here. This is I-25. This is St. Francis Boulevard and this is Rabbit Road that leads out to the Community College. So we are bordered by an interstate on the north, a major arterial to the west and a minor arterial to the south. And so what is the best use for this very unique piece of property? I find that rarely do people want to build their house up against I-25.

So as we worked with County staff and the Planning staff as part of the Sustainable Land Development Code it was determined that mixed use is what really made the most sense. So in the Sustainable Land Development Code this property was given actually kind of a non-residential, commercial type designation. We moved forward with a master plan for what was called under the old code a large-scale mixed-use project. Absolutely, there is a mandate for there to be a residential component. A hundred percent. This cannot be a 100 percent commercial project without me coming back here asking for you to rezone it. And I have no intention of doing that. This is a mixed-use project.

This project is intended to be that transition between an interstate and an existing residential community. And just also so again, Rabbit Road leads here. We have the Quintando Subdivision here, we have the Campo Conejo Subdivision here, the Vista Serena Subdivision here to our south.

So we are at the point in the process, so we have our master plan zoning, so when the Sustainable Land Development Code and the zoning was adopted then we were designated as a planned development district because we had an established, existing master plan with established permissible uses. For projects like that, the County, when they did the zoning map, they had the option to say, well, does this master plan kind of fit kind of perfectly with one of our existing zoning categories that we're creating, or is it kind of unique? And so this was one situation they felt that the zoning that was established with our master plan should just remain intact. So we have what is called PDD zoning, which is planned development district, which means my master plan and the uses that are permitted as part of that is my zoning.

So if you look at the use matrix, the big colorful chart in the Sustainable Land Development Code you'll see all the uses are permissible but my permissible uses are a function of my master plan that was approved in 2010. So the point of the process we are in now is we are here requesting subdivision plat approval so we can move forward and market the property for individual users. We have been in dialogue with assisted living facilities, skilled nursing facilities, other types of office and institutional type users.

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We've been having some dialogue with them but it is illegal for me and my client to market this property without a subdivision plat that is recorded. I think that's a really critical, critical point that I would like to make here. My client cannot even put a sign on the property. Yes, he has zoning. He has a master plan approval. He has permissible uses. He can't even put a sign on the property that says come talk to me about my property. He can't do it. Because we don't have subdivision plat.

So the subdivision plat is that next step in our process. We acquired the zoning so now we have to create the parcels. So we're doing a preliminary plat for all 22 lots and establishing final plat for the first couple of phases.

So this is zooming in on the subject property. So here's St. Francis and this is where it dead-ends into Rabbit Road and again, we have the loop road with two points of access on Rabbit. The western most access point is considered our full, primary access. And as our initial phase of improvements we are going to be building a right turn deceleration lane which you can see here, and this will be a stop sign condition. As explained by staff, at the point in the project where the level of development here and the level of traffic generation warrants the roundabout, we have to construct that roundabout at our expense.

Also as part of the initial phase we're proposing to construct the loop road that would terminate in a temporary cul-de-sac at this point and then as the project progresses this would be continued and then we would develop the intersection here and this intersection is a right-in, which we will also be constructing a right turn lane here. We will be constructing median improvements to allow left turns into the site, and there will be right out turns here but no left outs are permitted here due to our proximity to St. Francis. So you won't be able to turn left here. If you want to go this way you would just come here and you would utilize this intersection here for full access.

And we are showing the 22 lots right now but it is pretty clear that as these projects develop – for example, somebody may say I want Lot 2 and I want Lot 3, because I really like these lots and my facility is a little larger, so I'm going to buy both of them and I'm going to consolidate those lots. So as the project moves forward we would expect the lot configuration to be somewhat organic as things move forward. And with respect – I really appreciate your question, Commissioner Hansen, regarding open space, and we had this open space configuration that you see here is consistent with our master plan approval, and we are providing this hundred foot buffer here along Rabbit Road, which was really important to us as far as buffering our activities here from our residential neighbors.

So, yes, could I put 100 percent of the real estate here into the lots, and say each lot does 30 percent? Absolutely. We could have done that. But in order to be consistent with our master plan and provide these perimeter buffers that were important to the vision, we said okay, we have our perimeter buffer that we have here which already gives us 20 percent of the requisite 30. And then – or I could take this green buffer, I could make that 30 percent. I could totally do that. But then I've already met my open space requirement. So then when this lot comes in to develop their office building, then they're already part of a project that has met the open space requirement.

So we felt like this was a really good approach to provide the buffering that we would like to provide for the community that we are in, and then to ensure that each of

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these lots also contributes to the open space and contributes to the sense of openness that is in there. And one thing I can share with you, I think it is very, very likely that these lots are going to have a lot more than ten percent. They have requirements to screen their parking areas with landscaping. They're going to have requirements for onsite stormwater management, which is also going to be open space that is going to be landscaped.

So I think any of these projects that are going to get away with only ten percent open space I think is going to be pretty unlikely. I think it's much more likely you're going to be seeing 15 to 20 percent on each of these lots, in the reality of meeting the development requirements of the SLDC.

So that is really the approach. It was not an effort to shirk any responsibility relative to the open space requirements. It was really about having a dual approach to the open space. One is providing an appropriate buffer around the project and preserving existing vegetation, and the other was to also have an open space component for each of the projects as they develop.

I would also like to point out that we are being served by County water and County sewer through a connection across I-25 to existing City facilities in the Rodeo Business Park. That memorandum of agreement between the City and the County has already been executed and recorded, so we will be all served with public facilities here for water and sewer as well.

So this shows here kind of the section of the onsite loop road. And Commissioner Hansen, you were concerned about the pedestrian circulation through the site. So this is the roadway section. It's being designed as a minor arterial for the interior loop road. So we have two 12-foot drive lanes. We have bike lanes serving the interior of the project. We also have five-foot sidewalk. We have landscaped strips that separate the sidewalk from the roadway on both sides, and we also have a generous 12-foot landscaped median going down the center of the project. This landscaped median is not a requirement for a minor arterial but we really felt – we really liked the aesthetics of it and we think it really breaks it up and is more consistent with what you see in the neighborhood. So we thought that this was a really nice approach and is going to have a really nice feel when you enter the project.

So looking at it in plan view, so you can see the median here, then we have our bike lanes, and this would be one of those access easements, maybe accessing a couple of lots at the back here and then again, showing the sidewalks and let's say you needed a left turn lane in order to access a lot at the back, then that median would accommodate those left turn lane improvements. In all of this landscaping will be constructed as the roadway is developed.

With respect to access to the perimeter open space I definitely think we have some opportunities where along these lot lines, we could do some pedestrian easement so that the lot that maybe has frontage here, obviously the sidewalk system is an opportunity to access the open space here and then circulate around. But in terms of accessing directly to these rear areas, and one great thing about this, this is an easement for water and sewer, and that actually has to be a drivable surface, but it's not going to be driven for vehicles but for maintenance vehicles, so we can also overlay a pedestrian easement on this and that becomes a really nice trail connection from the sidewalk here to get back to the open

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space here, so I think that would be something easy to do and be a really nice idea. And then we'd be happy to work with staff on some other opportunities for where we could put pedestrian easements along lot lines so we could have shared access to get out to the open space. So we would be happy to work with staff in incorporating that prior to recordation of the plat.

So as part of developing the subdivision, there will be a lot owners association here, because the internal loop road will be a private road and so that will have to be maintained, along with the signage and any lighting and things of that nature. So as part of that we are developing – we have developed design standards because I know there has been some questions and some concerns expressed by some of our neighbors relative to what's going to be there. It's a really legitimate question. And as I mentioned before, in order to answer that question in a very detailed way, I can't answer that question without a subdivision plat because I can't put any property under contract with ABC assisted living until I have a subdivision plat.

But the key thing here is the aesthetics, and that is what is really important to us in terms of what this is going to look like, in terms of our architectural control over what is going to be developed here. So I'm going to pass out a couple of handouts for you, one of which is the list of permissible uses. That's really the starting point. Like, what's going to be here? We have a list of permissible uses that has already been established. And then also excepts from the design standards that show some imagery of what our design standards are going to encourage and actually require in terms of the aesthetic architectural value.

So we are – our design standards are based upon local architectural vernacular, more traditional pueblo, territorial, northern New Mexico pitched roof, but also more contemporary interpretations of those styles. So in what is being passed out you'll see some imagery. A picture speaks a thousand words, but it's really about having those tight architectural controls, so when we record our plat we have to record our restrictive covenants that incorporate these design standards. They are referenced on the subdivision plat and they are recorded at the same time. And so those architectural controls will be in place at the time the plat is recorded. And so this is really the vision of something that is architecturally sensitive and appropriate to the area.

And I also wanted to mention that we did of course prepare a traffic impact analysis for the project. We've prepared several of them over the years, and Mike Gomez with Santa Fe Engineering is the civil engineer on the project and he is here with me this evening, and he is also the traffic engineer. We worked closely with the New Mexico Department of Transportation. We've been working closely with them for years on this project and also very closely with the Santa Fe County Public Works Department, and they have approved the traffic impact analysis, and again, as this project moves forward, the TIA is updated consistently. Every single project that comes in the door, the traffic generation is re-evaluated to determine when is that roundabout warranted? When are the additional improvements warranted? And so we have a really good big picture planned for how that's going to happen over time, but again, this is not guesswork. These analyses are being done all along the way and Mike is here and would be happy to stand for any questions that you might have. And with that – Oh, and I did want to mention one other thing. Let me see if it shows up on this drawing. Yes, it does.

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One of the really great features of the project is our proximity to the Rail Trail here, which is really a fantastic amenity. And so with respect to, typically for a project like this you would be responsible for the roadway improvements along your property frontage. That would be common. Well, we are extending the sidewalk improvements all the way and creating a pedestrian connection to the Rail Trail, and so that of course – there's sidewalks here, bike lanes and the side walk and bike lane connections here, all the way to the Rail Trail. So again, that is a really nice amenity. We love the idea as there are employees working here have the opportunity to ride their bike to work and easy access to the Rail Runner station at Zia, so we think that is a great amenity and really supports this project as a mixed-use project, as a driver, frankly, for economic development in Santa Fe County. Being right on I-25 with the excellent visibility, there's not another property like it. And that is our goal and our dream is to provide a great place to live and a great place to work. So thank you, and I'd be happy to stand for any questions. Thank you very much.

CHAIR ROYBAL: Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. I have a question about the buffer strip. Did you say something about the natural vegetation in the area, whether it's by itself, like in its natural current condition to be a decent visual barrier, or whether you guys are planning to enhance that.

MS. JENKINS: The open space here actually – and part of what is happening here is the grades are climbing here, which is a really positive thing because there's kind of a ridge that creates that natural buffer, so our goal is to leave this as undisturbed as possible and we will have measures in place to protect these areas during construction, because that's really the key, is if you're not protecting it during construction then it's not worthwhile. But we are going to have some opportunities as some trees have to come out as the road is building, we're going to have some opportunities to transplant those trees and we're going to transplant them right here. So we can augment those areas.

COMMISSIONER HAMILTON: Thank you.

CHAIR ROYBAL: Any other questions from the Board? Commissioner Moreno.

COMMISSIONER MORENO: Ultimately, this project is going to go west towards Richards, right?

MS. JENKINS: In terms of the traffic flow?

COMMISSIONER MORENO: The traffic flow going from this intersection to the butt end of St. Francis. Do you have any information about when the Highway Department is going to actually build that stretch of road?

MS. JENKINS: I do, actually. I do, actually. Chairman, Commissioners, Commissioner Moreno, the design for the northeast connector, as well as the southeast connector that will be heading south down towards the Community College, that design is supposed to be let out and those contracts executed this summer with the intent to commence construction on both the northeast and the southeast connector this coming spring, the spring of 2018. So that is the latest, hot off the presses information that I have relative to the timing.

COMMISSIONER MORENO: Okay, from your lips –

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MS. JENKINS: And there's County staff here who can tell me if I'm misspeaking but I believe that's accurate. Yes.

COMMISSIONER MORENO: As you described the tract is kind of like this. Why did you – and on the northern part is going to be industrial area. Is that right?

MS. JENKINS: Not necessarily, but I think that we – I can tell you that the visibility from I-25 for certain types of users is very attractive, so they're much more interested in the northern part of the property that's closest to I-25.We've talked to some folks that are more interested in a type of residential type uses and they're more interested in being closer to Rabbit Road because it has more of a residential feel. So I think just organically the nature of the site and what is surrounding it that I think that it is pretty accurate to say that – and the best terrain, if you looking in terms of where it's nice and flat, say for a larger type of facility, is here. This is really – this is kind of the flattest area, and there's a little more terrain in here and a little more terrain in this area.

So as far as the feedback with some of the dialogue we've had with different types of potential users is the folks are looking at residential type users are looking at these parcels here and then the more commercialized say they like it up here because the dirt work is less expensive. So it kind of creates that so I think that's actually a very positive thing, generally.

COMMISSIONER MORENO: So we have a list of permitted uses. What kind of business would be appropriate in those areas in the northern part?

MS. JENKINS: We had over the last few years, after we got the master plan done we had quite a process to get the utility connections and all of that resolved, so hence the time lag that we've experienced. So over the years we've had a variety of conversations with a variety of types of users and again, we've had conversations with single use, kind of corporate campus kind of groups, much more interested in up here in this area. We've had conversations with a skilled nursing facility and that's still on the table for this location here. Single story building right here on this corner parcel. They've been waiting in the wings. They've expressed interest in this parcel for quite some time. We've had different types of residential users may be looking at townhomes or live-work or some independent senior living and they've expressed interest in what we kind of call the hole of the donut here. They've expressed interest in these parcels here.

COMMISSIONER MORENO: And what –

MS. JENKINS: These would be more residentially type. We've had some independent senior living. We've had some townhome developers, we've had people looking at kind of live-work kind of users and they've been more interested in this interior space here, and – so we've talked to some schools and churches. Those are the types of – and again, we look forward to sealing some deals and bringing those development plans in for County review, but again, this is our first step in order to be able to do that.

COMMISSIONER MORENO: So are there any examples that you can point to that have this particular mix of uses, residential –

MS. JENKINS: It's interesting. Now I can, actually. So Rodeo Business Park, which is right across the road here which I'm sure most everyone is familiar with, so this is Rodeo Business Park here in this area, so it's – they also are bordered by the Rail Trail, St. Francis and Rodeo Road here, and there is a really broad mix of users in

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there relative to office and medical and I'm sure we've all been there. There's some state office buildings and government office buildings in there, and this corner parcel here that you can see here is being developed as a multi-family community. So that project always had the potential to become mixed use but now it's going to be a real mixed-use project, and it is – the folks in the park are thrilled about it because it's an opportunity for employees to live right there and walk to work. We're doing some direct connections over with the Rail Trail which is going to be really great.

So I think that Rodeo Business Park is probably the best example of something that's in town right now that's currently developed in terms of how – but our architecture is going to be better. I'll just say that. Might as well just put that out there.

COMMISSIONER MORENO: But there are a lot of differences between that developed area on the north side of I-25 and the way the lifestyle of the people that live in that proximity south of it. There are a lot of issues that might come up. How can you assure people that they are not going to be unduly inconvenienced or maybe it's a staging question? What kind of outreach are you prepared to do if and when this development happens?

MS. JENKINS: What I can tell you –

CHAIR ROYBAL: Real quick. Whenever you address the Board can you address it through the Chair and to the Commission?

MS. JENKINS: Oh, please. I'd be happy to. Thank you, Chairman. I'm sometimes I get into a dialogue here. Thank you for the reminder. Chairman and Commissioners, so throughout the process of when the master plan was approved we had probably two or three community meetings at that time with our surrounding neighbors as we were developing the master plan and the permissible use list. So that was done then. We also had another community meeting for this particular application that is before you now, and then as individual projects come in, the County has requirements also for certain types of projects for community outreach and neighborhood meetings to discuss those projects.

So that is definitely instilled in the process and so that is part of it. Like I said initially, our goal here has been to create something that acknowledges our surroundings that are very diverse. We have very diverse surroundings. We have an interstate and a major arterial and a minor arterial. And we're also within an existing neighborhood. So these are all the factors that contribute to the fact that this is a mixed-use project. This will have a residential component and this contributes to the fact that the design standards are really critical and they're really important.

For me it's almost more about the aesthetics and visually what's happening than it is about what's going on inside the building. If I was living across the street that's what would interest me the most. So those are the types of measures that are in place and again, the County has a system for community outreach as the individual parcels are developed.

COMMISSIONER MORENO: Okay.

CHAIR ROYBAL: Did you have more questions, Commissioner Moreno?

COMMISSIONER MORENO: I think I'll stop for now. Thank you.

CHAIR ROYBAL: You're welcome, sir. Commissioner Hansen.

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COMMISSIONER HANSEN: So you're talking about the design standards. Are you prepared to meet the 2035 climate goal of the Paris Accord making these units sustainable and have solar and zero net energy and not contributing to carbon? Are they going to meet any of those standards?

MS. JENKINS: I don't know. I'm not well versed enough in those standards right now to make that type of commitment at this moment but I think that those types of measures make a huge amount of sense. But I would have to confer with my client in terms of – as I say, without being very well versed in those specifics, Chairman Roybal and Commissioner Hansen, I would not be in a position to speak directly to that but I completely agree that any sustainable measures that can be incorporated obviously meeting all the energy codes of Santa Fe County as well as the State of New Mexico in the green building codes that are applicable, obviously all of that will be complied with.

One of the key sustainability measures that we are incorporating in the project in terms of the site development, it relates to really how the roadways are being constructed. All the water on the roadways is being directed directly into the individual – so we're directing the surface runoff from the road itself into the planting areas that are adjacent. So we're harvesting all of that water. We are not mass grading this site and in some earlier conversations with the County the County was like, well, why aren't you mass grading the site? We don't want to mass grade the site. We don't want to disturb everything and pluck out every tree and do all of that right now. We are only disturbing this site what is absolutely necessary to build the requisite first phase road improvements, and then build them sensitively as we go on.

So it's about preserving open space, preserving native vegetation and not overly disturbing this site. And so we hope to have undisturbed areas with existing vegetation that is preserved as this moves forward. So those are the sustainability measures we're incorporating right now as part of this effort.

COMMISSIONER HANSEN: Yesterday I took a drive over to the area to look at everything and what I also did was I drove through the Rodeo Business Park and there are a number of empty – or a number of buildings that are empty, and then there is one development planned for storage units. I don't remember seeing if that's on your list, storage units.

MS. JENKINS: I don't remember.

COMMISSIONER HANSEN: I hope it's not. as far as aesthetic go. But that park is in need of clients already. So you're thinking that you're going to find additional clients to fill this park?

MS. JENKINS: Well, that's the plan. That's our hope. And if I may add, Chair Roybal, Commissioners, Commissioner Hansen, if I may add, that's why we're phasing this project. This is not a project that's going to happen over the next couple of years. This is a significant project. So the intent here is to be an economic development driver for Santa Fe County. We're phasing this in a very deliberate way, so we don't have a bunch of disturbed area that is not being utilized. We're doing this gradually, and that's what's really key. We're starting – that's why we've broken this up into multiple phases. So we want to do this properly. And yes, the market will determine – absolutely – the

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market is going to drive how quickly this project develops. That's why we're not disturbing any land area unless it's absolutely necessary for access.

COMMISSIONER HANSEN: So since we don't have any agreements or anything with New Mexico DOT what are you willing to contribute to the road for the northeast connector?

MS. JENKINS: Well, we already are contributing to the northeast connector based upon that we are going to be required to construct this entire initial segment of the northeast connector along our frontage.

COMMISSIONER HANSEN: I want to know what additional.

MS. JENKINS: I don't know. And in all of our communications, if I may offer, Chair Roybal and Commissioners, is we've been in communication with Santa Fe County and the DOT on this project for years. The northeast connector has been in the hopper for years.

COMMISSIONER HANSEN: I know that.

MS. JENKINS: Of course you know that. Of course you know that. And as a public project, we of course are constructing the portion of it on our frontage as would be appropriate for us, but DOT – we do have an agreement with the DOT in terms of our interactions with them and their review of our traffic impact analyses over the years, and we have never been asked to contribute beyond the construction of the improvements at our frontage. That's what I can offer.

COMMISSIONER HANSEN: I'm asking you what else –

MS. JENKINS: I would have to confer with my client.

COMMISSIONER HANSEN: I'm okay for the moment.

CHAIR ROYBAL: Okay, so if there are no other questions or comments from the Commission we'll go ahead and go to public comment. So if we could start forming a line and I think everybody was sworn in already so you can start forming a line and we'll go ahead and do public comment. And just a reminder, if we could try not to be repetitive it would help, so if we can do that I'd appreciate it. And we'll have a three-minute time limit. If we can go ahead and start with our first speaker and make sure you do give your address and your full name for the record.

[Previously sworn, Marlin Mackey testified as follows:]

MARLIN MACKEY: My name is Marlin Mackey and my address if 5 Calle Jacinta, Santa Fe, New Mexico. I am the president of the Santiago Road Users Association, which is a group of 22 landowners that come out to Rabbit Road. Thank you, Commissioners. The reason I'm here is our subdivision comes right up to Rabbit Road and the problem we're having over the last year or two is the traffic on Rabbit Road. Whenever we try to enter Rabbit Road there are cars coming left and right and just for your information, Rabbit Road is not flat like Rodeo Road. It goes up and down and it has some curves in it. So it's going to be very difficult to double, triple, quadruple the traffic over a period of time.

This proposal we have which is a little – it's hard to understand what they're going to build because they really haven't defined what they're going to build. There's some generics to it, but where they have a roundabout, where I'm aware of the roundabout, but that's right at the end of Rabbit Road where it attaches to St. Francis, I guess, there are some houses that come up to Rabbit Road from the south side right there

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where that is. And I went on the first one today, just to see how difficult it's going to be with a lot of traffic and that person is not going to be able to get onto Rabbit Road I do not believe.

So I think one of the key things that we have in our subdivision is what are we going to do with Rabbit Road. We've already seen a dramatic increase in traffic. This will increase the traffic and if there's going to be a lot of storage and big buildings there there's going to be trucks coming in and off of there. How is a truck going to get around the roundabout and get onto St. Francis. If you go down to St. Francis after the meeting here you'll see where somebody ran through the end of St. Francis into the subdivision there and demolished everything. And this is just going to add to that.

Also I want to point out that as we're looking at this and how it relates to the traffic, there are other subdivisions pending right at Rabbit Road. And there's one I looked at a couple of months ago which is on the west side of Entrada de Santiago where we're at, and there's a massive subdivision with houses and condominiums and stuff, probably 200 houses there in a small area. That will be three times more than the traffic that's on the road today. And the road is narrow, and there's portions where the houses come right up on the road that were built back before you put the first extension in through Oshara. Which means that if you're going to widen the road it may be impossible to do that in certain places because you've got the freeway on one side, people's houses on the other side. So you're going to have to consider what are we going to do with the road, much less all the traffic that's coming into this one section and what about the traffic elsewhere?

And I think the County needs to consider what are they going to do with Rabbit Road? Is that going to try to turn it into St. Francis? Are you going to try to turn it into Rodeo Road? You can't because it's not flat.

[Previously sworn, Karin Hall testified as follows:]

KARIN HALL: My name is Karin Hall and I also live in Santiago Subdivision at #8 Calle Jacinta and I am going to give my minutes to Marlin.

MR. MACKEY: Thank you. So I'll just pick up. I'll try not to double what I said before. So traffic, the hills that people are speeding there all the time. I'm not sure how we are going to – I think we need to have the DOT involved. I think they need to look at not only this potential development here but the ones that are planned downstream. Even if you go with the extension of Rabbit Road directly over to Dinosaur Trail, it's only going to be so wide and you're only going to have so much traffic on there that you can use at a time. And I think when you've put high density traffic into a historical 2.5-acre housing district you're going to have some problems.

I think incrementally making decisions like this on a housing area is problematic because you really can't see the big picture. I think we need to bring the County in and look at some bigger pictures of what's going to happen with all the other developments going on and do you have a good master plan on your road systems and your water systems and stuff. We're concerned that with 2.5-acre houses, that's okay with the water system but when you put high density, high development in there, if they're using water from the local area or sewer in the local area it's going to be a big problem.

The last thing I would say is on the – I moved there in 92. All the houses are built in our subdivision. We have meetings all the time to talk about development and stuff and

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we go to all these meetings and discuss and learn and understand what's there. When I talked to our group over the last two days, everyone was concerned. It wasn't one or two people or five people or 50 percent, everybody I talked to was concerned about it and we gave you this – there's a letter that we sent to you and it has all the names on the back. There were a few people out of town, some people sent the email in.

But I think this is a problematic issue of developing on Rabbit Road without a bigger picture view of what we're going to do with Rabbit Road. I do not think a four-lane going through there is the answer. I think you have to have some people in this development we're talking about now, maybe that goes to St. Francis. Why do you want to throw it into Rabbit Road and then try to throw Rabbit Road right into St. Francis. I don't think it really has a good view of what's going to happen to Rabbit Road and those people trying to get to the Community College, they're not going to be able to get through there in the morning when all these people are coming in and out of the new subdivision there. They're going to – if you put a roundabout there they're going to be stacked up eight or ten blocks back on both sides.

Right now when I come in to the road the way it is today I have ten or twelve cars in each direction on the eight to five when people are coming out of work and stuff, it's just kind of hard to get on there. Triple that and it's going to be a big problem and it's going to be – come back here, going to have a lot of accidents, people are going to get hurt, just like the ones that ran out of space on St. Francis. Thank you.

CHAIR ROYBAL: Thank you, sir. Okay, can we have our next speaker?

[Previously sworn, Terry Tapia testified as follows:]

TERRY TAPIA: Good evening, Mr. Chair and fellow Commissioners. My name is Terry Tapia. My address is at 302 Rabbit Road. So what I wanted to share with you this afternoon is the historical perspective, a family perspective of what is happening. My grandfather, Filiberto Tapia, purchases approximately about 150 acres off of Old Galisteo Road about 75 years ago. His intent was that he was purchasing property to give to his family and his descendents, and initially he was able to do so with his children with the intent then that his children would be able to pass on property to their children and we would be able to maintain that Tapia tradition that was so important to him.

Well, in the name of progress, when I-25 was intended eminent domain took about half of my father's property. They condemned it to use to create I-25. That left my father with approximately five acres of property. Now, my mother, who is a widow, is not able to give her sons any property because of the restrictions around property at being at 2.5 acres. So my concern is the request to bypass that and have a higher density for this subdivision.

We talk about the desperate need for housing. My brothers desperately need a place to live and to have their own home and they are not able to build on property that was meant for them because of the restrictions. Also, a comment was made by Ms. Jenkins that no one really wants to live up to I-25, up against I-25. Well, because of progress we are living right up against I-25. Not only I-25, the Rail Runner now comes very near to us. We hear all the traffic, day in and day out. Now, because of Rabbit Road and progress, we have an extensive amount of traffic that is going back and forth across our driveway and it's dangerous.

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Oftentimes when I'm attempting to turn into our driveway at the end of the day traffic either goes around me on the side of the road, and we've even had cars try to pass me and I'm trying to turn into the driveway. It's dangerous and it's only going to get more and more dangerous. So I would like to ask this evening that you please reconsider the request to move forward with this until more studies can be done and more definitive plans are made in order to avoid this. Thank you very much.

CHAIR ROYBAL: Thank you, Ms. Tapia. Can we have our next speaker?

[Previously sworn, Keith Melton testified as follows:]

KEITH MELTON: Thank you, Mr. Chair, and members of the Commission for letting us speak. I love your clock, by the way. It's great. I should have that in my class room. Couple of things.

CHAIR ROYBAL: Sir, I believe you didn't state your name yet.

MR. MELTON: My name is Keith Melton, and I live at 54 Old Galisteo Way, Santa Fe.

CHAIR ROYBAL: Thank you, sir.

MR. MELTON: A couple of things. Just a reaction, and I just first heard this tonight, I think it's impossible that this plat be approved until some overall impact is established by this development, and that means that if they're going to do a residential component to this development, that you've got to know what's the number of units that we're looking at. And in order for that to happen I think that there needs to be some more negotiation. And again, just looking at the subdivision plat and the preliminary plat – I was a city planner for ten years with the City of Santa Fe and I first ran into this piece of property when the other side, on the northwest sector was being developed.

Part of the concern that we had back then in the mid-eighties was that this piece of property could be developed at a very high density because of the sleeve for water and sewer that was being put in to allow this property to be developed. And I think that here's my reaction. That given a subdivision plat with uses that aren't generally shown on the plat, where those uses are going to occur, and given the fact that you have a horse-shoe road that serves the subdivision, you could very well end up with warehouses next to residential units. Because in order to control that the developer has to make some commitment to a plan that he shows to buyers saying this is where the residential units are going to be. This is where warehousing is going to be. This is where office is going to be.

My big concern is warehouse units. Those are 24 hours a day and you have truck traffic. So I think there has to be more work done on the preliminary plans and the final plans before you move forward with approving this plat.

[Previously sworn, Heidi Williams testified as follows:]

HEIDI WILLIAMS: I'm Heidi Williams, 114 Old Galisteo Way. I'm giving him my minutes.

CHAIR ROYBAL: Thank you.

MR. MELTON: So besides the horseshoe road that is going through the subdivision plat, I think that's an internal kind of thing that really drives a way this development could occur in the future and that is it could be great and it could be haphazard and there has to be a control, some control mechanism and that mechanism is a true development plan that shows general areas, not being tied to specific lots. I

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understand all that, but shows general areas that were residential, commercial and especially high end commercial uses are going to be developed.

And my other reaction to this is – and we used to run into this with the City a lot – is that when you have a development like this and you're approving a subdivision plat, what open areas are there? Where are they? And who are they dedicated to? Are they dedicated to the County of Santa Fe? I don't think so. I think what they're facing here is the possibility of themselves creating a mixed-use development sort of homeowners association that would take the front end of this and help control the overall development of the property, as well as being the depository of any kind of money for onsite and offsite contributions from the developer. And as people develop they would join the development corporation and they would be able to take over taking care of all the open space, roadways, and so forth and so on.

So again, I think there has to be a little more work done. I like the idea of having those private development codes attached to all the uses within the property and those are useful as long as you tie those development codes to the plat as a reference point so that those codes can't be dropped or changed without the County knowing what's going on, that somehow they stay in place, if you get what I'm saying. That there has to be some way to be able to follow those codes so that all the design codes that they're talking about be protected and be part of the overall development plan. Thank you.

CHAIR ROYBAL: Thank you. Can we have our next speaker?

[Previously sworn, Ian Alsop testified as follows:]

IAN ALSOP: Hi. My name is Ian Alsop, 38 Old Galisteo Way. Anyway, I don't want to take up your time with things that have already been talked about but clearly the traffic on Rabbit Road is a huge issue. It seems to me slightly haphazard, what we've heard so far that the northeast connector has to be connected before we'll really know what the situation is, and in terms of the development itself, I have to say that I'm opposed to it a *priori* because we really live in a totally residential neighborhood out there. I think that almost all of us here who are here to speak and listen to this process are basically opposed to this development period.

Our neighborhoods in this area of the county are already developed and well established and are all residential neighborhoods. This development will be entirely out of context and out of place in this environment. Furthermore, since this development is being planned in stages, there is no fixed development plan in place. We do not know what exactly will be built where on the 12 lots that are presently before the Board of Commissioners to go to final plat approval. My understanding is that if the final plat approval is granted then these lots can be sold and can be developed. I would prefer to see the process not continue in that way immediately.

When our previous Commissioner for the district, our district, which is District 4, Kathy Holian, she moved to deny a variance request for higher density in this neighborhood and she asked that the process be slowed down and that you try and have more community meetings and that you consider all of the issues involved before you move forward. That's what I'd like to request that you do. Don't give the final plat approval for phases 1 and 2 now. We have time. We can continue the process. We need to have a better idea of what actually is going to be done. Thank you.

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CHAIR ROYBAL: Thank you, Mr. Alsop. Can I have our next speaker please?

[Previously sworn, Roger Williams testified as follows:]

ROGER WILLIAMS: Good evening, Commissioners. My name is Roger Williams, 114 Old Galisteo Way, Santa Fe. I've lived in this area for over 20 years and I've seen a lot of growth, irresponsible growth, and I look at it as a very typical paradigm that's happened in this community over time and that is allowing developers to take what they want without an infrastructure to support it which is bass-ackwards. Ms. Jenkins, she did a great job with her Tapiture here to present a semi-Disneyland sort of expression of what she thinks is going to happen but she left out one big, big issue in one work: traffic, traffic, traffic.

And judging from the questions that with all due respect, judging from the questions of the Commission tonight I would think it would be very unconscious to make any kind of decisions whatsoever on this project to allow it to go forward without informing yourself. All you have to do is go out there in the morning at the end of St. Francis Drive. Look at the end of St. Francis Drive. Look at it. Go look at it now. Look at what it looks like with the traffic barriers. Everything's destroyed. Why? Because there's too much traffic. So rather than take more time and steal your time away, everything that I would want to say has already been said for the most part. I would leave it with one word: traffic. Thank you.

CHAIR ROYBAL: Thank you, Mr. Williams. Can I have our next speaker please?

[Previously sworn, Sam Hitt testified as follows:]

SAM HITT: My name is Sam Hitt. I live at 48 Old Galisteo Way. Chairman Roybal and Commissioners, I'm going to talk about traffic too. Sorry about that. Because Rabbit Road is our major way of getting to our homes, and the key fact here is the increase in traffic that has resulted from the extension of Rabbit Road to Richards Avenue some eight years ago. That has made all the difference. So the traffic impact analysis that was prepared this February by Santa Fe Engineering Consultants assumed that traffic on Rabbit Road is increasing by an average of only two percent per year. They estimate that this will drop to only one percent per year after the first two phases of development are completed in 2023. Both these assumptions are faulty.

Traffic is estimated to have been approximately 500 cars per day when Rabbit Road was a dead end. The Santa Fe Metropolitan Planning Organization took traffic counts on Rabbit Road .2 miles west of St. Francis Drive in May of 2013, five years after it was extended to Richards Avenue and they found 3,177 and 5,310 cars were now traveling on Rabbit Road every day. If these figures are accurate, and there's no reason to assume they are not, this is an average yearly growth of between nine and 16 percent. The growth rate may be even greater today since they are based on traffic counts from four years ago.

So the bottom line here is that this traffic analysis dramatically underestimates traffic growth when it concluded that the proposed development would have little traffic impact. And it is revealing that in the same 2013 Metropolitan Planning Organization report that the traffic counts from nearby Governor Miles Road west of Richards Avenue. So on that well designed road it was about the same number of cars per day, there was a

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much safer degree of public safety because Governor Miles Road west of Richards Avenue has numerous traffic calming devices that reduce speeds. So our reasonable request here is that you require that community initiated traffic calming structures be in place before any further development is permitted. Thank you very much.

CHAIR ROYBAL: Thank you, Mr. Hitt. Next speaker please.

[Previously sworn, Peggy Fino testified as follows:]

PEGGY FINO: Hi. I'm Peggy Fino and a resident of Campo Conejo Subdivision, and I'm a member of the Architectural Control Committee. People in this rural residential area, the entire Rabbit Road area, have lived there for a couple of decades and we are used to living in a rural area. Although we're not totally opposed to development we do oppose this kind of development because – well, it's being called mixed use but some of it appears to be heavily industrial and it should be – warehouses and things of that nature should be in an entirely different area. The traffic issue has been well covered and they made some good points and I heard the presentation say that there aesthetically driven but I'm sorry. I can't believe that, because once they sell off the lots they're out of the picture, like most developments and I would like to ask you to take your time and look at this more closely and we don't have enough details of what's going to be there and we're definitely opposed to warehouses and big trucks and noise all night long and a lot of traffic of that nature. Like to see more residential and I appreciate you listening and thank you.

CHAIR ROYBAL: Thank you, Ms. Fino. Can we have our next speaker, please?

[Previously sworn, Elizabeth Jane Miller testified as follows:]

ELIZABETH JANE MILLER: Elizabeth Jane Miller. I live at 115 Old Galisteo Road and we've lived there for 29 years, and ever since that frontage road was extended to reach Richards Avenue the traffic has increased dramatically. The sand barrier at the end of St. Francis, it's not just one time it's been smashed. Every several months it's been smashed, even early in the morning my husband was almost hit with somebody traveling down South St. Francis and didn't even see him. He stopped. He saw them, and they smashed through that sand barrier, so it's just not at night. So I would like to say traffic. You cannot move forward on this development until you resolve the issue of that road.

And we also ride our bikes. My husband rides three times a week into Santa Fe on the Rail Trail and there is no safe crossing there on Rabbit Road. And the road dips down to the west there, you can't see the traffic coming up and they're coming down from St. Francis at a pretty good clip because it's dipping down to the train tracks. So you have to do something also about that, the Rail Trail crossing there. There are no blinking lights. There's no safety zone there for bicycle riders, which is something that my husband and I also do quite a bit. So please address these issues before you move forward. Thank you very much.

CHAIR ROYBAL: Thank you, Ms. Miller. Can we have our next speaker, please?

[Previously sworn, Kathleen Lee testified as follows:]

KATHLEEN LEE: Good evening, Commissioners. My name is Kathleen Lee. I live at 33 Hondo Lane and I represent, loosely, the Arroyo Hondo West

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Homeowners Association, about 20 households out there and none of us are in favor of this development. Of course I agree with everything that's been said, but I would also say that the commercial feature of this is a little bit confusing to me because, for example, the Rodeo Road Business Park has empty spaces. It doesn't seem to me to fit into the neighborhood. People don't really want to live near I-25 so it's hard to see how this development is serving the significant number of residents in the area.

I noticed from the comments of Commissioner Hansen that open space is something that we all care about and I would say that this is a very unique piece of land in Santa Fe and one of the unique features is that it's empty and it's beautiful and I think it should be left that way. I think a lot of us feel that way. Thank you.

CHAIR ROYBAL: Thank you, Ms. Lee. Can we have our last speaker?

[Previously sworn, Filbert Tapia testified as follows:]

FILBERT TAPIA: Good evening. My name is Filbert Tapia. My address is #43 Los Tapias Lane. My sister was up here earlier and I'm the one that is named after my great grandfather who owned property there which is now on Rabbit Road. It used to be Old Galisteo Road. When I was young, and I've lived there all my life; I'm 53 years old, Old Galisteo Road was a dirt road that continued from the front of our house all the way down to the plaza. Now it is no longer called that. It's called Los Tapias Lane because my uncles had it named that because of all my relatives that live out there.

When I was young we were able to raise horses, raise animals, ride our horses, ride along the railroad tracks, ride in open spaces. I'm here opposing this because I feel the quality of our lives has changed because of progress which we can't stop. Half of my father's property was taken by the State because of the highway being in there. We used to have arroyos we could play in and places we could ride without fences. There were no barriers.

In all these years since Rabbit Road has been there I've had a good friend of ours that was riding a horse and was killed on Rabbit Road at the railroad tracks, hit by a truck and killed. My own brother was hit on the driver's side turning into our driveway and demolished his antique truck, and it was somebody passing on Rabbit Road. In the last few years, ever since they've opened up Rabbit Road going to the college now the traffic is just getting worse. This morning I was parked, coming out of my mother's driveway for 30, 35 seconds, just waiting on vehicles passing and most of them were going over the 35 mile speed limit. If that's the speed limit. There's not many signs there. There's not many policemen that patrol that road either. People are always speeding. I have to check twice to pull in or pull out of that property.

Again, I'm here opposing this. We can't stop progress but I think more consideration has to be taken into consideration about the traffic. Also, I'm sure that a lot of people are able to get on – whether it's a computer or anything else to find out about this development but a lot of us are in the dark about this planning, what's planning to be done here. There's no signage. There's no drawings. There's nothing on the property except for the small sign that shows what's happening at this meeting and what time this meeting is and I think it's very important to know for the rest of the community to know what's proposed to happen there.

Again, I'm here to oppose this, not only for the traffic problems but the quality of life that's been taken away from the residents in this area. Thank you.

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CHAIR ROYBAL: Thank you, Mr. Tapia. Okay, we're going to go ahead – is there anybody else from the public that would like to speak to this? Okay, we're going to close the public hearing part and we're going to move into some questions from the Commissioners but I want to just remind my fellow Commissioners that we do have another presentation and I want to just be mindful of that and ask that we're not repetitive ourselves either in our comments or questions. And then first we'll go to Ms. Jenkins.

MS. JENKINS: Thank you, Chair Roybal, Commissioners. I just had a few comments I wanted to make in response to a few things that were shared. A question was raised regarding the residential density. In accordance with the SLDC the permissible residential density is one dwelling unit per acre. That's straight out of the code, and that is what is permissible for this PDD, so-named district, and with respect to the traffic.

I think it's really – to characterize this that it hasn't been studied enough, I will offer that that's inaccurate. We have done four traffic impact analyses. We have been engaged actively and pro-actively with the Department of Transportation and the County Public Works Department for almost ten years. Ten years. We have a recommendation for approval consistently from the Department of Transportation and from County Public Works. We have worked closely with them to ensure we are constructing appropriate improvements in Rabbit Road and onsite to accommodate the vehicles that will be coming and going. It is incredibly important to understand that and my traffic engineer is here and would be happy to answer any questions that you have in that regard.

Why are we here? The only thing we're asking for this evening is the opportunity to move forward on a project that is in 100 percent compliance with the Sustainable Growth Management Plan, the Sustainable Land Development Code, and our zoning, and our master plan that was granted by this body. That's the only reason we're here.

There have been multiple community meetings. I completely respect what has been shared by our neighbors. We've had multiple community meetings over the years. We've had a lot of dialogue. I could stand here and say – and tell you a story about what's going to be on every lot. I could have done that. I could have brought you pretty pictures. I could have put a building on every lot. This one's going to be that – this one's going to be that. This one's going to be that. I could have told you that. But there's no way I'm in a position to know that right now, because I can't make a deal on any of these parcels yet without a subdivision. It would be illegal.

I'm trying to be very transparent and forthright and forthcoming about the realities of how a project like this gets created. So we're asking for the opportunity to move this project forward in compliance with every element of the County code, every element of the State Department of Transportation Access Manual. We are not trying to shirk any responsibilities in those regards. But if there's additional information you would like to see we are more than happy to provide that for you. If there's any additional data, any additional information we can provide you we would be willing to be tabled to your next hearing and if you say please bring me this, this, this, and this, or we would like you to meet with the DOT, or we want to have more information from the DOT, we are more than happy to do that. Absolutely. If there's information you don't have that you need that I can't give you right now, table me. Table me till the next meeting. I'm happy

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to do that. And with that I'd be happy to stand for any additional questions. Thank you very much for your time and attention.

CHAIR ROYBAL: Thank you.

MS. LUCERO: Mr. Chair, if I could just make a clarification in regards to the densities. As Ms. Jenkins stated earlier this was a planned development district. It had an approved master plan under the old code and under the old code the approved densities for the development was one dwelling unit per 2.5 acres on the residential lots, on the lots that were going to be used for residential purposes. So anything additional that the applicant would propose they would have to come in and do a conceptual plan to change the densities beyond that.

CHAIR ROYBAL: Okay. Thank you for that clarification. Do we have any other questions from the Board? Commissioner Hansen.

COMMISSIONER HANSEN: What is the height restriction on this project?

MS. JENKINS: I'm going to ask, Chair Roybal, Commissioner Hansen, Commissioners, I'm going to state a number but I am going to ask staff to confirm that I am correct because I do not want to misspeak but I believe it is 36 feet, I believe is the maximum in the PDD zone. The maximum height is 36 feet, and again, I would ask staff just to confirm it so I'm not misspeaking because I don't have that right in front of me.

MS. LUCERO: Mr. Chair, Commissioner Hansen, the maximum height is 27 feet. That's the base, and they can go up to 48 feet with transfer of development rights.

COMMISSIONER HANSEN: With TDRs?

MS. LUCERO: Yes. Correct.

COMMISSIONER HANSEN: And is it possible for them to transfer TDRs onto this property?

MS. LUCERO: Mr. Chair, Commissioner Hansen, this would be considered a sending site so they would be allowed to transfer development rights to this property.

COMMISSIONER HANSEN: So how many?

MS. LUCERO: It would depend on how many they purchased and to accomplish what they would be proposing. So the number – it's not limited at this point.

COMMISSIONER HANSEN: So, say on Lot 1 they wanted to build a three-story apartment complex, they could have 400 units?

MS. LUCERO: Mr. Chair, Commissioner Hansen, the base density that they could get down to would be one dwelling unit per acre or 20 units per acre with transfer of development rights. So if they brought in enough development rights in and they met the other criteria in the code setbacks requirements, parking requirements, all of that, then they may be able to achieve those densities.

COMMISSIONER HANSEN: Of 20 per acre?

MS. LUCERO: Correct.

COMMISSIONER HANSEN: So that would go on the largest lot, which is Lot 1 they could have 200 apartments.

MS. LUCERO: Mr. Chair, Commissioner, that would be correct. And I believe I said this was a sending site. I'm sorry. I meant a receiving site for TDRs. I think

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when I spoke I said this was a sending area site and I meant to say it was a receiving area for TDRs so they are allowed to transfer TDRs.

COMMISSIONER HANSEN: Okay. So I drove this road, as I said, earlier, and last night I counted 23 driveways and three roads that come off of the section of Rabbit Road from the federal highway right-of-way to St. Francis. You all live out there, many of you, so I think I'm pretty close on the numbers. I am concerned about the traffic impact. This is a huge issue and by your not being able to say to me we'll contribute to the roadway. We'll contribute to – we'll put a roundabout at Old Galisteo Way. We'll put a roundabout – you'll start – you'll help commit to building out this road.

Since nobody can tell me what DOT is willing to do I really – I have to table – I would have to move to table this, because DOT is not forthcoming. They have not signed an MOU with us. They have not given me any information. I have requested it constantly. I am on the MPO, Metropolitan Planning Organization, for any of you that don't know what that is, and I constantly ask. You referred to this in your information as a frontage road. DOT says it's a local road. So if it's a local road then putting this kind of traffic on a local road is really frightening to me. And even though I have contributed as a member of a former development to the traffic on this road, and I will take responsibility for that, I am really concerned about how it's impacting these people, because that was not something I was completely aware of the impact of opening up the northeast connector.

But that was a condition on Oshara development. They were made by this body to open up that road, and they had to pay for it. And they had to pay for the federal highway right-of-way. So I want to know what are you going to do for that road and what is DOT going to do for that road because DOT is going to make us pay for that road. And they're not going to pay. There is supposedly money there for that road, but it's federal money and they're trying to take it away from us, and they won't sign an MOU with us, and so until that MOU is signed, until I know what kind of improvements are going to happen along that road because I heard each one of these residents out here and I am sympathetic to their condition of the traffic on that road. I saw what happened at the end of St. Francis. It looks like a war zone. It's been completely rammed into.

MS. JENKINS: If I may, Chair Roybal, Commissioner Hansen. I keep calling you Chair Hansen; maybe I'm being prophetic. So Commissioner Hansen and Commissioners, so what I would ask is we would ask to be tabled till the next hearing and we will meet with the Department of Transportation, and we will come back with a valiant effort to answer as many of those questions as you can, re-evaluate where we are relative to the roadway improvements, and we would like the opportunity to provide that. You're entitled to that additional information and we're happy to provide it.

CHAIR ROYBAL: Commissioner Hamilton, did you have any comments?

COMMISSIONER HAMILTON: I'm fine if you're okay with tabling the considerations and bringing that information, but I do want to say that County staff has recommended that one of the conditions that's on this is that full build-out can't proceed until development of the northeast connector. The whole idea is that there's a timing issue as we've discussed. If there were a disconnect between the rate of development and the rate of road development. And so the conditions being put on this to make sure that

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timing stays synchronous. So I appreciate the additional information but I feel like there is something that we've already put a condition on to try to control that issue.

CHAIR ROYBAL: Commissioner Hansen, was that a motion?

COMMISSIONER HANSEN: Yes. I move to table this until the July 10th at least. At least we can get information from the DOT and the DOT will be here at the hearing. I don't have my calendar.

CHAIR ROYBAL: I think it might be beneficial for maybe Manager Miller to work to see when the best time for this to come back. We need to give ample time for them to coordinate meetings with the DOT.

MS. MILLER: Mr. Chair, I was going to say, our next BCC meeting is June 27th. I don't think that's enough time but I think the July 11th would give us an opportunity to talk to DOT.

CHAIR ROYBAL: Thank you, Manager Miller.

COMMISSIONER HANSEN: So I move to table till July 11th.

CHAIR ROYBAL: Okay, so we did have a motion but Commissioner Moreno, did you have a comment or were you seconding this?

COMMISSIONER MORENO: [inaudible] Yes, Mr. Chair. [inaudible] spoke today and I would like to talk to them directly. My wife drove Rabbit Road for 12 years going to the Community College. Every year the traffic was heavier. And I think [inaudible] Sorry. I didn't have my microphone on. My request is you said you had traffic counts for Rabbit Road going back in time. I would like to see those if you can produce those.

It's unquestionable that traffic has increased in leaps and bounds in my experience and driving to the Community College a lot and there is really no commitment yet from the Highway Department that they're going to play ball with us. So if you have any stroke over there that would be something to consider.

CHAIR ROYBAL: Commissioner Moreno, we did have a motion and I thought it was just a couple of questions. If we could actually maybe get those requests or other comments that you have. Since we did have a motion –

MS. MILLER: Mr. Chair, on a motion to table there can't be any discussion. You need to vote. I think you can make a comment after that.

CHAIR ROYBAL: Okay, so we'll go back to you after, sir. So we had a motion. Did I hear a second? We have a motion to table from Commissioner Hansen. Do we have a second?

COMMISSIONER MORENO: I'll second it.

CHAIR ROYBAL: Okay, so we have a motion and a second.

The motion passed by 3-0 voice vote with Commissioner Hamilton abstaining.

CHAIR ROYBAL: Commissioner Moreno, do you have more requests or questions?

COMMISSIONER MORENO: Actually, I was finished. I apologize for rambling on. Thank you.

CHAIR ROYBAL: Thank you.

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VIII. DISCUSSION/INFORMATION ITEMS/PRESENTATIONS

A. Presentations

1. Presentation by the Stop Hunt Powerline Citizen Group

[Exhibit 9: Michael McDowell Statement; Exhibit 10: Devin Bent Presentation; Exhibit 11: Stop Hunt Powerline Presentation]

CHAIR ROYBAL: This is a non-action item and I believe that Deputy County Attorney Rachel Brown – who's going to be doing the presentation? Do you know how long the presentation is, more or less?

KAREN KOCH: Good evening. There is a ten-minute video and then we have several people that won't to comment under public comment.

CHAIR ROYBAL: The presentation will be about ten minutes and then we'll have public comment.

MS. KOCH: Correct. And I have a little something to say prior to the presentation just to introduce it.

CHAIR ROYBAL: Let me get clarification. Since we didn't notice this as a public hearing I need to –

MS. BROWN: Mr. Chair, this was noticed as a presentation and so it is a matter with public comment attached. The presentation can go forward as you choose to run that.

MS. KOCH: Why don't I just say we have probably six other speakers in our presentation then. We're all trying to keep to two minutes each.

CHAIR ROYBAL: Okay, so we're going to go ahead and have the presentation and we'll have some additional presentation from some of the audience. Would that be acceptable?

MS. BROWN: Mr. Chair, I believe what you heard was that the presentation was going to be made by several members of the presenting group.

CHAIR ROYBAL: Okay. Is that correct?

MS. KOCH: That is correct. There may be other people from the public here that aren't – but I'm just saying they may be here to make comment that I am not aware of.

CHAIR ROYBAL: Okay. So is that acceptable?

MS. BROWN: Mr. Chair, as I understand it you will be hearing from the presenting group but the group has several members that are going to participate in that presentation.

CHAIR ROYBAL: Okay. Is that correct?

MS. KOCH: That's correct.

CHAIR ROYBAL: Thank you. If you want to just go ahead and state your name for the record.

MS. KOCH: My name is Karen Koch. Good evening, Chairman, Commissioners. As I say, my name is Karen Koch. I'm a filmmaker, fourth generation New Mexican, and I live on a permaculture farm in Jacona. And I am also a member of a citizens organization named Stop Hunt Powerline. Stop Hunt started last November as a small group of concerned citizens and today we are 1,000 strong, incorporated as a non-profit, represented by the law firm of Montgomery and Andrews, and fiscally sponsored

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by New Energy Economy.

We have been alerted that this Board may be required to vote on a permit for Hunt in the future and you were therefore advised not to express an opinion or to ask questions of us. We have heard many Hunt presentations including to this body last November and are here to inform you of alternate views of many of your constituents.

First we're going to present, as I say, the short film and there will be several statements from our members so we thank you for your attention. I am curious a little bit about the technical challenges here. Is it possible to do some light dimming and I don't know how you'll be able to see from your vantage points.

COMMISSIONER HANSEN: We have screens.

MS. KOCH: Fabulous. Okay, thank you so much. So is there someone pushing the button to begin? I don't hear any volume yet. No volume. Can we put it on hold and check the volume? Thank you. And would you mind backing up? Great.

[A video was shown.]

CHAIR ROYBAL: Okay. I'd like to thank you guys for this presentation. We can't take any public hearing but I do appreciate you guys coming here today and bringing this presentation. Did you have anything else that you wanted to say?

MS. KOCH: We do. Perhaps you were out of the room. We have about six other people that are just going to give some sort presentations. Thank you.

MARY COSANDEY: Good evening, Mr. Chair and fellow Commissioners. My name is Mary Cosandey and I am here to read a statement about health concerns and risks written by my husband Frederic Cosandey who couldn't be here. Frederic is a scientist and emeritus professor from Rutgers University. His current research is in aspects of renewable energy particularly energy storage. He has brought his background in physics to examine electromagnetic fields and the effects on humans and the environment.

Health risks caused by high voltage powerlines: A link between cancer and the electromagnetic field generated by high voltage powerlines was published in a 1979 study in Denver. It stimulated public concern. The study found that a group of children who had died from leukemia and other cancers were two to three times more likely to have lived within 130 feet of a high current, high voltage transmission line. Since then there have been additional studies linking childhood leukemia with electromagnetic radiation confirming that earlier Denver study.

In 1998 an international panel of experts convened by the National Institute of Environmental Health Scientists reported that electric and magnetic fields, like those surrounding electric powerlines should be regarded as a possible human carcinogen. The 2016 website of the American Cancer Society now reports a small increase in risk for childhood leukemia. Other studies point at risk to the elderly. A 2009 study reveals a three-fold increase in the incidence of Alzheimer's disease with exposure to electromagnetic radiation.

At the present time there are over 200 publications covering humans as well as birds, livestock and other animals clearly showing a correlation between disease and electromagnetic radiation. Other diseases examined include reproductive problems and birth defects, fatigue, depression, neurodegenerative diseases and sleeping disorders among others.

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Additionally, these combined studies reveal that health risks associated with high voltage powerlines, 300 to 300 kV extend beyond the center portion of the line up to 800 feet. Therefore, the question that we should be asking ourselves is not whether there are risks but how close is too close? It is extremely important to extend the right-of-way normally set at 150 feet, like the Hunt line is proposing to a safe exclusion zone distance. The current right-of-way allowances protect the powerline itself but do not protect residents and animals surrounding the powerline. Instead, a safe distance should be set with a minimum of 1600 feet, 800 on each side of the centerline.

When this health risk is acknowledged we see the communities living along the Jacona, Jaconita border and along Jaconita Route 502, including the Pojoaque High School and Pojoaque Elementary School will be exposed to the health risks by the proposed powerline. Additionally, at least 540 properties in Rio Arriba will be effected, communities in La Mesilla and Hernandez along Route 285 including the Pablo Roybal Elementary School will also be affected.

It is important to note that in the course of examining these issues more closely there are quite naturally some contradictory scientific results. Some people and companies like Hunt will claim that a scientific consensus has not yet been reached and therefore no health risks exist. But there are already 200 scientific publications addressing the risk. The foot-dragging of the tobacco companies for 30 years before they acknowledged links between smoking to cancer should be a cautionary tale for us and we can't wait 30 years.

So how can we proceed now to evaluate the situation? The precautionary principle, of that of the prudence avoidance as adopted by the Colorado Public Utility Commission offers us a way to evaluate this Hunt powerline proposal from the point of view of the health risks. It states that when a reasonable doubt exists the decision should be based on caution. Therefore, in view of the irreparable damage to humans and animals that electromagnetic radiation might well inflict I am urging all parties to concern to adopt this precautionary principle and avoid placing this high voltage powerline in proximity to all living beings. Thank you.

GREGORY NAVA: Yes, hello. My name is Gregory Nava. I live at 29 Estrada Maya. I've been a resident of New Mexico and Santa Fe County for 15 years. I am a filmmaker and I'm hearing speaking to the film industry. In case you don't know me, I made *El Norte, My Familia, Selena* and I am a governor on the Board of Governors of the Motion Picture Academy, and I can say to you all that this development would have a horrendous effect on the film industry filming here in New Mexico, which is a tremendous economic benefit to our state. We're a great economic benefit to the state because we don't build powerlines or dig strip mines or put up factories. We're here because of the beauty of this land. We film it and then we pack up and leave and leave a lot of money behind.

This is an incredibly gorgeous beautiful area. It is a favored location by filmmakers because it is close to Santa Fe and places where people can stay and they can easily get to this location to shoot it, and with towers that are 125 tall you can see it from many, many miles around, so it not only spoils that location as a potential place to shoot films but for many, many miles around it destroys the ability of filmmakers and television makers to use New Mexico as a place to film. This is a devastating

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development for this major economy to the state.

This is like putting a knife into the heart of the land of enchantment. All of the things that we've talked about – the beautiful ecology – now I'm speaking as a resident – who loves this land, *nuestra tierra*, and our heritage, the El Camino Real, San Ildefonso Pueblo, the Black Mesa. These are historic sites. Tremendous tourist traffic goes through here, constantly every year. Are tourists going to want to be driving down this area with 125-foot towers?

When I was in Virginia I visited Mount Vernon. Do you think the people of Virginia allowed big powerlines to go in view of Mount Vernon or Monticello? They preserve those landscapes, because they are sacred. They are part of our heritage. And what you're talking about is destroying our land, destroying our heritage, and destroying our ability to have an economy in this state with one of our major economic benefits to this state.

And now I speak as a human being. I was deeply involved with the United Farm Workers working in cancer clusters and McFarland in the San Joaquin Valley, areas where supposedly was completely safe for health reasons. And all kinds of stuff was done with the pesticides, etc. because it was safe. And I sat there and my wife Barbara who was part of this too, with hundreds of children deformed with cancer because it turned out it wasn't safe. Now, are you willing to sit there at the possible consequences to our most valuable asset which is our children? And have them have leukemia and cancer because maybe it's safe? Because nothing definitive has been said? I've been through it. I've seen it. I've seen those children and I don't want to stand here as a human being and allow something that could destroy our more valuable resources, our people.

So for our economic benefit, for the beauty of our land, for the beauty of our heritage, for the beauty of our people I urge you to make sure that whatever steps need to be taken to stop this development, to stop this powerline, you take so that your name goes down in history as the Commissioners that stopped something and not the Commissioners who allowed something with 125-foot towers that 100 years from now will still be there despoiling New Mexico and it's people from my children, my children's children, their children and their children after them. This is your decision to make and I urge you to make the right decision. Thank you.

CHAIR ROYBAL: Thank you, Gregory. Can we have our next presenter?

ROB HEINEMAN: Chairman Roybal, Commissioners, thank you for allowing me to speak for a minute. My name is Rob Heineman. I'm a retired electrical contractor. I've had a business in New Mexico for 37 years, resident of northern New Mexico for 37 years, I live at Caminito Corto, which is right on Arroyo Jacona in Jacona. I'm supposed to speak to the need of this powerline. I'm going to make that short and then I'm going to move away from my dialogue and talk to you about something that just came up in the last couple of days here that I have been made aware of.

Jemez Co-op is rejecting the idea of this line being put in place for a number of reasons, but the biggest reason is that they don't need the power. This power is coming from places afar, going through Santa Fe County and moving on to places afar. It provides no benefit to our neighborhood. There is already an existing line from the Ojo Substation to the Norton Substation. It's 115 kV and it stops in Hernandez where Jemez Co-op – that's where they derive their power. If there's a 345 kV line that circumvents

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those two 115 kV line, those two lines become second-class citizens effectively in the electrical world. If one of those lines fails PNM would have no impetus to repair or replace it with any kind of expediency because they're moving all their power on this new 340 kV line and Jemez Co-op, which serves northern Santa Fe County would be at a loss if the other line dropped out, the backup line if you would.

So as far as need goes, there really is no benefit to northern New Mexico by the construction of this line and that alone is the reason that the PRC 11 years ago rejected the OLE line and it was not built.

But something came up a couple days ago that I really need to speak to her and it's the merchant line. And you all need to be aware of this term because you are going to hear this term more and more, and if you google it, if you ask the google, the google will tell you that in all of the states of this country, private entities are trying to build these lines for tax credits, for future sale to local power companies to circumvent public regulations such as our PRC. It's basically just a for-profit motive.

So here's the deal about need. The BLM is going through their EIS process right now and they have to look at ecological issues, people issues, political issues, but they also have to establish need, and Hunt's position is that it's a green line. It's going to move green energy from point A to point B. Show me a windmill out here. A wind farm. Show me a huge solar array in northern New Mexico. They're not here. They're down south. They're in Colorado. They're in Arizona and they're in Texas and they're just moving through here.

So with respect to the need, Hunt really – although they call it the verde line and it's a green line, they are not going to be moving renewables on this line. Now, there is an entity that was put in place by the State called RETA, and it's the New Mexico Renewable Energy Transmission Authority. It was chartered by the legislature in 2007 and basically they were charged with saying you guys go out and fine renewable energy people to come to New Mexico and build this stuff for economic development. Well, that sounds great until you dig into the details.

This RETA, they got like $50,000 in funding from the State. They didn't get a heck of a lot of funding, but what they did do is they became a conduit for industrial revenue bonds between private entities that are trying to build these powerlines and the people with the money. So long story short, the RETA has teamed up with various private entities that are trying to build powerlines, they are putting the funding in place for these guys, and they have the ability to exercise eminent domain over your constituents in northern New Mexico and elsewhere in the state to build these private lines that are basically just for profit.

And in 2005 the legislature defunded – they didn't defund them but Governor Martinez line-item vetoed their funding for the year [sic]. And the power companies, these private power companies came in and said, well, heck, we'll fund you. Here's a bunch of money. You guys can continue to be non-partisan and be watchdogs over us and here's the money to do it. Okay? So my point is that the BLM has got to establish need. You folks are in conjunction with them. You're a concerned party with respect to the BLM process, and you guys need to get in there and make a play now.

Secondly, because it's a private entity, they don't have to pass scrutiny with the PRC. You guys are going to be the last straw. You're going to be the last line of defense

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for this thing and your development code needs to protect us, and you guys need to take a look at it. You've got a couple years here to get it done but this is going to happen more and more. These people are going to come in with these powerlines left and right. It's the new big thing. It's like the drone thing. People bought all these drones and got drones for Christmas and they're flying them around and all the airline pilots are freaking out because they're running into their airplanes and the FAA can't put any regulations together to stop it. So I'm pleading with you guys to be pro-active. Get out there, get your development code so that it is looking at these transmission lines and giving them a lot of scrutiny. Because PNM would put it in front of the PRC if they could justify the need but they can't do it. This is an end-around that private industry is doing to make a little money. Thank you so much for your time. I really appreciate it.

CHAIR ROYBAL: And we have a slide presentation from you, Devin?

DEVIN BENT: A power point presentation. Yes. I'm Devin Bent. I live at 193 County Road 113. This line is not coming within ten miles of me. I have no personal stake in this. I used to serve on COLTPAC and I'm very much concerned with what's going to happen to our Old Buckman Road site, the El Camino Real de Tierra Adentro national historic trail. I'm going to take a little longer than the others but I have several people who have offered to give me their time. I hope you don't mind, Commissioner Roybal and Commissioners, but I think you'll find this educational. I think you'll find that we have a threat here that's actually much greater than just the Hunt powerline.

We have a threat here of multiple powerlines and we have to look at that so that's why I want to talk about this. I'll talk about what is this trail, what does Hunt want, what will BLM do, what does the law require. We have our magna cum laude lawyer here who may correct me, and then what should the County do. And I think I'm going to say come things you haven't heard before.

This is what El Camino Real is, an international trail. It goes from Mexico City to Okhey Owingeh, also what used to be the first capital, San Gabriel, to 400 miles in the US, staged from 1598 and earlier when Native Americans used the line and Congress designated it as a national historic trail in 2000. In 400 years of course a lot of it has been covered by highways. Santa Fe County is very fortunate. We have a great opportunity here. And why is that? There wasn't any Santa Fe in 1598. Okay? So we're lucky. The national historic trail leaves the highways for the first time and goes out to the northwest roughly paralleling what more recently became Old Buckman Road. Now it is cutting through what is the largest piece of undeveloped land between Santa Fe and Espanola.

Just to show you the map, the green is the national forest, the orange is BLM land that's pretty much undeveloped. The white line is a trail that is going to be built. The yellow line, if you can see that going up there paralleling the white line, that's the Park Service's official map of what's the national historic trail. It's soon to be built. The historic section will be a 30-inch wide natural surfaced trail. There are some problems with it. There are some existing high power lines in there. The effect is not too bad. There's also an electrical subdivision. I can share that on the next map. This is going to support our movie industry. I don't need to say anything more about that. It's going to support the outdoor recreation industry which is becoming increasingly important and be the longest El Camino Real trail segment in the US. It could be an important tourist attraction.

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Now, let me look at this map again. The green is – it's supposed to be 600 feet. Anyway, the green is the national forest. The sort of orange color is the BLM land. This one adds the pueblos up there. National forest, BLM land, pueblos, traditional communities – you see a few of them. Okay, this repeats the white line again is the trail that will be built. The blue line now shows the actual, the Park Service keeps the official map. That's the official national historic trail.

Now what Hunt wants to do – I won't – forget that. I'll just show this part. It's going to come down through this BLM land. There are several alternative routes. It's going to come down through here some way. The white is private. It will avoid that, come down through the BLM land, come down here and they're going to attach to an existing electrical substation. That's the Norton Substation. These red lines, you can see are existing power lines. So there are some going through the area already.

Now what does this mean in practice? Right now the electrical substation is one acre of electrical substation, which is pretty much on where the national historic trail is going to be. This will add three more. That's going to be a pretty big thing. One of the things of the national historic trail is you recreate the historical experience. Okay? Four acres of electrical substation looks more like *Star Wars* than Coronado. Right? Now, in addition, there will probably two as close as I can figure, massive anchor or angle towers on Old Buckman Road segment. That's a full size sedan there. That's one of the existing lines you've got there. Okay?

And then additionally, there'll be a line of towers from the Old Buckman Road, still Buckman Road, same as the national historic trail into the distance. Again, this is one of the existing lines. These are smaller towers, but again, you can see them for miles. You've got 10-foot tall trees, 100-foot tall poles, looking here I counted 14 with the naked eye. I turned around, looked the other way, I saw 26. That's a lot. Okay.

So what will BLM do and what's their reaction going to be? They've got this proposal. They've already begun the draft environmental impact statement for the Hunt proposed powerline. I just, however, that the more important document is one that they're doing simultaneously, which is the Taos field office 2012 resource management plan that they're going to revise. What's the resource management plan? These are the rules that govern permissible uses on BLM land. They're not specific to Hunt. They would govern all possible proposed land use. It's not an EIS. It's not a portion of the EIS. We could think of it as BLM's equivalent of our Sustainable Growth Management Plan or the Sustainable Land Development Code.

Now, what's important here to me is this means this is not Hunt's application. This is totally different. This is revision of their general plan. Therefore you all, as far as I'm concerned and can see, although our lawyer is going to correct me here, can question me about this. There's no question. You're not commenting on the application. This is what's going to happen to this gigantic hunk of undeveloped land, and I think County Commissioners can comment on that, in fact should, and should be very concerned about that. We've heard people. We're saying how crowded they are now. They don't have the open space they used to. Well, here is this gigantic hunk of open space. They're about to revise the rules. We should be concerned. Okay.

What are the rules here? 2012 resource management plan assigns all BLM managed lands to one of four virtual resource management classes. What's a virtual

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resource? That's the view, it's the scenery, it's the landscape. Okay? Class 1 is the most protected. You can barely do anything. Class 4 is the least; you can do practically anything. Okay.

Now, if you look at the existing BLM lands, all of these areas which the line would go through are Class 2. To allow the powerline they would have to be reclassified Class 3 or possibly Class 4. But remember, this is not about Hunt Powerline. Anybody else now could take advantage of the new classification and put literally unsightly things there. Okay. The only area which is Class 1 is this area over here. It is scenic and ironically, BLM says they want to protect – they want to make that Class 1 because that's a national historic trail. Well, this is a national historic trail too and it's Class 3. Okay.

In addition it's a 0.25-mile utility corridor along Old Buckman Road, or in other words, along the national historic trail. Now, that's the current 2012 RMP. Okay. So BLM's got the choice it's go to make. Will it protect the Old Buckman Road segment of the congressionally designated El Camino Real de Tierra Adentro in which case they would say, okay, you've got some utilities here but it's not a utility corridor anymore. They would raise the classification along Old Buckman Road to a 2 or actually legally it should be a 1, or it could open up the BLM lands to further unsightly development by declassifying those areas where most of the lines would go through, reclassify those down to 3 or 4 and just leave the national historic trail a 3 or possibly even a 4 with a utility corridor.

Unhappily, we know the answer. They've already tipped their hand. This is a document – sorry, I got the wrong date. Where it says 2017, that should be 2016. November 16, 2016, these three federal agencies: the Federal Highway Administration, the Espanola Ranger District, the BLM Taos field office, they all signed off on this environmental assessment. And what it says here, I'm sorry, I'll just read this to you. County Road 77 – that's the Old Buckman Road – has been identified as a quarter-mile wide corridor for future transmission development. The proposed action, i.e., the national historic trail, would be adjacent to this corridor and in some plains a future transmission line may cross the national historic trail. You notice it's in the plural. In some places. It says a future transmission line, but of course that should be in the plural, because it's lines. The proposed action would not preclude the future development of this transmission corridor irrespective of whether or not these facilities are above or below ground.

So we have got coming up a national historic trail, should be a big tourist attraction for us, and it's going to simultaneously be a corridor for transmission lines, a quarter of a mile wide corridor is humongous. BLM, most of the places where they grant corridors, it's like 150 feet. This is 1,200 feet-plus and 200 feet per line, that's six transmission lines. Okay? Now, this is what it would look like. You take a 30-inch wide natural surface trail and a 1,200-foot wide utility corridor and it looks like this. Okay? I don't think the tourists would be excited about this. I think they're going to be a little disappointed when they come out here and see the longest segment. Actually, this is not accurate. There would be – you could actually put more lines in there. Okay.

I'm not going to read this to you but there are four sections in the US Code that apply to this national historic trail. There's a portion of the code that deals with the national trails system. There is a national trails system. It includes historic trails,

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recreational trails, scenic trails. Just notice the highlighted words. Preservation of historic resources. Okay. There's also code that deals with national historic trails in specific and again you see this word protection of the historic route. Okay. So you sort of – then you've got the law, the code that actually establishes this trail, and again, you see the words preservation and educational programs. And then preservation and education. So the three laws here, they're all saying either how to preserve these lines, you've got to preserve these trails or protect these trails – that's really not compatible with making them a utility corridor.

Now you've got a fourth law which is a really interesting one here, the fourth piece of the code, deals with what's called the national landscape conservation system. That's down here. And this actually applies to BLM and it's telling BLM play nice. Okay? Obey the laws. Okay? Because what it's saying – it even goes further. In order to conserve, protect and restore nationally significant landscapes we've established in the Bureau of Land Management the national landscape conservation system. The national historic trails are expressly included in this system.

I would argue that BLM, by saying no, we're going to make this – we're going to keep this a corridor is just flouting the law. Protection, preservation, conservation, congressional intent is clear. And you've got to look at BLM's mission statement for national conservation lands. BLM itself says it's supposed to conserve, protect and restore these national significant landscapes, and again, national historic trails are specifically included. Okay.

Then you've got a manual that governs the visual resource management classes. A BLM manual. And this BLM manual says Class 1 is assigned to those areas where a management decision has been made previously to maintain a natural landscape. This includes, you get down here, congressionally administrative designated areas where a decision has been made to preserve a national landscape. And guess what. That's a national historic trail because they are congressionally designated. So that trail should be Class 1. Okay. It should be Class 1 and it's not going to be.

My suggestion for the County Commission is to recognize the serious threat posed to the County's interest by the County Road 77, Old Buckman Trail utility corridor designation. I agree with the other people that – the second point here, begin the revision – direct staff to begin the revision of the SLDC with a view to changing a high voltage powerline from a conditional use to a development of countywide impact. Conditional use is the least rigorous of your processes. Development of countywide impact is the most rigorous. And then reconsider whether the County should sit on the sidelines while the BLM revises its resource management plan. Okay. That's the key document, okay, is that resources management plan. And as I say, I don't see any legal barrier to you all being involved in that process. Thank you for your attention, Commissioner Roybal and Commissioners.

CHAIR ROYBAL: One more.

ELENA GUARDINCERRI: Good evening, Chairman Roybal and good evening, Commissioners. My name is Elena Guardincerri I'm a physicist at the Los Alamos National Laboratory, a resident of Jacona and the chair of Stop Hunt Powerline. Our organization is convinced that there is absolutely no need for this project and the documentation that you have in the binders that we delivered to you provides information

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in support of our claim, even technical documentation. You heard the reasons for our opposition in the movie that you just saw and in the other presentation. Again, you'll find additional information in our binders. Please take a look at them when you can.

These are our suggestions or requests: As was said, currently a high voltage powerline requires a conditional use permit in the SLDC. The process to obtain a conditional use permit is perhaps the least thorough of the permit processes. It's the same that would be required to build a shed. We ask you to reclassify high voltage powerlines as DCIs – developments of countywide impact. The process to obtain a permit for a DCI is the most thorough and the most appropriate to a high voltage power which is a multi-faceted impact over a wide area.

We ask you to establish a moratorium on permit applications for high voltage powerlines while the revision is being considered. The Santa Fe County is currently a cooperating agency in the preparation of BLM's environmental impact statement. We ask you to advocate for us, our constituents, in the course of the process. We ask you to become involved in the ongoing revision of BLM's resource management plan that Devin Bent just mentioned in his talk and request the most restrictive classification for the area around Old Buckman Road and the Camino Real Trail. We ask you for transparency during the whole process. We ask you to communicate with us and to inform us clearly and promptly about any development. Please involve us in the decision making since we are the most affected. Finally, we ask you to consider your legacy. If built, this powerline will survive us and be passed on to the future generations. The decisions you make today will be everyone's legacy for the future and it's what you will be known and remembered for. Thank you for listening.

CHAIR ROYBAL: Thank you for your presentations. You guys have a good evening.

IX. CONCLUDING BUSINESS

A. Announcements

CHAIR ROYBAL: Is there any announcements from the Board? No announcements? Okay.

B. Adjournment

Upon motion by Commissioner Hansen and second by Commissioner Moreno with no further business to come before this body, Chair Roybal declared this meeting adjourned at 8:10 p.m.

Approved by:

Board of County Commissioners
Henry Roybal, Chair

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ATTEST TO:

GERALDINE SALAZAR
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 323

I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of July, 2017 at 02:13:20 PM And Was Duly Recorded as Instrument # 1831166 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy County Clerk, Santa Fe, NM

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II.A.3

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

EXHIBIT 1

DATE: *June 12, 2017*

TO: *Board of County Commissioners*

FROM: *Michael Kelley, Public Works Department Director*

VIA: *Katherine Miller, County Manager*

ITEM AND ISSUE: *BCC Meeting June 27, 2017*
Approval of a Resolution Authorizing the County Manager to Acquire Through Negotiated Purchase and Sale Agreements Sufficient Real Property Interests to Construct and Operate Phase IV of the Arroyo Hondo Trail and Further Authorizing the County Attorney to Bring Condemnation Actions, if Necessary, to Acquire Such Interests (Public Works / Michael Kelley)

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SUMMARY:
The purpose of this resolution is to authorize the County Manager to negotiate and to execute the purchase and sale agreements on behalf of the County necessary to acquire sufficient real property interests to construct Phase IV of the Arroyo Hondo Trail and to authorize the County Attorney to bring condemnation actions on behalf of the County to acquire the necessary real property interests in the event that the County Manager is not able to negotiate a reasonable purchase and sale agreement.

BACKGROUND:
The Santa Fe County Sustainable Growth Management Plan, Sustainable Land Development Code and the Santa Fe Metropolitan Bicycle Master Plan call for a trail along the Arroyo Hondo to connect the N.M. Rail Runner Station at N.M. 599 to the Santa Fe Community College and to neighboring subdivisions, schools and businesses as part of a Countywide trail network. The trail is located within the Santa Fe Community College District and is identified as a District Trail in the Community College District Plan. The primary segment of the trail runs parallel to Rancho Viejo Blvd. and Avenida del Sur; these roads do not have bike lanes. The Arroyo Hondo trail will provide multi-modal transportation as well as recreational opportunities.

Santa Fe County executed a contract with Loris and Associates, Inc. on November 28, 2012 to provide engineering services for the design and construction of the Arroyo Hondo Trail. In April 2017 the New Mexico Department of Transportation (NMDOT) awarded Santa Fe County a Transportation Alternatives Program (TAP) grant in the amount of $1,238,880 for 85% of the total project cost of $1,450,000 to construct the Arroyo Hondo Trail Phase IV from the Rancho Viejo Fire Station to the I-25/Cerrillos Road Interchange and Dinosaur Trail/La Pradera Trail. Santa Fe

County has allocated a portion of its general obligation bond revenues to provide the required matching funding for construction of Phase IV of the Arroyo Hondo Trail. The County must acquire and complete the right-of-way certification for Phase IV by May 2018 or risk forfeiting the TAP grant for construction of the trail.

ACTION REQUESTED:

Approval of Resolution Authorizing the County Manager to Acquire Through Negotiated Purchase and Sale Agreements Sufficient Real Property Interests to Construct and Operate Phase IV of the Arroyo Hondo Trail and Further Authorizing the County Attorney to Bring Condemnation Actions, if Necessary, to Acquire Such Interests.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

RESOLUTION NO. 2017 - ____

A RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ACQUIRE THROUGH NEGOTIATED PURCHASE AND SALE AGREEMENTS SUFFICIENT REAL PROPERTY INTERESTS TO CONSTRUCT AND OPERATE PHASE IV OF THE ARROYO HONDO TRAIL AND FURTHER AUTHORIZING THE COUNTY ATTORNEY TO BRING CONDEMNATION ACTIONS, IF NECESSARY, TO ACQUIRE SUCH INTERESTS

WHEREAS, the Arroyo Hondo Multi-Use Trail ("Arroyo Hondo Trail" or "Trail") is included in the Santa Fe County ("County") Sustainable Growth Management Plan, the Sustainable Land Development Code, the draft of the County's 5-year Capital Improvement Program, and the Santa Fe MPO 2012 Bicycle Master Plan; and

WHEREAS, the Arroyo Hondo Trail is identified as a District Trail within the County Community College District; and

WHEREAS, the County has received a Transportation Alternatives Program ("TAP") grant of $1,238,880 from the New Mexico Department of Transportation, and, in addition, it has allocated a portion of its general obligation bond revenue for construction of Phase IV of the Arroyo Hondo Trail ("Phase IV"); and

WHEREAS, although the County has designed Phase IV and is ready to commence construction, it must first either currently possess or acquire sufficient real property interests along the entire length of Phase IV prior to commencing construction; and

WHEREAS, to be sufficient, the property interests of the County must allow for the construction, operation, maintenance, and public use of the Trail, in perpetuity; and

WHEREAS, the County currently does not possess and therefore must acquire sufficient property interests within the segment of Phase IV approximately located on Exhibit A to this Resolution; and

WHEREAS, time is of the essence in acquiring the necessary property interests because the County must complete construction of Phase IV and then issue a right-of-way certification by May 2018 or risk forfeiting its TAP grant; and

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WHEREAS, in order to avoid delay, the County Manager should be authorized to negotiate and execute the purchase of the necessary property interests on behalf of the County; and

WHEREAS, if the County Manager is unable to negotiate the acquisition of the necessary property interests at a reasonable price within a reasonable time, the County Attorney should be authorized to bring condemnation actions to acquire the necessary property interests for public use.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners as follows:

1. The Board authorizes the County Manager to negotiate on behalf of the County the purchase of necessary and sufficient property interests for the Arroyo Hondo Trail; *provided*, however, that the purchase price shall not exceed the appraised fair market value of the property interests.

2. The Board further authorizes the County Manager to execute on behalf of the County the purchase and sale agreements and such other agreement and instruments as may be necessary to acquire the necessary real property interests.

3. The Board further authorizes the County Attorney to bring condemnation actions on behalf of the County to acquire the necessary property interests within the segment of Phase IV approximately located on Exhibit A. However, the County Attorney shall not bring such an action against any property owner unless the County Manager first notifies the County Attorney that:

(a) the County Manager was not able to negotiate a reasonable purchase and sale agreement with the property owner; or

(b) the property owner executed a purchase and sale agreement but thereafter refused to grant the necessary property interest in accordance with the agreement.

4. The Board further authorizes and directs the County Attorney to seek dismissal of any condemnation action brought against a property owner pursuant to this Resolution upon the property owner's voluntary grant of the necessary property interest pursuant to a purchase and sale agreement between the property owner and the County.

PASSED, APPROVED, AND ADOPTED this 27th day of June, 2017.

BOARD OF COUNT COMMISSIONERS
OF SANTA FE COUNTY

By: _____
Henry P. Roybal, Chair

ATTEST:

_____ Date: _____

Geraldine Salazar, County Clerk

APPROVED AS TO FORM:

FR _____ Date: 6/12/2017

Gregory S. Shaffer, County Attorney

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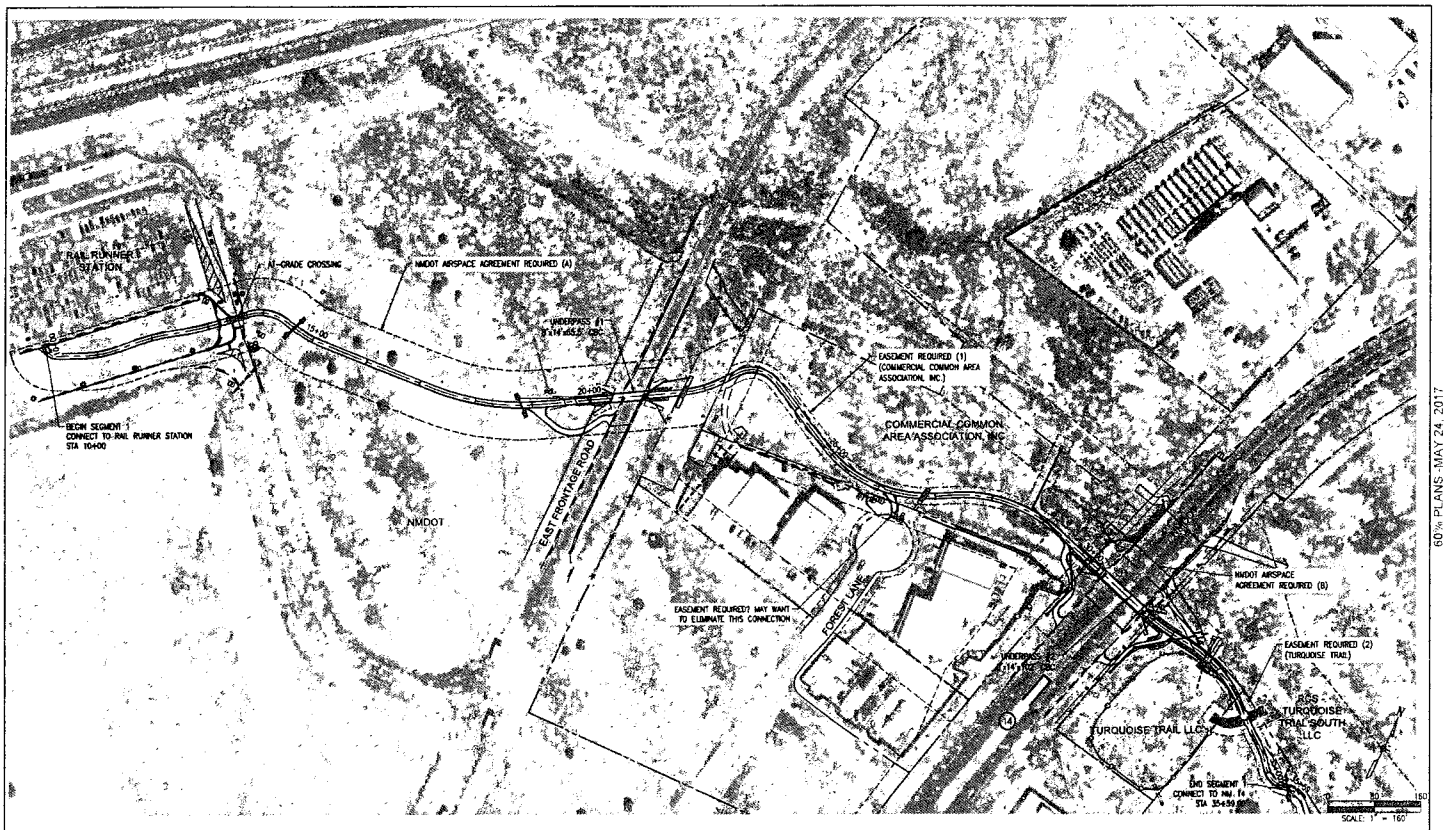

60% PLANS-MAY 24, 2017

Print Date: May 26, 2017	Sheet Revisions			As Constructed	Project No./Code
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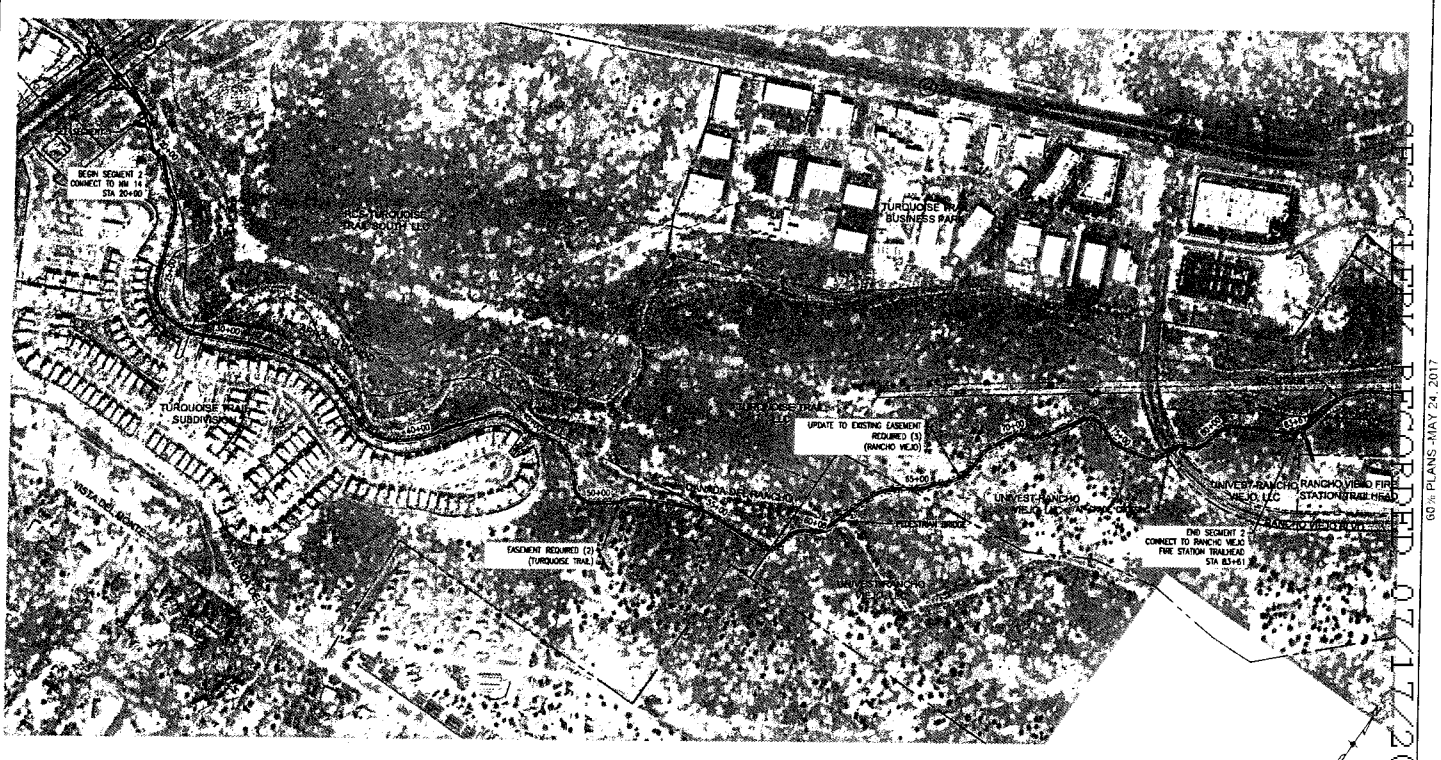
Horiz. Scale: Vert. Scale: As Noted				Revised: Designer: SJB Structure Numbers	325-12126
Unit Information Unit Leader Initials				Void: Detailer: LX	4A
				Sheet Subset: ES-01 Subset Sheets: 1	

Lonis and Associates, Inc.

SANTA FE COUNTY

ARROYO HONDO TRAIL
EASEMENTS
(SEGMENT 1)

EXHIBIT
A



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GO% PLANS-MAY 24, 2017

Print Date: May 26, 2017	Sheet Revisions			As Constructed	Project No./Code
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Horiz. Scale: / Vert. Scale: As Noted				Revised:	325-12126
Unit Information / Unit Leader Initials				Void	4A

ARROYO HONDO TRAIL
EASEMENTS
(SEGMENT 2)

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Detailer: LX
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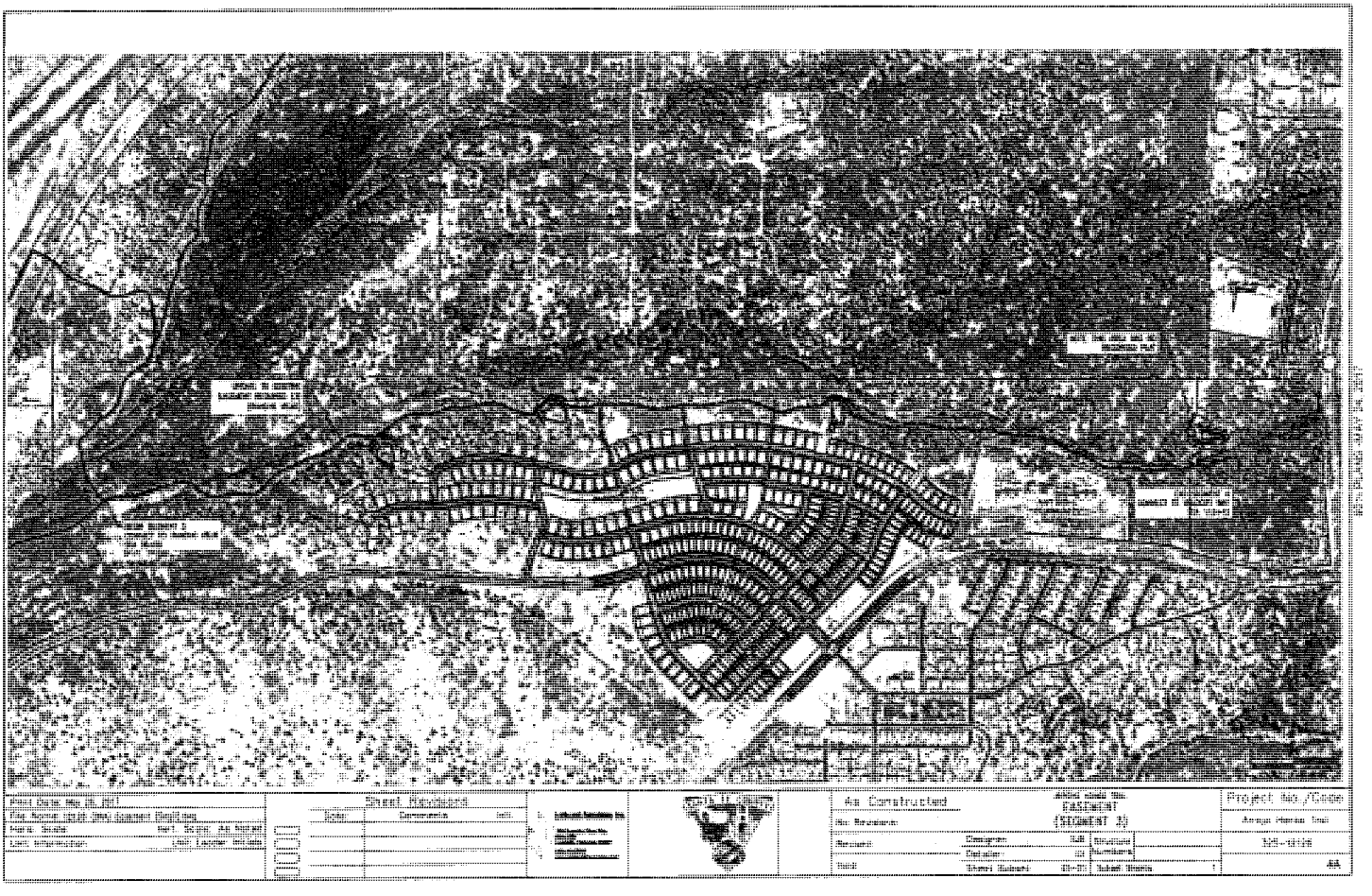
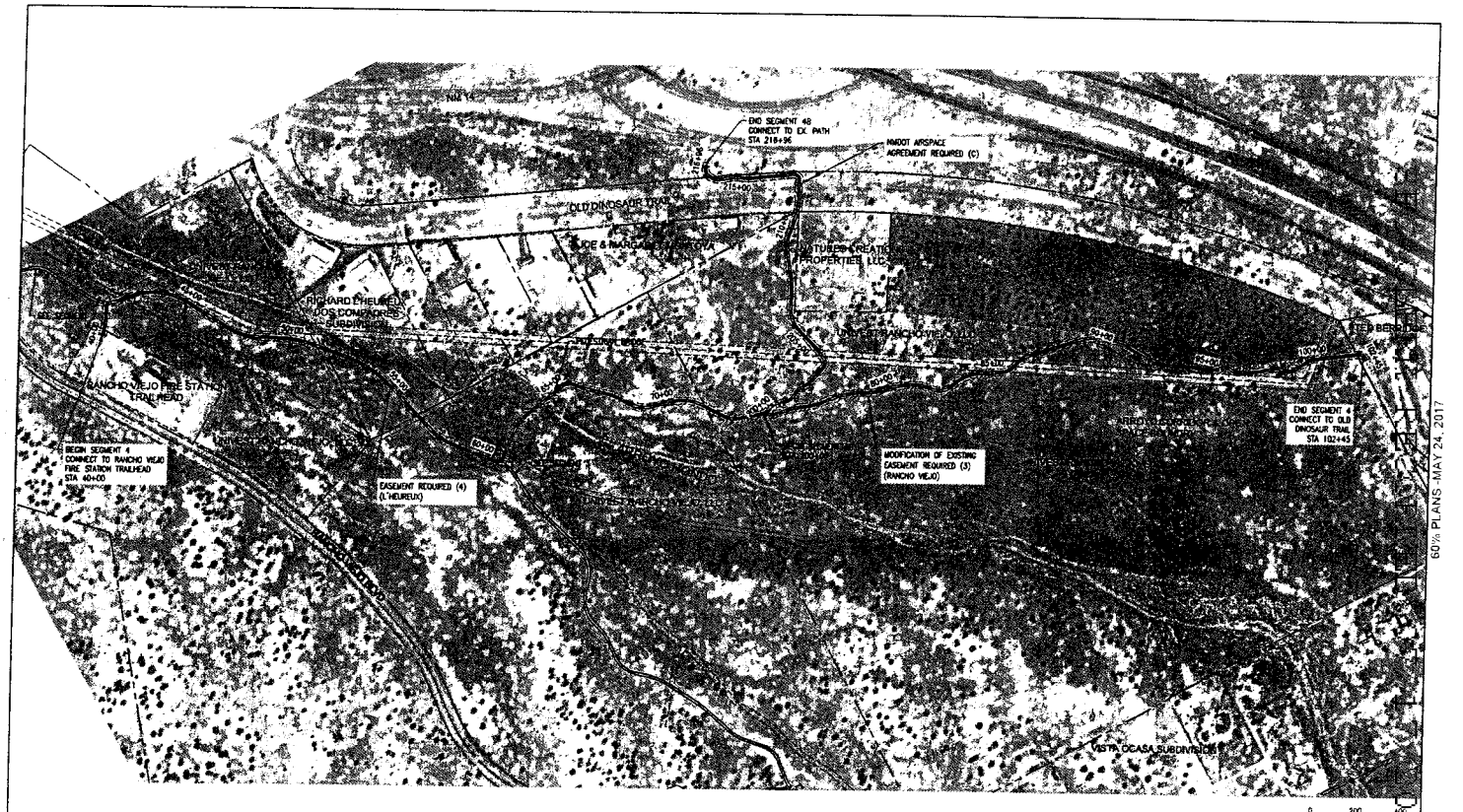

Sheet Revisions
Comments
As Constructed
EASEMENT
(SEGMENT 2)
Project No./Code



Print Date: May 26, 2017	Sheet Revisions			As Constructed	Project No./Code
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Horiz. Scale: Vert. Scale: As Noted				Revised: Designer: SJB Structure Numbers	325-12126
Unit Information Unit Leader Initials				Void: Detailer: LX	
				Sheet Subset: ES-01 Subset Sheets: 1	4A

Lorie and Associates, Inc.

SANTA FE COUNTY

ARROYO HONDO TRAIL
EASEMENT
(SEGMENT 4)

Sheet Revisions
As Constructed
(SEGMENT 5)
Project No./Code

III, C. 1.

EXHIBIT 2

SANTA FE COUNTY
AMENDMENT NO. 1
TO AGREEMENT NO. 2016-0150-DWI/BT

THIS AMENDMENT is made and entered into this _____day of _____, 2017, by and between **SANTA FE COUNTY**, (hereinafter referred to as "County"), **CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER**, 2052 S. Galisteo, Santa Fe, New Mexico.

WHEREAS, pursuant to the Procurement Code, the County procured Professional Services Agreement No. 2016-0150-DWI/BT dated January 12, 2016 (the Agreement), with Christus St. Vincent Regional Medical Center to provide service for individuals suffering from alcohol and/or drug addiction by providing safe, temporary lodging, detoxification services and an opportunity to access treatment or other services; and

WHEREAS, according to Article 15 (Amendment) and Article 8 (Assignment) of the Agreement, the parties may amend the Agreement and Christus St. Vincent Regional Medical Center may assign or transfer its interest under the Agreement with the advance written approval of the County; and

WHEREAS, the County has been informed that Christus St. Vincent Regional Medical Center wishes to implement certain enhancement services to improve and expand the quality of detoxification services by assigning the duties and obligations under the Agreement to Santa Fe Recovery Center, Inc.; and

WHEREAS, Santa Fe Recovery Center, Inc. is a non-profit corporation whose mission is to work with individuals to sustain lifelong recovery from alcoholism, addiction, and related mental health issues, by providing culturally relevant, evidence-based, treatment and education in partnership with other community organizations; and

WHEREAS, Santa Fe Recovery Center, Inc. agrees to be bound by all the terms and conditions in the Agreement and will honor and perform all obligations under the Agreement as may be amended herein; and

WHEREAS, the County and Christus St. Vincent Regional Medical Center agree to amend the Agreement to document the County's approval of the assignment and transfer of all duties and obligations by Christus St. Vincent Regional Medical Center to Santa Fe Recovery Center, Inc.

NOW THEREFORE, the County, Christus St. Vincent Regional Medical Center, and Santa Fe Recovery Center, Inc. agree to amend the Agreement as follows:

1. Article 1 (Scope of Work) subpart 7) is deleted and replaced with the following and a subpart 8) is inserted to read as follows:

> 7) In providing services under this Agreement Contractor will ensure that it has medical oversight of the program to include on-call services on a 24/7, 365 days a year basis by licensed medical

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professional(s), which will include oversight by a physician and management by a registered nurse. There will be one licensed counselor for every fifteen clients or patients who provide direct counseling services to clients or patients. Contractor will provide documentation such as a written agreement or contract, to confirm the availability of the licensed medical professionals during the term of this Agreement.

8) Contractor shall abide by and ensure compliance with any applicable requirements of the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

2. Article 3 (Compensation, Invoicing and Set Off) is amended by inserting a subpart 2) to read:

2) Effective July 1, 2017, County shall pay to the Contractor for services performed to the satisfaction of County as follows:

- **$100,000** upon the County receipt and acceptance of the Contractor written progress report that is due no later than **October 1, 2017**. Contractor's report should contain aggregate data related to the numbers of clients served, demographics of those clients, substance use profile, recidivism analysis and information detailing linkages to continued use of resources and services.
- **$100,000** upon the County receipt and acceptance of the Contractor written progress report that is due no later than **January 1, 2018**.
- **$100,000** upon the County receipt and acceptance of the Contractors final report that is due no later than **May 1, 2018**.

3. Article 4 (Effective Date and Term) is amended to insert a new subparagraph A to read:

A. By Amendment No. 1 to this Agreement, the term of this Agreement is extended from June 30, 2017 to June 30, 2018, unless earlier terminated pursuant to Section 5 (Termination) or Section 6 (Appropriations and Authorizations).

4. Article 6 (Appropriations and Authorizations) is deleted in its entirety and replaced with:

6. **APPROPRIATIONS AND AUTHORIZATIONS**

This Agreement is funded in whole or in part by funds made available under a Department of Finance and Administration, Local Government Division (Division) grant agreement. If the Division terminates the grant agreement, the County may terminate

this Agreement by providing Contractor written notice of such termination in accordance with the notice provisions in this Agreement. In the event of termination pursuant to this paragraph, the County's only liability shall be to pay Contractor for acceptable goods and/or services delivered and accepted prior to the termination date.

This Agreement is also contingent upon sufficient appropriations and authorizations being made for performance of this Agreement by the Board of County Commissioners of the County. If sufficient appropriations and authorizations, including the County's receipt of DWI related funding, are not made in this or future fiscal years, this Agreement shall terminate upon written notice by the County to the Contractor. Such termination shall be without penalty to the County and the County shall have no duty to reimburse the Contractor for expenditures made in the performance of this Agreement. The County is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for expenditure by the County. The County's decision as to whether sufficient appropriations and authorizations have been made for the fulfillment of this Agreement shall be final and not subject to challenge by the Contractor in any way or forum, including a lawsuit.

5. Article 23 (Notices) is amended to delete the address of the County and the Contractor and replace with:

To the County:
Santa Fe County
Attn: CSD Director
Community Services Department
2052 Galisteo Street, Suite A
Santa Fe, New Mexico 87507

To the Contractor:
Santa Fe Recovery Center, Inc.
Attn: Sylvia Barela, Chief Executive Director
4100 Lucia Lane
Santa Fe, NM 87507
(505) 471-4985

6. By this Amendment No. 1 the County hereby consents to the assignment of the terms and conditions of the Agreement from Christus St. Vincent Regional Medical Center to Santa Fe Recovery Center, Inc. effective June 30, 2017. All references to "Contractor" in the Agreement shall be to Santa Fe Recovery Center, Inc., 4100 Lucia Lane, Santa Fe, New Mexico 87507.

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7. As of the date this Amendment approving the assignment of Agreement No. 2016-0150-DWI/BT from Christus St. Vincent Regional Medical Center to Santa Fe Recovery Center, Inc. is approved by the County, the parties hereto agree that Santa Fe Recovery Center, Inc. will assume all liability and obligations which may arise as a result of its performance pursuant to the Agreement which may arise relating to any act, circumstance, event, matter, occurrence, course of dealing or transaction, which in any way, directly or indirectly relates to or is based upon or arises out of its performance of services under Agreement No. 2016-0150-DWI/BT, as amended herein. Furthermore, the County does hereby release and discharge Christus St. Vincent Regional Medical Center from the performance of further services to clients or patients pursuant to Agreement No. 2016-0150-DWI/BT from the date this Amendment is signed by the County.

8. The County acknowledges that in conjunction with this assignment of Agreement No. 2016-0150-DWI/BT, the County will also do all things necessary to secure a property lease with Santa Fe Recovery Center, Inc., for its operation of the detoxification center.

9. All other provisions of the Agreement not specifically amended or modified by this Amendment No. 1 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have duly executed this Amendment No. 1 to Agreement No. 2016-0150-DWI/BT as of the date of last signature by the parties.

SANTA FE COUNTY:

_____
Henry P. Roybal, Chair
Santa Fe County Board of County Commissioners

Attestation:

_____ _____
Geraldine Salazar Date
Santa Fe County Clerk

Approved as to form:

Gregory S. Shaffer 6-6-17
Santa Fe County Attorney Date

Finance Department:

Don D. Moya 6-7-17
Finance Director Date

CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER:

(Signature) Date 6/7/17

Patrick Carrica
(Print Name)

President & CEO
(Print Title)

SANTA FE RECOVERY CENTER, INC.

Sylvia Barela
(Signature) Date 6/8/17

Sylvia Barela
(Print Name)

Chief Executive Officer
(Print Title)

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III. C.3

Agreement No. 2017-0220-PW/IC

EXHIBIT 3

PROFESSIONAL SERVICE AGREEMENT BETWEEN SANTA FE COUNTY AND HDR ENGINEERING, INC. FOR WATER AND WASTEWATER MASTER PLANNING SERVICES

THIS AGREEMENT is made and entered into this _____ day of _____ 2017, by and between **SANTA FE COUNTY**, hereinafter referred to as the "County" and **HDR ENGINEERING, INC.** whose principal address is **2155 Louisiana Blvd. NE, Suite 9500, Albuquerque, NM 87110-5483** hereinafter referred to as the "Contractor".

WHEREAS, pursuant to NMSA 1978, Section 13-1-112, the County issued Request for Proposal No. 2017-0220-PW/IC (RFP) for Water and Wastewater Master Planning Services for the Santa Fe County Public Works Department; and

WHEREAS, the County requires a multi-year assessment of infrastructure needs in the urban/semi-urban areas surrounding the City limits; and

WHEREAS, the Contractor is a licensed engineering firm who can provide professional and competent water and wastewater master planning services for Santa Fe County; and

WHEREAS, the County requires the services of the Contractor and the Contractor is willing to provide these services and both parties wish to enter into this Agreement.

NOW, THEREFORE, it is agreed between the parties:

1. SCOPE OF WORK

The Contractor shall provide, without limitation, the following services in accordance with Scope and Fee proposal dated May 25, 2017, attached hereto as Exhibit A:

- **A.** Project management, administration and coordination.
- **B.** Potable water utility master plan.
- **C.** Prepare a wastewater utility master plan.
- **D.** Analyze and prepare water and wastewater utility cost of service study and rate analysis and reports.
- **E.** Present the water and wastewater master plan to the Board of County Commissioners.
- **F.** Present the rate and impact fee study to the Board of County Commissioners.
- **G.** Provide software training and technical support to County staff on the use of the software and hydraulic model.

2. ADDITIONAL SERVICES

A. The parties agree that all tasks set forth in Section 1 (Scope of Work), of this Agreement shall be completed in full to the satisfaction of the County in accordance with professional standards and for the amount set forth in Section 3 (Compensation, Invoicing and Set-off), of this Agreement, and for no other cost, amount, fee or expense.

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B. The County may from time to time request changes in the scope of work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the County and the Contractor, shall be incorporated in a written amendment to this Agreement.

3. COMPENSATION, INVOICING AND SET-OFF

A. In consideration of its obligations under this Agreement the Contractor shall be compensated as follows:

1) County shall pay to the Contractor in full payment for services satisfactorily performed in accordance with the costs and fees detailed in Attachment A to Exhibit A.

2) The total amount payable to the Contractor under this Agreement shall not exceed **three hundred eighty four thousand two hundred forty five dollars ($384,245.00) exclusive** of New Mexico gross receipts tax.

3) This amount is a maximum and not a guarantee that the work assigned to be performed by Contractor under this Agreement shall equal the amount stated herein. The parties do not intend for the Contractor to continue to provide services without compensation when the total compensation amount is reached. The County will notify the Contractor when the services provided under this Agreement reach the total compensation amount. In no event will the Contractor be paid for services provided in excess of the total compensation amount without this Agreement being amended in writing.

B. The Contractor shall submit a written request for payment to the County when payment is due under this Agreement. Upon the County's receipt of the written request, the County shall issue a written certification of complete or partial acceptance or rejection of the deliverables for which payment is sought.

1) The County's representative for certification of acceptance or rejection of contractual items and services shall be **Michael K. Kelley, Public Works, Director,** or such other individual as may be designated in the absence of the County representative.

2) The Contractor acknowledges and agrees that the County may not make any payment hereunder unless and until it has issued a written certification accepting the contractual services or deliverables.

3) Within 30 days of the issuance of a written certification accepting the services or deliverables, the County shall tender payment for the accepted items or services. In the event the County fails to tender payment within 30 days of the written certification accepting the items or services, the County

shall pay late payment charges of one and one-half percent (1.5%) per month, until the amount due is paid in full.

C. In the event the Contractor breaches this Agreement, the County may, without penalty, withhold any payments due the Contractor for the purpose of set-off until such time as the County determines the exact amount of damages it suffered as a result of the breach.

D. Payment under this Agreement shall not foreclose the right of the County to recover excessive or illegal payment.

4. EFFECTIVE DATE AND TERM

This Agreement shall become effective as of the date of the last signature by the parties and shall terminate one year later, unless earlier terminated pursuant to Section 5 (Termination) or Section 6 (Appropriations and Authorizations). The County has the option to extend the term of this Agreement in one year increments not to exceed four years in total.

5. TERMINATION

A. Termination of Agreement for Cause. Either party may terminate the Agreement based upon any material breach of this Agreement by the other party. The non-breaching party shall give the breaching party written notice of termination specifying the grounds for the termination. The termination shall be effective 30 days from the breaching party's receipt of the notice of termination, during which time the breaching party shall have the right to cure the breach. If, however, the breach cannot with due diligence be cured within 30 days, the breaching party shall have a reasonable time to cure the breach, provided that, within 30 days of its receipt of the written notice of termination, the breaching party began to cure the breach and advised the non-breaching party in writing that it intended to cure.

B. Termination for Convenience of the County. The County may, in its discretion, terminate this Agreement at any time for any reason by giving the Contractor written notice of termination. The notice shall specify the effective date of termination, which shall not be less than 15 days from the Contractor's receipt of the notice. The County shall pay the Contractor for acceptable work, determined in accordance with the specifications and standards set forth in this Agreement, performed before the effective date of termination but shall not be liable for any work performed after the effective date of termination.

6. APPROPRIATIONS AND AUTHORIZATIONS

This Agreement is contingent upon sufficient appropriations and authorizations being made for performance of this Agreement by the Board of County Commissioners of the County and/or, if state funds are involved, the Legislature of the State of New Mexico. If sufficient appropriations and authorizations are not made in this or future fiscal years, this Agreement shall terminate upon written notice by the County to the Contractor. Such termination shall be without penalty to the County, and the County shall have no duty to reimburse the Contractor for expenditures made in the performance of this Agreement. The County is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered and approved for

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expenditure by the County. The County's decision as to whether sufficient appropriations and authorizations have been made for the fulfillment of this Agreement shall be final and not subject to challenge by the Contractor in any way or forum, including a lawsuit.

7. INDEPENDENT CONTRACTOR

The Contractor and its agents and employees are independent contractors and are not employees or agents of the County. Accordingly, the Contractor and its agents and employees shall not accrue leave, participate in retirement plans, insurance plans, or liability bonding, use County vehicles, or participate in any other benefits afforded to employees of the County. Except as may be expressly authorized elsewhere in this Agreement, the Contractor has no authority to bind, represent, or otherwise act on behalf of the County and agrees not to purport to do so.

8. ASSIGNMENT

The Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the advance written approval of the County. Any attempted assignment or transfer without the County's advance written approval shall be null and void and without any legal effect.

9. SUBCONTRACTING

The Contractor shall not subcontract or delegate any portion of the services to be performed under this Agreement without the advance written approval of the County. Any attempted subcontracting or delegating without the County's advance written approval shall be null and void and without any legal effect. Subcontractors or consultants that are approved by the County are listed on Exhibit B, attached hereto.

10. PERSONNEL

A. All work performed under this Agreement shall be performed by the Contractor or under its supervision.

B. The Contractor represents that it has, or will secure at its own expense, all personnel required to discharge its obligations under this Agreement. Such personnel (i) shall not be employees of or have any contractual relationships with the County and (ii) shall be fully qualified and licensed or otherwise authorized or permitted under federal, state, and local law to perform such work.

11. RELEASE

Upon its receipt of all payments due under this Agreement, the Contractor releases the County, its elected officials, officers, agents and employees from all liabilities, claims, and obligations whatsoever arising from or under or relating to this Agreement.

12. CONFIDENTIALITY

Any confidential information provided to or developed by the Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the County.

13. PUBLICATION, REPRODUCTION, AND USE OF MATERIAL; COPYRIGHT

A. The County has the unrestricted right to publish, disclose, distribute and otherwise use, in whole or in part, any reports, data, or other material prepared under or pursuant to this Agreement.

B. The Contractor acknowledges and agrees that any material produced in whole or in part under or pursuant to this Agreement is a work made for hire. Accordingly, to the extent that any such material is copyrightable in the United States or in any other country, the County shall own any such copyright.

14. CONFLICT OF INTEREST

The Contractor represents that it has no and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of its obligations under this Agreement.

15. NO ORAL MODIFICATIONS; WRITTEN AMENDMENTS REQUIRED

This Agreement may not be modified, altered, changed, or amended orally but, rather, only by an instrument in writing executed by the parties hereto. The Contractor specifically acknowledges and agrees that the County shall not be responsible for any changes to Section 1 (Scope of Work), of this Agreement unless such changes are set forth in a duly executed written amendment to this Agreement.

16. ENTIRE AGREEMENT; INTEGRATION

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such agreements, covenants and understandings have been merged into this written Agreement. No prior or contemporaneous agreement, covenant or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

17. NOTICE OF PENALTIES

The Procurement Code, NMSA 1978, Sections 13-1-28 through 13-1-199, imposes civil and criminal penalties for its violation. In addition, New Mexico criminal statutes impose felony penalties for bribes, gratuities, and kickbacks.

18. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

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A. The Contractor agrees to abide by all federal, state, and local laws, ordinances, and rules and regulations pertaining to equal employment opportunity and unlawful discrimination. Without in any way limiting the foregoing general obligation, the Contractor specifically agrees not to discriminate against any person with regard to employment with the Contractor or participation in any program or activity offered pursuant to this Agreement on the grounds of race, age, religion, color, national origin, ancestry, sex, physical or mental handicap, serious medical condition, spousal affiliation, sexual orientation, or gender identity.

B. The Contractor acknowledges and agrees that failure to comply with this Section shall constitute a material breach of this Agreement.

19. COMPLIANCE WITH APPLICABLE LAW; CHOICE OF LAW

A. In performing its obligations hereunder, the Contractor shall comply with all applicable laws, ordinances, and regulations.

B. Contractor shall comply with the requirements of Santa Fe County Ordinance 2014-1 (Establishing a Living Wage).

C. This Agreement shall be construed in accordance with the substantive laws of the State of New Mexico, without regard to its choice of law rules. Contractor and the County agree that the exclusive forum for any litigation between them arising out of or related to this Agreement shall be state district courts of New Mexico, located in Santa Fe County.

20. RECORDS AND INSPECTIONS

A. To the extent its books and records relate to (i) its performance of this Agreement or any subcontract entered into pursuant to it or (ii) cost or pricing data (if any) set forth in this Agreement or that was required to be submitted to the County as part of the procurement process, the Contractor agrees to (i) maintain such books and records during the term of this Agreement and for a period of six years from the date of final payment under this Agreement; (ii) allow the County or its designee to audit such books and records at reasonable times and upon reasonable notice; and (iii) to keep such books and records in accordance with generally accepted accounting principles (GAAP).

B. To the extent its books and records relate to (i) its performance of this Agreement or any subcontract entered into pursuant to it or (ii) cost or pricing data (if any) set forth in this Agreement or that was required to be submitted to County as part of the procurement process, the Contractor also agrees to require any subcontractor it may hire to perform its obligations under this Agreement to (i) maintain such books and records during the term of this Agreement and for a period of six years from the date of final payment under the subcontract; (ii) to allow the County or its designee to audit such books and records at reasonable times and upon reasonable notice; and (iii) to keep such books and records in accordance with GAAP.

21. INDEMNIFICATION

A. The Contractor shall defend, indemnify, and hold harmless the County and its elected officials, agents, and employees from any losses, liabilities, damages, demands, suits, causes of action, judgments, costs or expenses (including but not limited to court costs and attorneys' fees) to the extent caused by and resulting from or directly or indirectly arising out of the Contractor's performance or non-performance of its obligations under this Agreement, including but not limited to the Contractor's material breach of any representation or warranty made herein.

B. The Contractor agrees that the County shall have the right to control and participate in the defense of any such demand. suit, or cause of action concerning matters that relate to the County and that such suit will not be settled without the County's consent, such consent not to be unreasonably withheld. If a conflict exists between the interests of the County and the Contractor in such demand, suit, or cause of action, the County may retain its own counsel to represent the County's interest.

C. The Contractor's obligations under this section shall not be limited by the provisions of any insurance policy the Contractor is required to maintain under this Agreement.

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22. SEVERABILITY

If any term or condition of this Agreement shall be held invalid or non-enforceable by any court of competent jurisdiction, the remainder of this Agreement shall not be affected and shall be valid and enforceable to the fullest extent of the law.

23. NOTICES

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

To the County:
Santa Fe County Public Works
Attn: Public Works Director
P.O. Box 276
Santa Fe, New Mexico 87504-0276

To the Contractor:
HDR Engineering, Inc.
Attn: Chris Rodriguez, Vice President
2155 Louisiana Blvd, NE, Suite 9500
Albuquerque, NM 87110-5483

24. CONTRACTOR'S REPRESENTATIONS AND WARRANTIES

The Contractor hereby represents and warrants that:

A. This Agreement has been duly authorized by the Contractor, the person executing this Agreement has authority to do so, and, once executed by the Contractor, this Agreement shall constitute a binding obligation of the Contractor.

B. This Agreement and Contractor's obligations hereunder do not conflict with Contractor's corporate agreement or any statement filed with the New Mexico Secretary of State on Contractor's behalf.

C. Contractor is legally registered and is properly licensed by the State of New Mexico to provide the services anticipated by this Agreement and shall maintain such registration and licensure in good standing throughout the duration of the Agreement.

25. FACSIMILE SIGNATURES

The parties hereto agree that a facsimile signature has the same force and effect as an original for all purposes.

26. NO THIRD-PARTY BENEFICIARIES

This Agreement was not intended to and does not create any rights in any persons not a party hereto.

27. INSURANCE

A. General Conditions. The Contractor shall submit evidence of insurance as is required herein. Policies of insurance shall be written by companies authorized to write such insurance in New Mexico.

B. General Liability Insurance, Including Automobile. The Contractor shall procure and maintain during the life of this Agreement a comprehensive general liability and automobile insurance policy with liability limits in amounts not less than $1,050,000.00 combined single limits of liability for bodily injury, including death, and property damage for any one occurrence. Said policies of insurance shall include coverage for all operations performed for the County by the Contractor; coverage for the use of all owned, non-owned, hired automobiles, vehicles and other equipment, both on and off work; and contractual liability coverage under which this Agreement is an insured contract. Santa Fe County shall be a named additional insured on the policy.

C. Workers' Compensation Insurance. Engineer shall comply with the provisions of the Workers' Compensation Act.

D. Malpractice/Errors and Omissions Insurance. Engineer shall procure and maintain during the life of this Agreement professional liability (errors and omissions) insurance with policy limits of not less than $1,500,000.00 per occurrence, $2,500,000.00 per aggregate.

E. Increased Limits. If, during the life of this Agreement, the Legislature of the State of

New Mexico increases the maximum limits of liability under the Tort Claims Act (NMSA 1978, Sections 41-4-1 through 41-4-29, as amended), Engineer shall increase the maximum limits of any insurance required herein.

28. PERMITS, FEES, AND LICENSES

Contractor shall procure all permits and licenses, pay all charges, fees, and royalties, and give all notices necessary and incidental to the due and lawful performance of its obligations hereunder.

29. NEW MEXICO TORT CLAIMS ACT

No provision of this Agreement modifies or waives any sovereign immunity or limitation of liability enjoyed by County or its "public employees" at common law or under the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, et seq.

30. CAMPAIGN CONTRIBUTION DISCLOSURE FORM

The Contractor agrees to compute and submit simultaneous with execution of this Agreement a Campaign Contribution Disclosure form approved by the County.

31. SURVIVAL

The provisions of following paragraphs shall survive termination of this Contract; INDEMNIFICATION; RECORDS AND INSPECTION; RELEASE, CONFIDENTIALITY, PUBLICATION, REPRODUCTION, AND USE OF MATERIAL; COPYRIGHT; COMPLIANCE WITH APPLICABLE LAW; CHOICE OF LAW; NO THIRD-PARTY BENEFICIARIES; SURVIVAL.

IN WITNESS WHEREOF, the parties have duly executed this Agreement as of the date of last signature by the parties.

SANTA FE COUNTY:

_____
Henry P. Roybal, Chair
Santa Fe County Board of County Commissioners

ATTESTATION:

_____ _____
Geraldine Salazar, Santa Fe County Clerk — Date

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Approved as to form:

Gregory S. Shaffer
Santa Fe County Attorney

6-12-17
Date

Finance Department Approval:

Don D. Moya
Santa Fe County Finance Director

6-12-17
Date

CONTRACTOR:

_____

_____
Date

By: _____
(Print Name)

Its: _____
(Print Title)

EXHIBIT A

May 25, 2017

Ms. Iris Cordova
Senior Procurement Specialist
Santa Fe County Public Works Utility Division
102 Grant Avenue
PO Box 276
Santa Fe, New Mexico 87504-0276

Subject: **Santa Fe County On-Call Engineering Services**
Project No. 2017-0220-PW/IC for the Utility Master Plan Project – Revision 2

Dear Ms. Cordova:

HDR Engineering, Inc. (HDR) appreciates the opportunity to submit this proposal to Santa Fe County (County) for professional engineering services for the Utility Master Plan Project. This scope and fee proposal is based on the information provided in RFP No. 2017-0220-PW/IC.

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PROJECT UNDERSTANDING AND APPROACH

The Santa Fe County (County) Board of County Commissioners (BCC) re-adopted the Sustainable Land Development Code (SLDC) via Ordinance #2016-9. The Code provides a legal framework for implementing land development and growth management policies of the County's Sustainable Growth Management Plan initially adopted in 2010 and re-adopted in 2016.

This BCC action, combined with the new customers acquired by the Santa Fe County Public Utilities (SFCU) through the City of Santa Fe (City) - County annexation agreements requires that the County have a multi-year assessment of infrastructure (defined herein as roads, utilities, emergency response services and parks and open space) needs in the urban/semi-urban areas surrounding the City limits (Project Area). Independent water systems also need to be included in the planning effort.

Santa Fe County wishes to develop a Utility Master Plan for expansion of the existing utility systems within Sustainable Development Area – 1 (SDA-1) and the Utility Service Area. The Utility Master Plan will include a review of all existing distribution and collection systems and structures related to the Water Distribution and Transmission Systems and Sanitary Sewer Collection and Wastewater Treatment Systems. The plan will relate the future development and expansion of these systems to the ultimate build out of future development plans and visions for the County. The plan will identify required improvements for the existing system, future requirements for infrastructure upgrades, extension of major services and the upgrade of capacities with the County's existing systems for a period of 20 years.

The Utility Master Plan will consist of a Water Utility Master Plan, Wastewater Utility Master Plan, and a Water and Wastewater Utility Cost of Service Study and Rate Analysis that will identify the upgrades and infrastructure improvements required for present and future development over the next 20 years. The plan will include a proposed schedule and cost for all identified improvement projects.

The Utility Master Plan Project will include the following:

- Completing a review of all existing County water and wastewater infrastructure while incorporating the utility components of Santa Fe County's Infrastructure Build-Out Plan

2155 Louisiana Blvd NE, Suites 6000 & 9500, Albuquerque, NM 87110 5483
(505) 830-5400

such as road and highway alignments, zoning, density, future development, population projections, water demand, sewer demand, etc.

- Completing a review of existing privately owned and operated infrastructure (water and sewer) for possible acquisition by the County.
- Incorporating planning relevant planning information from the Preliminary Engineering Report (PER) for the Quill WWTF.
- Analysis of water supply and storage for the next 20 years with recommendations for the expansion of capacity and infrastructure and alternate sources of water.
- Evaluation of reclaimed water storage and distribution.
- Development of a comprehensive Capital Improvement Program (CIP) including cost estimates and phasing for all utility infrastructure (i.e. water, sewer, reclaimed water, plant expansion) to accommodate future growth of systems for the next 20 years. The CIP plan will be established at 5, 10, and 20 year milestones.
- Completing a Cost of Service Study and Utility Rate Analysis for water, sewer, and reclaimed water rates with recommendations for what rates the County should implement including provisions for future increases to support future utility needs and consideration of funding sources such as bonds, grants, loans, rates, impact fees, utility expansion charges, etc.

SCOPE OF SERVICES

The following tasks provide a description of the services that will be provided as part of this project.

Task 1 – Project Management, Administration and Coordination

This task includes the management activities required to ensure the project is completed on time and within budget, and addresses the County's goals. The following activities will be included with this task:

- Prepare a Project Management Plan (Project Guide) outlining the project scope, team organization, schedule, communications information, and QA/QC approach summary for internal team members
- Coordination with internal team members
- Preparation of monthly invoices
- A Project Approach and Resources Review (PARR) completed by a senior staff member not involved in the project development.
- Regular management and business reviews throughout the duration of the project as part of HDR's QA/QC process.

This task also includes the attendance of project meetings and preparation of any necessary documentation (agendas, meeting summary notes, etc.). HDR will attend four (4) project status and/or submittal review meetings at the County's offices in Santa Fe. All other meetings will be conducted via conference call.

Deliverables:

- Meeting Agendas
- Meeting Summary Notes
- Monthly Invoices

Task 2 – SFCU Potable Water Utility Master Plan

HDR will evaluate the existing water system and associated facilities to identify any deficiencies. Recommendations will be made for necessary improvements and/or replacement of facilities that may be required. HDR will also develop and evaluate alternatives to expand the water distribution system and facilities to meet additional needs of an expanded service area and additional capacity requirements for future conditions.

Subtask 2.1 - Gather and Review Existing Data

This task will be completed to compile all available information on the water distribution system. HDR will collect and review all available information provided by the County including previous reports, facility plans, hydraulic modeling, metering records, water production records, O&M data, records, logs, system maps and "As-Built" drawings.

The County will provide HDR with copies of the most recent mapping of the water distribution system in electronic format (AutoCAD and/or GIS). The map should show the different pressure zones within the County as well as the location of all water supply and distribution system facilities including wells, treatment facilities, pumping stations, storage reservoirs, master metering points, pressure reducing valves, normally closed isolation valves, and all water mains including the pipe diameter, material, and date of installation.

HDR will perform an overall review of the maps and check for inconsistencies with other existing sources of information. HDR will make corrections to the mapping data as necessary and review any modifications with the County.

The County will provide HDR with operational data from the SCADA system (e.g., tank levels, well production rates, pump station operating data, PRV settings, and system operating pressures).

HDR will visit the water distribution system facilities (wells, pumping stations, pressure regulating stations, and storage reservoirs) as necessary to obtain and/or verify information for the development of the hydraulic model.

The County will also provide HDR with information on areas of the water system where customers have experienced chronic low pressure, high pressure, and/or issues with water supply.

As a part of this task HDR will also coordinate with the City of Santa Fe as necessary to obtain information on existing interconnections and City water system facilities that are pertinent to the evaluation of the County's water distribution system.

Subtask 2.2 - Evaluate Existing Water Use Data

The County will provide historical water treatment, well production and water billing data in electronic format (i.e. MS Excel or MS Access) for the past 3 years. HDR will review the historical to determine:

- Historical average day and maximum day usage in the system as well as peaking factors.
- Historical amount of water use by customer category (i.e. residential, commercial, industrial, irrigation, etc.) if the historical data is organized by customer category.

HDR will complete a comparison between the production and consumption data to determine the rate of non-revenue water in the system.

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Deliverables:

- Spreadsheet summarizing historical water production and usage, peaking factors and summary of non-revenue water

Subtask 2.3 – Build a Water Distribution System Hydraulic Model
The City of Santa Fe recently completed a Water Transmission and Storage System Master Plan in 2009. As a part of the project, the City created a new computer hydraulic model of the City's water system using the H2OMAP Water software available from Innovyze. To maintain compatibility and facilitate exchange of information with the City of Santa Fe, the hydraulic model of the County's water distribution system will be created using InfoWater Software developed by Innovyze.

HDR will coordinate with the City of Santa Fe as necessary to obtain information on the City's existing water system hydraulic model and it's applicability to the County's Potable Water Utility Master Plan.

All pipes larger than four inch diameter will be included in the hydraulic model. Smaller diameter pipelines may be included if necessary to maintain connectivity of the system. The hydraulic model will also include all fire hydrants within the distribution system.

The physical components of the water distribution system will be entered into the hydraulic modeling software. Details about the piping network, storage tanks, booster pumps, and pressure control valves will be entered into the model.

The County will provide topographic information (i.e. 1-ft or 2-ft contours) for use in establishing the elevations throughout the water system service area. It is assumed that no survey data will need to be obtained for development of the water distribution system hydraulic model. Any surveying required for development of the water distribution system hydraulic model will need to be completed as an additional service.

Deliverables:

- Hydraulic Model of Water Distribution System

Subtask 2.4 - Field Testing and Model Calibration
The hydraulic model will be calibrated for a steady-state simulation based on operation of the system for a typical maximum day demand condition.

This task will include the County providing operating data for the water system from SCADA and/or other sources (e.g., tank levels, well production rates, pump station operations, and system pressures) for use in calibrating the model for model validation.

If sufficient data is available HDR will develop a diurnal consumption curve for the County's water distribution system using the operating provided from the SCADA system.
Field testing will be completed as necessary to obtain data for use in calibrating the hydraulic model. Field testing may include fire hydrant flow testing, pump performance testing, pressure readings, and/or flow monitoring to obtain calibration data for validating the accuracy of the hydraulic model. It is assumed County staff will be responsible for obtaining any field data required for model calibration.

Based on guidance from HDR, the County will perform fire hydrant flow testing to obtain field data for use in calibrating the hydraulic model. It is anticipated that at least one fire hydrant flow test per pressure zone will be completed. The hydraulic model will be reviewed to determine if smaller pressure zones can be calibrated without acquiring field data. Larger zones may require more than one test. The overall number of fire hydrant flow tests completed will be proportional to the size of the pressure zone. For the purposes of this proposal, it is assumed that it will be necessary to conduct up to ten (10) fire hydrant flow tests.

HDR will prepare a memorandum outlining the field testing to be completed for review and comment by County staff. The memorandum will include the type, number, and location of proposed tests for flow measurement, loss of head, pressure observation, and pump performance.

The County's Public Works Department O&M staff will provide the equipment and tools necessary for completion of the field testing and will complete all of the field testing. If necessary, HDR will provide assistance to the County's staff during the performance of field testing.

HDR will use the operating data provided by the County in combination with the data collected as a part of field testing to calibrate the hydraulic model. To calibrate the model HDR will make comparisons between the flows and pressures calculated by the model with the operating data and field measurements of flow/pressure obtained by the County. HDR will adjust various model parameters until the behavior of the model is representative of the actual system operation. The goal of the model calibration will be to make adjustments to the model so the results produced from the model simulation match field operating data within reasonable accuracy in accordance with industry accepted standards.

HDR will complete comparisons for the 10 fire hydrant flow tests to be conducted. If it is determined that additional flow tests must be conducted to achieve the level of calibration required for the hydraulic model, the comparison of these flow tests will be completed as an additional service.

HDR will complete a Model Calibration Memorandum detailing the results and conclusions of the field testing and model calibration. The Model Calibration Memo will include a discussion of the field testing results as well as exhibits, tables, graphs and charts to demonstrate the results of the model calibration effort.

Deliverables:

- Field Data Collection Memo based on data provided by Santa Fe County
- Model Calibration and Results Memo

Subtask 2.5 – Existing System Modeling

The hydraulic model of the water system will be analyzed for various demand conditions including average day demand, maximum day demand, and peak hour demand. A steady-state simulation will be performed for evaluating the existing system.

The water distribution system will be evaluated for excessive headloss, low / high operating pressures and other potential problems in the distribution system. Evaluation criteria for the water

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system will be based on the County's existing design standards for the water distribution system. The following items will be evaluated utilizing the hydraulic modeling results.

Service Levels
Review the configuration of the distribution system and the boundaries of each service level (pressure zone). Investigate the potential for pressure zone boundary adjustments to mitigate high and/or low-pressure problems. Make recommendations for any appropriate modifications.

Distribution System Components
Evaluate and determine the adequacy of the existing pumping stations, storage tanks, and pressure reducing stations. Report all deficiencies and recommend corrective measures.

Pumping and Storage
Evaluate the relationship between existing pumping and storage facilities and report on the adequacy of this relationship and provide recommendations for corrective measures.

System Interconnections
Evaluate capacity of inter-connections with neighboring water supply entities such as the City of Santa Fe and Buckman Direct Diversion Project and provide recommendations for improvements.

HDR will coordinate with the City of Santa Fe as necessary to obtain information on the existing interconnections and their ability and/or limitations with respect to supplying the County's water distribution system.

Water Supply Facilities
Evaluate data provided by the County regarding the water supply facilities (i.e. groundwater wells, treatment facilities, etc.) within the County and provide recommendations as they relate to the water supply requirements for the existing system.

Fire Hydrant / Fire Flow Assessment
HDR will complete an assessment of the number of fire hydrants, locations, and placement to verify compliance with state and local requirements. HDR will make recommendations for improvements to remediate any determined deficiencies.

Required fire flows will be defined for different parts of the service area and HDR will use the hydraulic model to complete a fire flow analysis for the system and identify potential problem areas. The fire flow analysis will be completed using the automated fire flow calculation features of the hydraulic modeling software. The fire flow analysis will be completed to determine the available fire flow at each hydrant in the system during a typical maximum day demand condition assuming "firm" pump station capacity and tank levels at the bottom of their normal operating range.

HDR will prepare figures and a table showing the calculated available fire flow for all fire hydrants in the system. HDR will make recommendations for improvements needed to correct fire flow deficiencies.

Subtask 2.6 - Develop Current System Improvement Plan
Based on the results of the hydraulic modeling, HDR will identify system deficiencies and make recommendations regarding the water distribution, transmission, treatment, supply and storage

needs to assure that water service in the Project Area meets the County's SLDC and national water utility standards.

Deliverables:

- Table of Recommended Improvements for Existing System

Subtask 2.7 – Future System Modeling
The hydraulic model of the water system will be expanded to include identified areas of future growth.

The County will provide information with respect to the areas of likely growth including all available land use, zoning, demographic data, and housing / population projections. HDR will review and tabulate information from the County regarding future planned development and areas of growth that are anticipated for the water system. Based on the information received from the County HDR will develop a map of future areas of growth and indicate the relative magnitude of growth anticipated in each area.

HDR will coordinate with the City of Santa Fe as necessary to obtain information related to future growth that may impact the County's water distribution system.

HDR will establish the estimated future average day, maximum day, and peak hour water demands based on the population projections and historical water use characteristics of the water distribution system for a 5-, 10-, and 20-year planning horizon. HDR will establish future demands associated with each land use, review with County staff, and incorporate into the water distribution system model. HDR will summarize the water demand projections and the procedures used in determining the future demands in a memorandum to be submitted to County staff. County staff will review and approve the future demand projections for compatibility with their expectations.

HDR will evaluate the future water system configuration. The computer simulations will include various demand conditions including maximum day and peak hour demand. The future water system will be evaluated for excessive head losses, low or high pressures, and other potential problems in the distribution system. It will include an overall assessment of the hydraulic capabilities of the system to meet the future demands for the 20 year planning period. HDR will make an assessment of existing storage capacity and production capacity to determine if it is adequate to support potential future growth.

HDR will review the County's supply sources including well facilities, interconnections with the City of Santa Fe, the Buckman Direct Diversion Project and/or other potential supply sources to develop a water supply strategy necessary to meet the anticipated water demands over the 20 year planning period.

Using the modeling results, HDR will identify the necessary expansions to the existing water distribution system to meet future demands over the 20 year planning period.

Subtask 2.8 - Develop Future System Improvement Plan
Based on the results of the future system modeling, HDR will identify all system components that will require improvements in 5, 10, and 20 years. HDR will make recommendations for improvements to remediate any determined deficiencies for the future system.

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Deliverables:

- Table of Recommended Improvements for Future System

Subtask 2.9 – Cost Estimates and Improvement Phasing Plan
Improvements identified from completion of the existing and future system modeling will be itemized and HDR will develop an estimated construction cost for each improvement identified. A logical phasing plan will be developed for the improvements. HDR will prioritize the construction of improvements as a part of 5-, 10-, and 20-year capital improvement plan (CIP). The CIP will provide for phased construction and will include a priority schedule for planning purposes.

Deliverables:

- 5-, 10-, and 20-year CIP with planning level cost estimates and improvement phasing plan

Subtask 2.10 – Prepare Water System Master Plan Report
The Water System Master Plan Report will be based on the execution of all preceding tasks. Based on the information collected, reviewed, evaluated, and summarized in previous tasks, HDR will create a Draft Water System Master Plan Report discussing the results of the study and the recommended system improvements.

The Draft Water System Master Plan Report will include a discussion of each task, executive summary, table of contents, and any appendices as appropriate. The Master Plan will identify the locations and sizes of facilities needed to correct current system deficiencies and to meet the anticipated future growth. The location and capacity of all recommended water system improvements including suggested alignments of major mains will be identified. The Master Plan will include opinions of probable construction cost for all major system improvements and a review of funding mechanisms that may be used to fund proposed improvements.

HDR will prepare and submit five (5) copies of the Draft Water System Master Plan Report for review by the County. The County will review the Draft report and provide HDR with comments. A project meeting will be conducted with County staff to review the Draft Master Plan Report. Based on review comments received, revisions to the Draft report will be made. The Final Water System Master Plan Report will be assembled and five (5) copies will be submitted to the County.

Deliverables:

- Draft and Final Water System Master Plan Report

Task 3 – SFCU Wastewater Utility Master Plan

HDR will evaluate the existing wastewater collection system facilities to identify any sewer mains with insufficient hydraulic capacity. Recommendations will be made for necessary improvements and/or replacement of facilities that may be required. HDR will also develop and evaluate alternatives to expand wastewater collection facilities to meet additional needs of an expanded service area and additional capacity requirements for future conditions.

Subtask 3.1 – Gather and Review Existing Data

The purpose of this task will be to gather all available information on the existing wastewater collection system which will serve as the foundation for development of the hydraulic model and the resulting recommendations that will be included in the Wastewater Utility Master Plan Report.

HDR will collect and review existing reports, records, logs, system maps and "As-Built" drawings for the County's existing wastewater collection system and facilities. The focus of this task will be to compile all available physical system information (i.e. sewer main size and pipe inverts) for the wastewater collection system.

The County will provide HDR with their current AutoCAD and/or GIS mapping data for the wastewater collection system which will include:

- Location of all sanitary sewer mains and interceptors including pipe diameter, length, material, year of installation, and points of connection.
- Location of all wastewater system features including manholes, lift stations and treatment facilities.
- Parcels, streets with annotation, boundary for service area, zoning, landuse, buildings, and address points.

HDR will review the County's existing AutoCAD mapping and GIS database to identify the information available. Where inconsistencies are present in the existing sources of information, HDR will perform field reconnaissance, as necessary, with support from County staff to verify the data.

As a part of this task HDR will also interview key County staff concerning past and current wastewater collection system issues. The purpose of the interviews will be to collect information from operations staff on how the wastewater collection system typically operates.

Following the review of all information provided, HDR will prepare a brief memorandum listing those areas where data is insufficient and establishing the priority for obtaining additional data. HDR will work with the County to develop a plan for obtaining any missing data.

It is anticipated that it will be necessary to obtain survey data (rim and invert elevations) for approximately 100 manholes. HDR will utilize the services of a subconsultant to obtain the survey data.

As a part of this task HDR will also coordinate with the City of Santa Fe as necessary to obtain information on existing City wastewater collection system facilities pertinent to the evaluation of the County's wastewater collection system.

Subtask 3.2 - Design Standards Review

HDR will review the County's current policy on basic design and planning requirements including: pipeline sizing, maximum and minimum sewer line velocities, depth of flows, and facility construction. The design standards will be reviewed and recommendations for modifications will be made, based on standard industry practices and tailored to the County's wastewater collection system needs. As the County grows, these criteria will provide a level of consistency in the planning, design and construction of future system components.

Deliverables:

- Memo summarizing County Design Standards and Recommended Modifications

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Subtask 3.3 – Review Existing Flow Data for Quill WWTP
The County will provide HDR with any updates to flow data from the Quill WWTP since initially received for PER. HDR will review the flow data to develop and compile statistics on the existing flows for the WWTP including:

- Average Annual Flow
- Minimum Monthly Flow
- Maximum Monthly Flow
- Average Daily Flow
- Minimum Daily Flow
- Maximum Daily Flow

The WWTP flow data will be one of the primary sources for use in developing the flow projections to be used in evaluating the hydraulic capacity of the wastewater collection system.

Deliverables:

- Spreadsheet summarizing historical wastewater flows

Subtask 3.4 – Develop Population and Flow Projections
Using the County's existing mapping data, HDR will develop a map delineating the service area for the wastewater collection system. The map will also depict the zoning and/or landuse for all areas serviced.

After development of the map is completed, HDR will meet with staff from the County to review the existing service area and obtain information on future approved and/or planned developments as well as other areas that may be served by the wastewater collection system in the future. After meeting with County staff, HDR will update the map to show the future areas to be serviced.

HDR will also coordinate with the City of Santa Fe as necessary to obtain information related to future growth that may impact the County's wastewater collection system.

HDR will also obtain and review population projections for the County completed by the University of New Mexico (UNM) Bureau of Business and Economic Research (BBER). In combination with the WWTP flow data, the population projections will be used to develop equivalent per-capita flow rates to be used in the estimating the wastewater flows for the existing and future systems.

HDR will develop population projections for the existing and anticipated future service area of the wastewater collection system. For the existing service area HDR will estimate wastewater flows based on population and equivalent per-capita flow rates. For future undeveloped areas, HDR will develop flow projections for the projected service area growth using zoning and landuse data in combination with equivalent per-capita flow rates.

Deliverables:

- Spreadsheet with Population and Flow Projections for Existing and Future Systems

Subtask 3.5 – Develop Spreadsheet Model of Wastewater Collection System
The wastewater collection system model will be developed for all gravity sewers in the system.

The physical data (i.e. manhole rim and invert elevations, pipe diameter, pipe material, etc.) for the wastewater collection system will be based on information obtained from the County's existing AutoCAD, and GIS mapping, "As-Built" drawings and supplemented by the survey data that will be collected. The information will be tabulated in a spreadsheet.

The spreadsheet will be set up to evaluate the hydraulic capacity for each pipe using the Manning's equation for gravity pipe flow and will determine the depth of flow, velocity, and depth-to-diameter (d/D) ratio. These values will then be compared to the County's design standards and/or other industry standards to identify portions of the system where hydraulic capacity may be limited.

Deliverables:

- Pipe Capacity Summary Spreadsheet

Subtask 3.6 – Existing System Evaluation

Results from the existing condition model run along with information gathered from staff interviews will be used to identify the existing system problem areas. Potential deficiency areas that will be identified in the modeling process include surcharged pipe locations, and low / high pipeline velocities. Identifications of system capacity restrictions and deficiencies will be based on the design criteria established from the review of the County's design standards.

As a part of this task, HDR will collect design information and interview County staff to assess station capacity and identify facility deficiencies for all lift stations within the wastewater collection system. Any recommended improvements will be identified in conjunction with the evaluation of the existing system.

Deliverables:

- Table of Recommended Improvements for Existing System

Subtask 3.7 - Future System Evaluation

As a part of this task HDR will develop preliminary alignments and layouts for the wastewater collection system needed to serve future areas of expansion. The County will provide input and identify future areas of expansion based upon past and projected patterns of community growth and development.

HDR will then complete calculations to determine the sizing of future sewer mains to be constructed. Sizing for future wastewater collection system mains and interceptors will be based on the County's design standards.

HDR will also evaluate any improvements to existing sewer mains that may be needed as a result of future development.

The County will provide HDR with topographic data for use in determining the alignment and layout for future wastewater collection system facilities.

Deliverables:

- Table of Recommended Improvements for Future System

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Subtask 3.8 – Wastewater Collection System Capital Improvement Plan and Implementation Plan Development

A plan for implementing the recommended improvements for the wastewater collection system will be prepared. Non-monetary criteria including environmental impacts will be established for evaluating the recommendations for the wastewater collection system. A list of evaluation criteria will be developed by HDR for review and approval by the County. The recommended improvements will be evaluated and a priority ranking system will be developed.

The CIP will identify SFCU wastewater utility collection, transmission, treatment, effluent disposal/reuse and solids handling needs to assure that wastewater service in the Wastewater Service Area meets the County's SLDC and federal wastewater utility standards. The CIP will include a description of the recommended projects, planning level capital cost estimates for each improvement identified and their priorities. A CIP schedule spreadsheet will be developed that includes prioritization and a plan for implementation of recommended improvements.

Deliverables:

- 5-, 10- and 20-Year CIP with planning level cost estimates and improvement phasing plan

Subtask 3.9 – Wastewater System Master Plan Report

A Wastewater Master Pan Report will be prepared presenting the existing and future problems identified based on the analysis of the wastewater collection system. The document will be structured similar to the following outline:

- Executive Summary
- Model Development
- Wastewater Collection System Hydraulic Capacity Evaluation
- Recommended Improvements
- Capital Improvement Plan and Implementation Schedule
- Capital Improvement Summary

The Wastewater System Master Plan Report will include planning level cost estimates and detailed maps showing the sewer service areas and recommended improvements to aid County staff with their review. HDR will prepare and submit five (5) copies of a Draft report for review by the County. The County will review the Draft report and provide HDR with comments. Based on review comments received, revisions to the Draft report will be made. The Final Report will be assembled and five (5) copies will be submitted to the County.

Deliverables:

- Draft and Final Wastewater System Master Plan Report

Task 4 – SFCU Water and Wastewater Utility Cost of Service Study and Rate Analysis

The following subtasks are designed to use the information developed from the Water and Wastewater Utility Master Plan documents to develop cost-based water and wastewater rates and

impact fees using generally accepted rate setting methodologies and industry best practices, tailored to the specific and unique circumstances of the County's water and wastewater systems.

Subtask 4.1 - Initial Cost of Service (Kick-Off) Meeting
The purpose of this task is to bring the HDR project team, County management and staff together, at the start of the Water and Wastewater Utility Cost of Service Study and Rate Analysis in order to gain a mutual understanding of the goals, objectives, issues and concerns related to cost of service study. This meeting will be primarily used to discuss the overall goals and objectives of the cost of service study, and at the same time, discuss any key issues associated with the study.

Deliverables:

- Identification of objectives, issues and concerns by both parties.
- Face-to-face meeting to get the cost of service study off to a positive start.

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Subtask 4.2 - Rate Study Data Collection
As a part of this task HDR will review and assess the County's existing water and wastewater financial and rate data, and provide a written data request detailing the data required to complete the cost of service and impact fee study.

HDR will provide a written data request to the County prior to the initial cost of service kick-off meeting so that it can be discussed at the meeting and any problem areas quickly resolved. The data and information requested for this study should be, for the most part, readily available information (e.g. financial, statistical, customer, etc.). The County will gather the cost of service data requested in the written data request provided by HDR.

Deliverables:

- An initial written data request to the County.
- Identification of any data constraints for the water and wastewater cost of service analysis.

Subtask 4.3 - Financial/Rate Setting Policy Review
The establishment of written financial and rate setting policies is an industry best practice. HDR will review the current financial/rate setting policies to determine the current policies which are in place. If there are no policies currently established HDR will provide recommendations on prudent financial planning and rate setting criteria for use within the cost of service study.

The County's current written financial and rate setting policies will be reviewed as a part of this subtask. These policies establish the financial targets for financial planning purposes (e.g. minimum debt service coverage ratios, minimum reserve funding, etc.). If the County currently does not have a specific financial policy for an area, HDR will provide a recommendation on the prudent financial planning criteria for use within the cost of service study. This task is not intended to develop a detailed set of written financial policies, but rather gain an understanding of the policies which are in place and determine any additional policies or financial planning guidelines which may be appropriate for the County to develop and adopt at a later date.

As a part of this task the County will provide HDR with a copy of any current written financial policies as they relate to water and wastewater financial planning and rate setting.

Deliverables:

- A summary of the current written financial policies as they relate to water and wastewater financial planning and rate setting.
- Recommendations on any additional financial/rate setting policies for financial planning or rate setting.

Subtask 4.4 - Financial Capability and Funding Plan Review of the Master Plan CIP
The Water and Wastewater Utility Master Plans are designed to provide a list of CIP projects for a 5-year, 10-year and 20-year time period. To assess the financial viability of the CIP, a high level financial capability and funding plan will be developed for each CIP.

The completion of the Water and Wastewater Utility Master Plans will develop a list of capital improvement projects (CIP) for a 5-year, 10-year and 20-year period. As a part of this subtask, HDR will provide an initial and high-level review of the financial capability and funding plan associated with each CIP. This screening is intended to identify any financial constraints

associated with a particular CIP by identifying the estimated impacts to long-term borrowing, annual debt service payments, rate impacts and impacts to the County's key financial planning criteria (debt service coverage, reserves and annual CIP funding from rates).

Based upon the initial screening, HDR and the County may need to adjust the master plan CIP for a particular utility to address the issues of financial viability and rate impacts. This subtask is an iterative process and once this subtask is complete, the 5-year funding plan developed within this task will be utilized in Subtask 4.5; the Revenue Requirement Analysis.

As a part of this task the County will review funding plan for the 5-year, 10-year and 20-year CIPs and provide HDR with comments.

Deliverables:

- A high-level review of the financial capability of the water and wastewater CIP
- A preliminary funding plan for the 5-year, 10-year and 20-year CIP.

Subtask 4.5 - Revenue Requirement Analysis

Using a "generally-accepted" rate setting methodology, HDR will develop the water and wastewater revenue requirements for a projected five-year period. HDR will develop the analyses for each utility in the context of any County financial planning policies. The analysis will utilize the County's budgeting documents and the results from Subtask 4.44 for the CIP funding plan. As appropriate, HDR will develop any needed rate transition plans.

The development of the water and wastewater revenue requirement analyses is the first major analytical portion of the comprehensive rate study process. This portion of the study entails reviewing, for each utility, the various sources of funds (revenues) and comparing them to the applications of funds (expenses) for the utility. This subtask considers the prudent and proper funding for O&M and capital expenditures for each utility, and determines the need for any rate adjustments over the time period selected.

For this portion of the study, the following approach and key methodological assumptions will be utilized.

Selection of a Test Period – A five-year projected time period is proposed (e.g. FY 2018/19 – FY 2022/23).

Method of Accumulating Costs – A "cash basis" methodology will be utilized which is comprised of O&M, taxes, debt service and capital improvements funded from rates, which are summed to equal the total revenue requirement.

Accumulation of Revenues and Expenses – Revenue requirements are composed of two major types of costs; operational and capital expenses. Operational costs are generally escalated from current budgeted levels and adjusted for any extraordinary expenses. To project capital costs, HDR will utilize the results from Subtask 4 which provided the preliminary funding plan for the 5-year CIP for each utility. In developing the revenue requirements, consideration will also be given to the County's financial policies and any other financial planning criteria.

Once a draft of the revenue requirements for each utility has been developed, an internal project meeting with the County will be held to review the analysis. This meeting is intended to review the

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overall methodology used, but more importantly, review the analyses on a line-by-line basis to confirm with the County the data and assumptions used with the analysis.

Given the projection of revenues and expenses, a summary of the revenue requirements can be provided. The summary provides an understanding of the overall level of rate adjustments needed to adequately and sustainably support the County's water and wastewater utilities. Given a better understanding of the overall magnitude of any needed rate adjustments, HDR will work with the County to develop a rate transition plan to smoothly implement any needed rate adjustments.

To support completion of this task the County will:

- Provide "as needed" assistance to explain the County's data and information as it relates to developing the revenue requirements.
- Provide "as needed" data refinements or additional data needs as determined during the process of developing the revenue requirements.
- Attend a one-half day project meeting to review the draft revenue requirement analysis.

Deliverables:

- Development of a projected water and wastewater revenue requirement analysis for a projected five-year period that considers the necessary operating and capital needs of each utility.
- If needed, a transition plan to "phase in" any needed rate adjustments.
- Recommendations regarding key financial indicators (debt service coverage, capital replacement, reserve levels, etc.).
- A one-half day project meeting to review the draft revenue requirement analysis.

Subtask 4.6 - Cost of Service Analysis
As a part of this task HDR will develop an average embedded cost of service study to equitably allocate the revenue requirements of the water and wastewater systems to the customers served by the County.

In simplified terms, a cost of service study attempts to equitably allocate the revenue requirements of each utility between the various customer classes of service (e.g. residential, multi-family, commercial, etc.). In developing the cost of service, the following approach and key methodological assumptions will be utilized.

Selection of Test Period – Allocating FY 2018/19 projected revenue requirements for cost of service purposes, for each utility, would appear to be appropriate.

Functionalization and Classification of Expenses – The next step in the cost of service analysis is to functionalize the data. Functionalization refers to the arrangement of cost data into its basic cost categories (e.g. for the water utility, source of supply/production, treatment, transmission, distribution, etc.). It is presumed that this will be accomplished within the County's chart of accounts (i.e., accounting system). Classification of the functionalized costs segregates the costs to the various categories of why the costs were incurred (e.g. flow, capacity, customer, etc.). Classification will review the methodology to be used (e.g. base/extra-capacity, commodity/demand, combined method, etc.). HDR will review with the County their current use of the commodity/demand method for water.

Determination of Classes of Service – HDR will review the existing classes of service with the County to determine whether additional classes of service are needed for cost of service purposes.

Allocation of Expenses – Once the classes of service have been determined, the process of developing allocation factors is undertaken. In developing the allocation factors, HDR will develop factors that are "fair and equitable" to all customers, and rely upon County-specific data, where available.

Summary of the Cost of Service – From the above process, a summary page of the cost of service study for each utility is provided. The summary page for the cost of service study compares the difference between the current level of rate revenues received from each class of service, and the allocated cost of service for each class. The cost of service will also provide average unit costs, or cost-based water and wastewater rates, which are important to the development of final rate designs.

For completing this subtask the County will:

- Attend an internal project meeting to review the findings and results of the cost of service analyses for each utility.
- Provide any "as needed" data refinements or additional data needs as determined during the process of developing the cost of service analysis
- Deliverables as a Result of Subtask 6 – Cost of Service Analysis. From the work accomplished above, the deliverables for this subtask will be as follows:
- Review of the current customer classes of service for the water and wastewater utilities and determine any revisions for cost allocation purposes.
- A "fair and equitable" allocation of the revenue requirements to the various classes of service for the County's water and wastewater systems.
- A summary of the average unit costs (cost-based rates) for the various customer classes of service for the water and wastewater utilities.
- An internal project meeting to review the draft cost of service analysis.

Subtask 4.7 - Rate Design Analysis

HDR will utilize the cost information developed as a part of the previous subtasks and develop water and wastewater rate design options for possible adoption by the County. Review any alternative rate designs that meet the County's rate design goals and objectives (e.g. conservation, revenue stability, etc.).

HDR will begin by reviewing the County's rate design goals and objectives (e.g., simple to administer, encourage efficient use, stable revenues, etc.). HDR will also review the current rates to confirm how well they meet the County's rate design goals and objectives. From that review, HDR will develop up to three rate designs for each class of service and utility. For each rate design developed, a bill comparison and graph will be provided that shows a comparison between the present bill and the proposed bill at various levels of usage. Bill comparisons are useful in assessing the potential impacts to a wide variety of customers.

The County will discuss with HDR the County's rate design goals and objectives and complete review of any rate design alternatives for appropriateness.

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Deliverables:

- Review of the County's current water and wastewater rates and development of various rate design alternatives.
- Bill comparisons and graphs for the rate design alternatives developed.

Subtask 4.8 - Development of Water and Wastewater Impact Fees
Based upon the updated CIP from the master plan, develop cost-based water and wastewater impact fees.

Impact fees are a one-time assessment (fee) against new or expanded development to pay for the cost of infrastructure required to provide service (i.e. accommodate development). Water and wastewater impact fees provide a means for balancing the cost requirements for new utility infrastructure between existing ratepayers and new customers connecting to (i.e., impacting) the water and wastewater system The portion of existing plant and future capital improvements that will provide service (capacity) to new customers is included within the water and wastewater impact fee. In establishing the fee, the current assets are brought up to current replacement value. The proposed future assets are reviewed for that portion which will provide capacity for expansion. Those components, when taken together, establish the value of the County's water and wastewater assets for use within the impact fees. Next, the number of equivalent residential units (ERU) is determined. The total value divided by the total ERUs establishes an impact fee for a single ERU. From that valuation, a schedule of impact fees can be developed, typically on the basis of the customer's meter size.

For purposes of establishing impact fees, HDR will develop a separate and distinct report from the rate study report.

The County will review with HDR the County's current assets and review the draft impact fee analysis.

Deliverables:

- Development of cost-based water and wastewater impact fees.
- A written report of the findings, conclusions and recommendations from the impact fee study.

Subtask 4.9 - Rate Study Report
HDR will provide a written report to summarize the findings, conclusions, and recommendations of the water and wastewater rate study.

Upon completion of the rate analysis, HDR will develop a separate and stand-alone draft written report of the rate study. The written report is intended to be comprehensive in nature and document all of the activities undertaken as a part of the project, along with our findings, conclusions and recommendations.

HDR will provide five (5) hardcopies of the draft final report and an electronic copy (PDF). The County will review and the draft report and provide HDR with comments. Any comments, suggestions or corrections from the County concerning the Draft report will be incorporated into the Final report. HDR will provide the County with five (5) copies of the Final report along with a PDF and Word version of the report.

Deliverables:

- Draft and Final Rate Study Report

Task 5 – Public Presentations

Subtask 5.1 – Water and Wastewater Master Plan Presentations
This task includes providing a presentation of the findings and recommendations of the water and wastewater collection system master plans to the County Commission. Prior to the presentation a preparation meeting will be held with the consultant team and County staff to discuss the format and information to be provided to the County Commission.

HDR will make a presentation of the Final Water and Wastewater System Master Plan Reports to the County Commission.

Subtask 5.2 – Rate Study Public Presentations
HDR will provide public presentations of the findings, conclusions and recommendations from the County's comprehensive water and wastewater rate study.

These public presentations will be provided to the County's Board and the topics will be as follows:

- Review of the draft findings, conclusions and recommendations of the rate study
- Review of the draft findings, conclusions and recommendations of the impact fee study
- Public presentation of the rate study and impact fee study for a public hearing on adoption of proposed rates and fees.

HDR will develop all handout materials for the public presentations. The County will Review and comment on any proposed handouts for public workshops or meetings.

HDR has assumed three public presentations of the findings, conclusions and recommendations of the study. Should additional public meetings/presentations be required, they will be provided on a time and materials basis.

Deliverables:

- One (1) public presentation with the County's Board to present the results of the water and wastewater master plans.
- Up to three (3) public presentations with the County's Board during the rate study process to gain policy direction and present the results to the public.

Task 6 – Software Training and Technical Support
As a part of this task, HDR will provide up to three (3) days of technical training at the County offices to instruct County staff on the use of the software and hydraulic model.

HDR will also provide an additional 40 hours of technical support. The technical support may occur in short time increments over 6 months after delivery of the final model and the initial training.

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ASSUMPTIONS / CLARIFICATIONS / EXCEPTIONS

In addition to assumptions listed in the body of the scope of work, the scope, fee and schedule proposed in this work assignment proposal have been developed based on the following.

1. The proposed scope of work is limited to field surveying of existing sewer manholes as described in the scope of work. Field surveying for additional utility location and topographic mapping is not included in the scope of work. Any additional surveying will be completed as a supplemental service for an additional fee.
2. The proposed scope of work does not include any subsurface utility engineering (SUE) which would consist of potholing to determine the size and type of material of the existing utility infrastructure and field surveying to determine the horizontal and vertical location of existing utility infrastructure. If SUE is required, it will be completed as a supplemental service for an additional fee.
3. The proposed scope of services does not include any sanitary sewer flow monitoring to verify existing wastewater flows in the wastewater collection system. If sewer flow monitoring is needed, it will be completed as a supplemental service for an additional fee.
4. Santa Fe County staff will be responsible for completing field pressure and fire hydrant flow testing to be used for calibrating the water distribution system hydraulic model.

SUBCONSULTANT SERVICES

The following subconsultant services will be required for completion of the project.

Surveying

HDR will subcontract with Cobb Fendley to complete field surveying and obtain rim and invert elevations for all MH's to be included in the Wastewater Utility Master Plan. The scope of work for the project includes completing survey for up to 100 existing manholes.

ESTIMATED FEE

The Utility Master Plan will be performed on a lump sum. The proposed total lump sum for the work is $384,245, exclusive of New Mexico Gross Receipts Tax (NMGRT). The table below provides a summary of the associated fee estimate for this work assignment. Invoicing will occur monthly based on the percent of work completed during the prior month.

Task	Description	Total Cost
1	Project Management, Coordination and Administration	$24,005
2	Water Utility Master Plan	$102,013
3	Wastewater Utility Master Plan	$79,004
4	Water and Wastewater Utility Cost of Service Study and Rate Analysis	$88,331
5	Public Presentations	$16,329
6	Software Training and Technical Support	$22,663
	Subtotal	**$332,346**
	Direct Expenses	$20,000
	Subconsultant Services incl. Markup @ 10% - Surveying	$31,900
	Total Estimated Project Cost (excluding NMGRT)	**$384,245**

SCHEDULE

We anticipate the project can be completed within 9 months following the receipt of a written Notice to Proceed, not including Federal, State, or observed holidays, or County review time. The final project schedule will be determined and coordinated after the Notice to Proceed and additional coordination discussions with the County.

Our goal is to provide a project scope that addresses the County's specific needs and goals. If you have any questions or would like additional information, please contact our Project Manager, Ed DuBois, or Chris Rodriguez at (505) 830-5400. We look forward to working with you and your staff on the Utility Master Plan Project.

Sincerely,

HDR Engineering, Inc.

Chris Rodriguez, P.E.
Managing Principal / Associate VP

Ed DuBois, P.E.
Project Manager

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ATTACHMENT 'A'

Santa Fe County
Dept. of Public Works - Utility Division

Water and Wastewater Utility Master Plans and Water/Wastewater Utility Cost of Service Study and Rate Analysis

TASK NO.	DESCRIPTION	STAFF MEMBERS: Principal	QA/QC	Project Manager	Staff Engineer	Senior Financial Analyst	Financial / Rate Analyst	CADD	Admin	TOTAL HOURS	TOTAL COST
	Task 1. Project Management, Administration and Coordination										
1.1	Project Management, Administration, Coordination and Meetings	40	0	50	0	0	0	0	40	130	$ 24,005
	Subtotal Task 1	40	0	50	0	0	0	0	40	130	$ 24,005
	Task 2. Water Utility Master Plan										
2.1	Gather and Review Existing Data	0	0	8	24	0	0	0	0	32	$ 3,569
2.2	Evaluate Existing Water Use Data	0	2	24	40	0	0	0	0	66	$ 8,514
2.3	Build a Model of the Water Distribution System	0	8	16	0	0	0	24	0	48	$ 6,192
2.4	Field Testing and Model Calibration	0	8	16	24	0	0	0	0	48	$ 7,522
2.5	Existing System Modeling	0	4	40	80	0	0	16	0	140	$ 17,427
2.6	Develop Current System Improvement Plan	0	2	8	16	0	0	4	0	30	$ 3,953
2.7	Future System Modeling	0	4	40	60	0	0	16	0	120	$ 15,667
2.8	Develop Future System Improvement Plan	0	2	4	20	0	0	0	0	26	$ 3,113
2.9	Cost Estimates and Improvement Phasing Plan	0	2	4	16	0	0	0	0	22	$ 2,761
2.10	Prepare Water System Master Plan Report	0	8	80	80	0	0	20	40	228	$ 31,294
	Subtotal Task 2	0	40	240	360	0	0	80	40	760	$ 102,013
	Task 3. Wastewater Utility Master Plan										
3.1	Gather and Review Existing Data	0	0	8	16	0	0	0	0	24	$ 2,965
3.2	Design Standards Review	0	4	8	20	0	0	0	0	32	$ 4,465
3.3	Review Existing Flow Data for Quill WWTP	0	2	4	8	0	0	0	0	14	$ 2,057
3.4	Develop Population and Flow Projections	0	2	12	20	0	0	0	0	34	$ 4,569
3.5	Develop Spreadsheet Model of Sewer Collection System	0	8	24	40	0	0	24	0	96	$ 13,170
3.6	Existing System Evaluation	0	4	40	68	0	0	0	0	112	$ 14,739
3.7	Future System Evaluation	0	4	24	40	0	0	0	0	76	$ 10,066
3.8	Wastewater Collection System CIP and Implementation Plan	0	4	12	16	0	0	0	0	32	$ 4,641
3.9	Wastewater System Master Plan Report	0	4	60	60	0	0	16	24	164	$ 22,232
	Subtotal Task 3	0	32	192	288	0	0	56	24	584	$ 79,904
	Task 4. Water and Wastewater Utility Cost of Service Study and Rate Analysis										
4.1	Initial Cost of Service (Kick-Off) Meeting	0	8	8	0	8	0	0	2	26	$ 5,626
4.2	Rate Study Data Collection	0	0	8	0	16	16	0	1	33	$ 4,779
4.3	Financial/Rate Setting Policy Review	0	2	0	0	16	16	0	1	35	$ 5,403
4.4	Financial Capability and Funding Plan Review of the Master Plan CIP	0	2	0	0	24	40	0	1	67	$ 9,530
4.5	Revenue Requirement Analysis	0	2	0	0	24	64	0	1	91	$ 12,229
4.6	Cost of Service Analysis	0	6	0	0	24	48	0	2	80	$ 11,800
4.7	Rate Design Analysis	0	2	0	0	16	32	0	1	51	$ 7,202
4.8	Development of Water and Wastewater Impact Fees	0	8	0	0	48	96	0	4	154	$ 21,728
4.9	Rate Study Report	0	8	8	0	16	20	0	8	60	$ 10,034
	Subtotal Task 4	0	36	16	0	192	332	0	21	597	$ 88,331
	Task 5. Public Presentations										
5.1	Water and Wastewater Master Plan Presentations	8	2	20	8	0	0	0	0	38	$ 6,976
5.2	Rate Study Public Presentations	8	0	8	8	24	8	0	0	56	$ 9,353
	Subtotal Task 5	16	2	28	16	24	8	0	0	94	$ 16,329
	Task 6. Software Training and Technical Support										
6.1	Software Training	0	24	24	40	0	0	0	0	88	$ 15,381
6.2	Technical Support	0	0	40	0	0	0	0	0	40	$ 7,282
	Subtotal Task 6	0	24	64	40	0	0	0	0	128	$ 22,663
	Total Tasks 1 through 6	56	134	590	696	216	340	136	125	2,293	$ 332,346
	Direct Expenses										$ 20,000
	Subconsultant Services *Cobb Fendley (Surveying)* $ 29,000 *10% Markup* $ 2,900										$ 31,900
	Total Project Cost (excluding NMGRT)										$ 384,245

Fee Summary
$ 199,000 Potable Water Utility Master Plan
$ 185,237 Wastewater Utility Master Plan
$ 384,245 Total

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EXHIBIT B
SANTA FE COUNTY
CONSULTANT LIST

PROJECT NAME: Water and Wastewater Utility Master Plan

CIVIL ENGINEERING SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:	TRAIL DESIGN SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:
ARCHITECTURAL SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:	SURVEYING SERVICES Company Name: Cobb Fendley Consultant Name: Bobby Ortiz Address: 3820 Academy Parkway NE Albuquerque, NM 87109 Ph. No.: (505) 508-0786 Cell No.: (505) 379-2590 E-mail:bortiz@cobbfendley.com
STRUCTURAL ENGINEERING SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:	GEOTECHNICAL SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:
MECHANICAL ENGINEERING SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:	ESTIMATING SERVICES Company Name: Consultant Name: Address: Ph. No.: Fax No.: E-mail:

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VII.A.2

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

EXHIBIT 4

MEMORANDUM

DATE: May 26, 2017

TO: Board of County Commissioners

FROM: John M. Salazar, Development Review Specialist Sr. JMS

VIA: Katherine Miller, County Manager
Penny Ellis-Green, Growth Management Director for PEG
Vicki Lucero, Building and Development Services Manager

FILE REF.: CASE # 10-5364 St. Francis South Preliminary Plat Approval for Phases 1-4 and Final Plat Approval for Phases 1 & 2

ISSUE:

Vegas Verdes, LLC, Applicant, JenkinsGavin, Inc., Agent, request Preliminary Plat approval for Phases 1-4, which consists of 22 lots and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots, on 68.94 acres, of the St. Francis South Mixed-use Subdivision.

The property is located at 199 Rabbit Road, via St. Francis Drive, within Section 11, Township 16 North, Range 9 East, (Commission District 4).

VICINITY MAP:

Site

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S.A.IIV

SUMMARY:

History of the Subdivision:

On September 16, 2010, the County Development Review Committee (CDRC) recommended approval of a request for Master Plan Zoning for a mixed-use subdivision (commercial, residential and community service) consisting of 22 lots on 68.94 acres, more or less, with approximately 760,000 sq. ft. of structures at full build out.

On December 14, 2010, the Board of County Commissioners (BCC) approved the Master Plan Zoning for the mixed-use subdivision consisting of 22 lots on 69 acres,

On January 14, 2014, the BCC approved a request for Master Plat Authorization to proceed with the creation of up to 22 mixed-use lots on 69 acres.

On March 21, 2017, the Santa Fe County Hearing Officer recommended approval of a variance request to reduce the width of the right-of-way for the loop road within the subdivision to 70 feet.

On May 18, 2017, the Santa Fe County Planning Commission approved the variance request to reduce the right-of-way width of the internal road to 70 feet.

The site for the development is located in SDA-1 within a Planned Development District (PDD) in the SLDC, which requires residential uses and allows commercial, retail, recreational, community and employment uses.

The Applicant now requests Preliminary Plat approval for Phases 1-4, which consists of 22 lots and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots, on 68.94 acres.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which governs this Application are the following:

> Chapter 5, Section 5.7.1, Applicability, states:
> Preliminary plat approval is required for all major subdivisions in accordance with this Section and the procedures as set forth in Table 4-1.
>
> Chapter 5, Section 5.7.2, Application, states:
> An application for preliminary plat approval shall be filed with the Administrator and include all information and submittals required by this Chapter, Chapter 4, and any additional submittals required by the Administrator as provided in the application form.
>
> Chapter 5, Section 5.8.1, Final Plat, When Required, states:
> Final plat approval is required for all subdivisions, both major and minor. No final plat shall be recorded until a final plat has been approved as provided in this section, or in the case of a minor subdivision as provided in Section 5.6.

Chapter 5, Section 5.8.2, Application, states:
An application for final plat approval shall be filed with the Administrator and include all information and submittals required by this Chapter. If the approved preliminary plat permitted phasing or sectionalizing, the application shall submit an application only for the phase(s) proposed.

Chapter 5.8.3 Compliance with Preliminary Plat (Major Subdivisions), states:
The final plat for a major subdivision shall conform to the approved amended preliminary plat, including all conditions and mitigation requirements contained within the development order approving the preliminary plat. No deviation from the approved or approved amended preliminary plat, together with all conditions and mitigation requirements, shall be authorized to be granted at final approval; any deviation from the development order granting the preliminary plat approval shall require an amendment.

The Applicant's request for Preliminary Plat approval for Phases 1-4, which consists of 22 lots and Final Plat approval of Phase 1, consisting of 4 lots and Phase 2, consisting of 8 lots meets the requirements of the SLDC.

The Applicant presented the Application to the Technical Advisory Committee (TAC) on October 20, 2016, at the regularly scheduled meeting, as required by Chapter 4, Section 4.4.4.3 Pre-application TAC Meeting and Table 4-1.

The Applicant conducted a pre-application neighborhood meeting which took place on November 16, 2016 at the Genoveva Chavez Community Center and submitted the report as required by Chapter 4, Section 4.4.4.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, and Section 4.6.5, Specific Notice Applicable to Subdivisions of the SLDC. In advance of a hearing on the Application, the Applicant provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for twenty-one days on the property, beginning on May 26, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on May 23, 2017, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Application was submitted on February 27, 2017.

This Application was reviewed for compliance with the applicable standards as set forth in the SLDC as follows:

ENVIRONMENTAL IMPACT REPORT (Section 6.3)
The Applicant submitted an EIR which addressed biological resources; geology, topography, and soils; water resources; air quality; noise; archaeological, cultural, and historic resources; and scenic resources. The Applicant's report states, "Development of infrastructure for the St. Francis South Project at its current stage would result in no significant environmental effects."

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ADEQUATE PUBLIC FACILITIES & SERVICES ASSESSMENT (Section 6.4)
The project site is within the Santa Fe County Utilities service area boundary. A Memorandum of Understanding between Santa Fe County and the City of Santa Fe was recorded in the County Clerk's Office on November 11, 2016 in which water and sewer services will be provided to the mixed-use subdivision.

The development will be served by two access points on Rabbit Rd. connected by a private interior loop road. A variance to reduce the right-of-way width from 120 to between 70 and 82 feet was approved by the Planning Commission on May 18, 2017. The interior loop road will be improved to Minor Arterial standards to include two 12 foot wide drive lanes, a 12 foot wide landscaped median, two 5 foot wide bicycle lanes, curb and gutter, and 5 foot wide sidewalks with a landscape buffer.

A looped natural trail system for pedestrian, equestrians and bicyclists that connects to the NM 599 pedestrian-equestrian underpass will be developed.

WATER SERVICE AVAILABILITY REPORT (Section 6.5)
The Project will be served by the Santa Fe County Water System which will connect to the City of Santa Fe Water System. The developer will install a new 8" public line which will connect to existing City infrastructure in Rodeo Business Park north of I-25 and extend to the Project within a bore under I-25. A Memorandum of Understanding between the City of Santa Fe and Santa County for water and sewer service was recorded on November 17, 2016 as Instrument #1809962.

TRAFFIC IMPACT ASSESSMENT (Section 6.6)
The Traffic Impact Analysis for St. Francis South indicates that roads will operate at a level D.

State Access Management Manual, September 2001 edition, of New Mexico State Highway and Transportation Department determines that Minimum Acceptable Level of Service Standards for an unsignalized intersection Rural Minor Arterial is a Level of Service D.

ACCESS (Section 7.4) AND ROAD DESIGN STANDARDS (Section 7.11)
The development will be served by two access points on Rabbit Rd. connected by a private interior loop road. A variance to reduce the right-of-way from 120 to between 70 and 82 feet was approved by the Planning Commission on May 18, 2017. The interior loop road will be improved to Minor Arterial standards to include two 12 foot wide drive lanes, a 12 foot wide landscaped median, tow 5 foot wide bicycle lanes, curb and gutter, and 5 foot wide sidewalks with a landscape buffer.

Santa Fe County Public Works supports the proposal with the following conditions:

1. Applicant shall provide a Geo-Technical Engineering Report prior to construction or bonding.
2. Applicant shall comply with all NMDOT regulatory requirements for driveway access onto Rabbit Rd.

FIRE PROTECTION (Section 7.5)
The Applicant proposes a series of four pressurized fire hydrants set along the interior access drive. It is also anticipated that each facility developed will be constructed with automatic fire suppression systems.

The Santa Fe County Fire Marshal approved the proposal with the following conditions:

1. Roadway shall meet County Standards
2. Driveways shall meet County Standards
3. Automatic fire protection system shall be required
4. Hydrants shall be in place and tested prior to buidling structures

LANDSCAPING AND BUFFERING (Section 7.6)

The Applicant states that all open space will remain undisturbed and will remain in its natural condition during the infrastructure improvements. Any requisite additional landscaping in the required 25 foot buffer area will be installed as part of each individual lot's development.

Landscaping will be installed in the 12 foot wide on-site roadway median and in the planting strips between the driveway and sidewalks. Vegetation will include a mix of deciduous and evergreen trees and a variety of shrubs.

All disturbed areas will be re-vegetated with native grasses.

LIGHTING (Section 7.8)

The Applicant is proposing one pole light at each entrance which shall not exceed 25 feet in height and must comply with County requirements.

SIGNS (Section 7.9)

The Applicant is proposing one monument subdivision sign at each entrance which will be set back a minimum of 25 feet from the right-of-way with a maximum height of 10 feet. The face of each sign is 180 square feet. This complies with Chapter 7, Section 7.9.

PARKING/LOADING (Section 7.10)

Parking will be addressed by each individual lot owner through their site development plan.

WATER SUPPLY, WASTE WATER & WATER CONSERVATION (Section 7.13)

The Project will be served by the Santa Fe County Water System which will connect to the City of Santa Fe Water System. The developer will install a new 8" public line which will connect to existing City infrastructure in Rodeo Business Park north of I-25 and extend to the Project within a bore under I-25. A Memorandum of Understanding between the City of Santa Fe and Santa County for water and sewer service was recorded on November 17, 2016 as Instrument #1809962.

The Project will be served by the Santa Fe County Wastewater Collection System, which will discharge into the City's wastewater collection and treatment system, per the MOU referenced above. A new 8" sewer line will connect to an existing manhole in Rodeo Business Park and extend to the project within a bore under I-25 per the MOU mentioned above.

Water conservation and water harvesting will be addressed through each individual lot's site development plan.

OPEN SPACE (Section 7.15)

The Applicant is proposing 20% passive open space along the Project's perimeter. The remaining 10% of required open space will be provided through each individual lot's site development plan.

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The Applicant proposes that a sidewalk and bicycle lane which will be constructed in the Rabbit Road right-of-way that will connect to the Rail Trail west of the Project. The Applicant shall submit permits to NMDOT for these requests since Rabbit Road is an NMDOT facility.

PROTECTION OF HISTORIC AND ARCHAEOLOGICAL RESOURCES (Section 7.16)
Archaeological inventory of the Project area revealed no significant cultural resources. The Historic Preservation Division (HDP) of the State of New Mexico reviewed the report which was initially submitted with the request for Preliminary Plat and Development Plan approval for Phase 1 which came before the BCC in June of 2014 and recognized two recorded archaeological sites within the property. HPD is of the opinion that the sites are not significant and not eligible for listing in either the National Register of Historic Places or the State Register of Cultural Properties and no further archaeological investigations are necessary and the proposed development will have no effect on historic properties.

TERRAIN MANAGEMENT (Section 7.17)
The proposed development has been designed to protect the natural vegetation while minimizing soil erosion and sediment transport during storms. The roads have been designed to follow the natural contours of the land and minimize disturbance.

The Applicant is proposing that all increase in stormwater runoff due to the development of roads will be collected in swales located in the 100 foot open space buffer along Rabbit Road and will serve as a passive irrigation for the vegetation. Each lot will be individually responsible for collecting stormwater in on-site retention ponds and cisterns as proposed on each site development plan.

OPERATION AND MAINTENANCE OF COMMON IMPROVEMENTS (Section 7.23)
The Applicant has submitted covenants, conditions and restrictions for the St. Francis South Subdivision. These covenants, conditions and restrictions will be enforced by the St. Francis South Lot Owners Association.

AFFORDABLE HOUSING (Chapter 13)
The Preliminary and Final Plat does not include any housing units. A Site Development Plan(s) will be submitted for each individual development. Affordable housing will be addressed at the time of submittal for the residential portion of the development.

AGENCY REVIEW (Exhibit 3)

Agency	Review Comment
NMDOT	Approval w/Conditions
NMED	No Comment
OSE	Approval
SHPO	No Comment
County Public Works	Approval w/Conditions
County Fire Marshal	Approval w/Conditions
County Utilities	Approval w/Conditions
County Planning Division	Approval w/Conditions
Soil and Water	No Comment

Santa Fe Public Schools	No Comment
County Open Space and Trails	Approval w/Conditions
County Affordable Housing	No Comment

RECOMMENDATION:

Building and Development Services staff reviewed this project for compliance with conditions of the Preliminary and Final Plat approval and for compliance with pertinent SLDC requirements, and found that the facts presented support the request for Preliminary Plat approval for Phases 1-4 and Final Plat approval for Phases 1 and 2 of the St. Francis South Mixed-use subdivision subject to the following conditions:

1. Compliance with applicable review comments from the following:
    a. NMDOT
    b. NMED
    c. OSE
    d. SHPO
    e. Soil and Water
    f. Santa Fe Public Schools
    g. County Public Works
    h. County Fire Marshal
    i. County Utilities
    j. County Planning Division
    k. County Open Space and Trails
    l. County Affordable Housing
2. Preliminary and Final Plat with appropriate signatures shall be recorded with the County Clerk's office.
3. All Staff redlines and comments shall be addressed prior to plat recordation. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site, this agreement shall be signed by the Administrator, recorded and referenced on the plat.
4. The following notes shall be included on the Plat:
    a. 10% Open Space Required on each lot
    b. Water restrictions and conservation covenants shall be filed in the County Clerk's Office and referenced on the plat.
5. A financial guaranty shall be submitted prior to Final Plat recordation.
6. Compliance with conditions of the Original Master Plan.
7. The two proposed Street lights located at each of the entrances shall not exceed 25 feet in height.
8. Access permits must be obtained from NMDOT prior to plat recordation

EXHIBITS:

1. Development Report, SRA's and MOU for Water & Sewer Service
2. Proposed Plans
3. Reviewing Agency Responses
4. Aerial Photo of Site
5. Legal Notice
6. May 17, 2017 Planning Commission Meeting Minutes

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EXHIBIT
5

St. Francis South Design Standards

The architectural design standards for the St. Francis South Mixed-Use Project are based on the traditional, local styles of Pueblo, Territorial, and Northern New Mexico Pitched Roof architecture, as well as contemporary interpretations of these vernaculars. The images below represent the design aesthetic that is envisioned for each style.

1. Pueblo

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2. Territorial

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3. Northern NM Pitched Roof

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44. Contemporary Interpretations

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EXHIBIT 6

The St. Francis South Master Plan was approved by the BCC on De
14, 2010 with the following permissible uses:

PERMITTED USE LIST

RESIDENTIAL. ALL HOUSING TYPES PERMITTED, INCLUDING:
- MULTI-FAMILY APARTMENTS
- SENIOR HOUSING (INCLUDING EXTENDED CARE & INDEPENDENT LIVING)
- LIVE / WORK

EDUCATIONAL:
- ART SCHOOLS
- BUSINESS AND VOCATIONAL SCHOOLS
- COLLEGES AND UNIVERSITIES
- NONPROFIT & RELIGIOUS INSTITUTIONS (INCLUDING RELIGIOUS ASSEMBLIES)
- PRIVATE SCHOOLS

GOVERNMENT:
- GOVERNMENTALLY OWNED OR OPERATED BUILDINGS
- NEIGHBORHOOD, COMMUNITY AND MUNICIPAL BUILDINGS IN KEEPING WITH CHARACTER OF AREA
- HOSPITALS AND EXTENDED CARE FACILITIES
- UTILITIES (PNM, WATER, QWEST, ETC.)

MEDICAL:
- ADMINISTRATIVE OFFICES AND ORGANIZATIONS PROVIDING MEDICALLY RELATED SERVICES
- APOTHECARY SHOPS OR PHARMACIES
- MEDICAL AND DENTAL OFFICE OR CLINICS PROVIDING TREATMENT FOR THE HEALTH AND WELFARE OF HUMAN PATIENTS
- OFFICES FOR THOSE LICENSED BY THE STATE TO PRACTICE HEALING ARTS

PUBLIC ACCOMMODATIONS:
- CONFERENCE AND EXTENDED STAY LODGING FACILITIES
- HOTELS, INCLUDING RESIDENTIAL SUITE HOTELS

SERVICE ESTABLISHMENTS:
- CONVENIENCE STORE WITH RELATED GASOLINE SALES
- NEIGHBORHOOD GROCERY STORE CATERING TO LOCAL PEDESTRIAN TRADE
- RETAIL AND SERVICE USES THAT ARE INTENDED TO SERVE THE PRIMARY USES AND DO NOT EXCEED 5,000 S.F.
- RETAIL SALES ACCESSORY TO ANY PERMITTED USE PROVIDED THAT SUCH COMMERCIAL USE SHALL NOT OCCUPY MORE THAN 10 % OF ANY BUILDING
- BARBER SHOPS AND BEAUTY SALONS

OFFICES / INDUSTRIAL:
- ALL OFFICE USES INCLUDING OFFICE WAREHOUSE AND DISTRIBUTION
- CORPORATE OFFICES FOR BUSINESS AND PROFESSIONAL
- RESEARCH, EXPERIMENTAL AND TESTING LABORATORIES
- LIGHT ASSEMBLY AND/OR MANUFACTURING AND SHIPPING
- WAREHOUSE AND DISTRIBUTION

MISCELLANEOUS:
- TELECOMMUNICATIONS FACILITIES
- PRIVATE DAY CARE, NURSERIES AND KINDERGARTENS
- NON-COMMERCIAL GREENHOUSES AND PLANT NURSERIES
- VETERINARY SALES AND SERVICES
- ARTS AND CRAFTS STUDIOS, GALLERIES AND SHOPS
- DANCE STUDIOS
- NON-PROFIT THEATRES FOR PRODUCTION OF LIVE SHOWS
- PHOTOGRAPHERS' STUDIOS
- PRIVATE CLUBS AND LODGES
- FINANCIAL SERVICES

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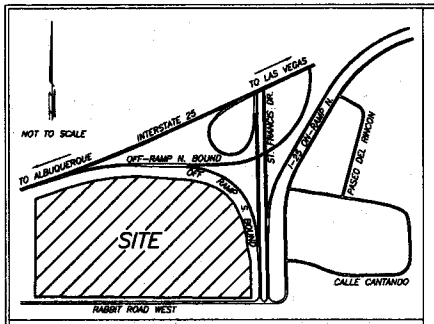
EXHIBIT 7



VICINITY MAP

FLOOD ZONE:
THIS PROPERTY IS LOCATED WITHIN OTHER AREAS ZONES "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FIRM PANEL 35049C0414E, MAP REVISED DECEMBER 04, 2012.

REFERENCE DOCUMENTS:
BOUNDARY SURVEY PLAT OF TRACT A ON RABBIT ROAD WEST, PREPARED BY DEAN L. SHRADER NMPLS No. 12451, RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK AS PLAT BOOK 674, PAGE 037.

NOTES:
THIS PLAT IS SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.

LEGEND:
BEARINGS ARE REFERRED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. DISTANCES SHOWN ARE GROUND LEVEL REFERRED TO 6600' AMSL DATUM. TO CONVERT DISTANCES SHOWN TO GRID DISTANCES MULTIPLY BY A SCALE FACTOR OF 0.999598.

- DENOTES FOUND MONUMENT AS SHOWN
- DENOTES REBAR TO BE SET UPON RECORDING
- DENOTES CALCULATED POINT NOT SET
- DENOTES UTILITY POLE WITH ANCHOR
- —OH— DENOTES OVERHEAD UTILITY LINES
- DENOTES EXISTING BARBED WIRE FENCE
- DENOTES BOUNDARY OF LANDS DEALT WITH BY THIS PLAT. INFORMATION OUTSIDE THIS BOUNDARY IN BACKGROUND INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT PART OF THIS PLAT.
- DENOTES OPEN SPACE (13.747 Ac±) DENOTES DRAINAGE EASEMENT GRANTED THIS PLAT

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION IN DECEMBER 2016. TO THE BEST OF MY KNOWLEDGE, THE SURVEY AND PLAT ARE CORRECT, TRUE AND MEET THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

PRELIMINARY FOR REVIEW

EDWARD M. TRUJILLO, N.M.P.L.S. 12332

SANTA FE COUNTY APPROVAL, NOTES AND CONDITIONS:

1) BUILDING SITES AND DRIVEWAY LOCATIONS ARE SUBJECT TO THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS.
2) PRIOR TO THE ISSUANCE OF BUILDING PERMITS, THE SANTA FE COUNTY FIRE MARSHALL MUST FIND THE ACCESS ROADS ACCEPTABLE FOR EMERGENCY VEHICLE ACCESS AND THE FIRE HYDRANTS MUST BE ACCEPTABLE AND OPERABLE.
3) THESE LOTS ARE SUBJECT TO SANTA FE COUNTY FIRE AND RESCUE IMPACT FEES AT THE TIME OF BUILDING PERMIT. SUCH FEES SHALL BE PAID BY THE PARTY SEEKING THE BUILDING PERMIT.
4) ALL UTILITY LINES SHALL BE PLACED UNDERGROUND. UPON THE COMPLETION OF THE INSTALLATION OR REPAIR OF THE SAID UTILITIES, THE GRADE OF THE UTILITY EASEMENT SHALL BE RESTORED BY THE UTILITY COMPANY TO ITS CONDITION PRIOR TO SAID INSTALLATION OR REPAIR TO ALLOW FOR THE NATURAL DRAINAGE OF STORM WATERS. HOWEVER, TEMPORARY, ABOVE GROUND UTILITIES, NOT TO EXCEED ONE YEAR SHALL BE ALLOWED.
5) THESE LOTS ARE SUBJECT TO SECTION 7.17, OF THE SANTA FE COUNTY TERRAIN MANAGEMENT REGULATIONS AT THE TIME OF LOT DEVELOPMENT.
6) THE APPROVAL OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL OF ANY FURTHER DEVELOPMENT, INCLUDING BUILDING PERMITS.
7) THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE COUNTY OF SANTA FE, NEW MEXICO.
8) SANTA FE COUNTY'S APPROVAL OF THIS PLAT DOES NOT INCLUDE THE CONSTRUCTION OF THE PRIVATE EASEMENTS OR ROADS AS SHOWN. PRIOR TO CONSTRUCTION OF SAID PRIVATE EASEMENTS OR ROADS, IT IS REQUIRED THAT AN ADDITIONAL DEVELOPMENT PERMIT BE APPLIED FOR AND APPROVED BY THE SANTA FE COUNTY LAND USE ADMINISTRATOR.
9) THE RIGHT TURN DECEL LANE EASEMENTS SHOWN HEREON MAY BE MODIFIED OR VACATED BASED ON ACTUAL ACCESS REQUIREMENTS WITH THE APPROVAL OF THE COUNTY PUBLIC WORKS DEPARTMENT.

COUNTY APPROVAL:

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY AT THEIR MEETING OF _____

CHAIRMAN _____ DATE _____

ATTESTED BY _____ COUNTY CLERK

COUNTY REVIEW:

COUNTY LAND USE ADMINISTRATOR _____ DATE _____

DEVELOPMENT PERMIT # _____

COUNTY PUBLIC WORKS _____ DATE _____

COUNTY FIRE MARSHALL _____ DATE _____

COUNTY RURAL ADDRESSING _____ DATE _____

COUNTY WATER UTILITY _____ DATE _____

UTILITY COMPANIES:

CENTURY LINK COMMUNICATIONS _____ DATE _____

COMCAST CABLE _____ DATE _____

IN APPROVING THIS PLAT, PNM ELECTRIC SERVICES DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, PNM DOES NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLATS, REPLATS OR OTHER DOCUMENTS WHICH ARE NOT SHOWN ON THIS PLAT.

PUBLIC SERVICE CO. OF NEW MEXICO _____ DATE _____

IN APPROVING THIS PLAT, NM GAS COMPANY DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, NM GAS COMPANY DOES NOT WAIVE NOR RELEASE ANY EASEMENT OR EASEMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY PRIOR PLATS, REPLATS OR OTHER DOCUMENTS WHICH ARE NOT SHOWN ON THIS PLAT.

NM GAS COMPANY _____ DATE _____

DEDICATION AND AFFIDAVIT:

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED OWNERS OF THOSE LANDS LYING WITHIN SANTA FE COUNTY CONTAINING AN AREA OF 68.932 ACRES, MORE OR LESS, BEING A PART OF SECTION 11, T16N, R9E, N.M.P.M., HAS CAUSED THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAT AND THAT THE SAID SUBDIVISION IS NAMED AND SHALL BE KNOWN AS "ST. FRANCIS SOUTH". ALL THAT APPEARS ON THIS PLAT IS MADE WITH THE FREE CONSENT, AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

THE DRAINAGE, ACCESS AND UTILITY EASEMENTS SHOWN HEREON ARE HEREBY GRANTED FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND OPERATION OF UTILITIES. THE EASEMENTS ARE SUBJECT TO THE PROVISIONS ON THIS PLAT.

THE INTERNAL LOT ACCESS ROADWAY ROW, TRACT A-1, SHALL BE OWNED AND MAINTAINED BY THE ST. FRANCIS SOUTH LOT OWNERS ASSOCIATION.

PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT ARE GRANTED FOR THE COMMON AND JOINT USE OF: SANTA FE COUNTY FOR THE OWNERSHIP AND MAINTENANCE OF THE WATER AND WASTEWATER COLLECTION SYSTEM SERVING THE SUBDIVISION, INCLUDING SEWER SERVICE LATERALS TO THE RESIDENTIAL LOT PROPERTY LINES.

VEGAS VERDE, LLC.

_____
BY: DAVID GURULE, PRESIDENT

STATE OF NEW MEXICO
COUNTY OF SANTA FE

THE FOREGOING WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY DAVID GURULE, PRESIDENT OF VEGAS VERDES, LLC
THIS _____DAY OF _____ 2017

_____
NOTARY PUBLIC MY COMMISSION EXPIRES

COUNTY OF SANTA FE)SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed for record on the _____ day of _____, 20___ A.D. at _____ o'clock ___M, and was duly recorded in book _____ page(s) _____ of the records of Santa Fe County.
Witness my Hand and Seal of office
GERALDINE SALAZAR
County Clerk, Santa Fe County, N.M.

_____
Deputy

"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"

PRELIMINARY SUBDIVISION PLAT PREPARED FOR
VEGAS VERDES, LLC
CREATING
ST. FRANCIS SOUTH
BEING A SUBDIVISION OF TRACT A, PLAT BOOK 674 PAGE 037
WITHIN SECTION 11, T16N, R9E, N.M.P.M., SANTA FE COUNTY, NEW MEXICO

PURPOSE OF THIS PLAT:
TO CREATE 22 RESIDENTIAL LOTS, WITH OPEN SPACE WITHIN LOTS, AND 1 RIGHT OF WAY TRACT, BEING PART OF THE COUNTY APPROVED ST. FRANCIS SOUTH MASTER PLAN.

UPC: 1-053-095-115-220

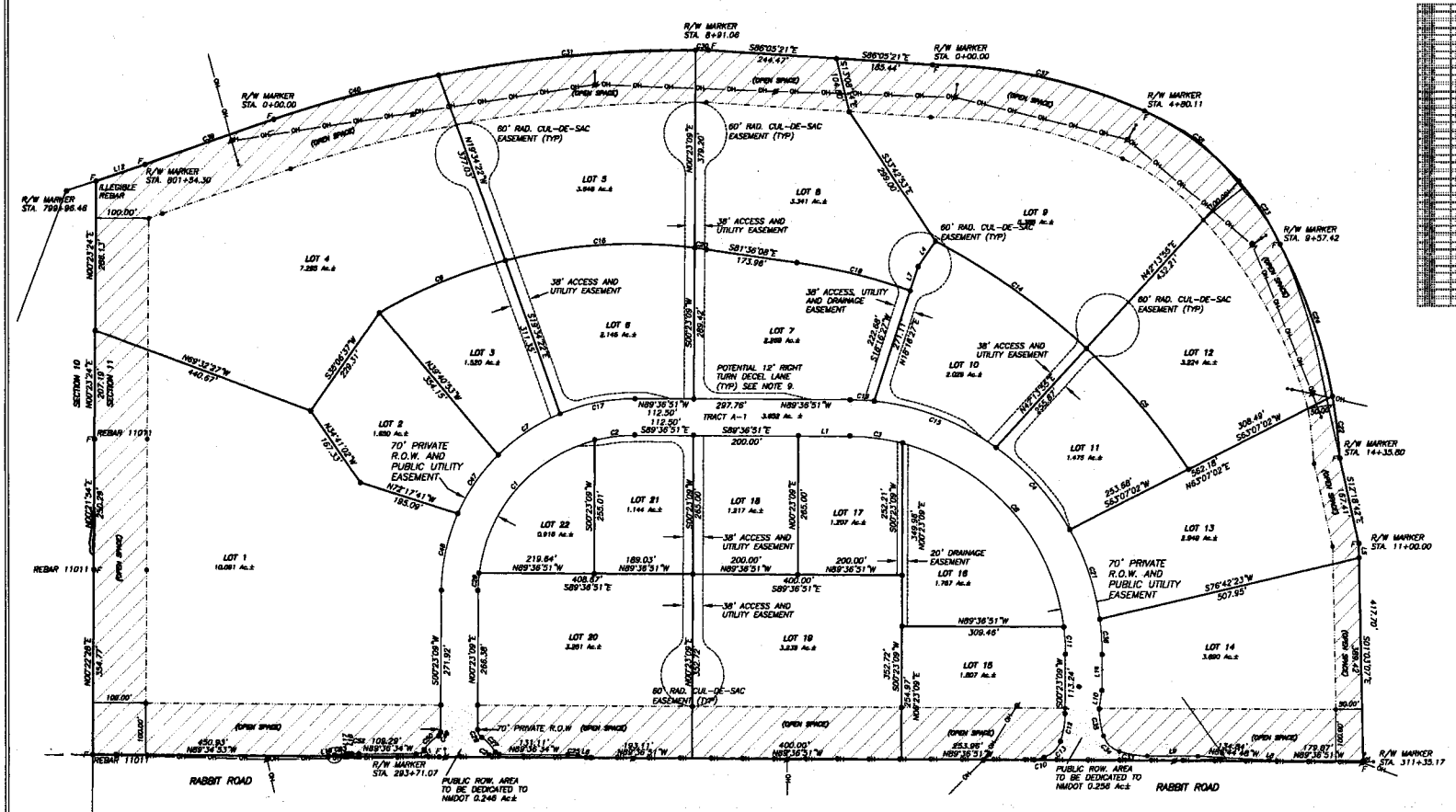
DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2302 CAMINO ENTRADA
SANTA FE, NEW MEXICO
FILE# 93735UBD DATE: 6-12-17

SHEET 1 OF 2

SFC CLERK RECORDED 07/17/2017

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	298.00'	357.53'	336.66'	N41°07'27"E	68°75'40"
C2	298.00'	77.40'	77.18'	N82°26'43"E	14°52'54"
C3	415.00'	103.30'	103.03'	S82°27'00"E	14°15'43"
C4	485.00'	611.89'	570.21'	N41°58'18"W	72°21'00"
C5	1398.91'	302.97'	302.28'	S33°52'27"E	12°24'44"
C6	853.00'	289.36'	288.00'	N67°29'31"E	19°39'09"
C7	388.00'	142.50'	141.75'	S36°14'43"W	22°12'49"
C8	413.00'	486.18'	457.19'	S41°00'09"E	56°20'15"

LINE	BEARING	DISTANCE
L1	S89°36'51"E	97.76'
L4	N37°44'21"E	58.77'
L5	S01°00'07"E	22.38'
L6	N61°35'20"W	23.98'
L7	S19°15'27"W	48.43'
L8	N19°37'17"W	2.41'
L9	N89°33'03"W	60.00'
L10	N06°57'17"E	39.33'
L11	N00°23'09"E	68.65'
L12	N71°11'21"E	67.78'
L16	S87°51'31"W	5.34'
L17	S87°01'31"W	5.41'
L18	S81°05'30"W	11.87'



LEGEND:
BEARINGS ARE REFERRED TO THE NEW MEXICO STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE. DISTANCES SHOWN ARE GROUND LEVEL REFERRED TO 6600' AMSL DATUM. TO CONVERT DISTANCES SHOWN TO GRID DISTANCES MULTIPLY BY A SCALE FACTOR OF 0.999598.

- DENOTES FOUND MONUMENT AS SHOWN
- DENOTES REBAR TO BE SET UPON RECORDING
- DENOTES CALCULATED POINT NOT SET
- DENOTES UTILITY POLE WITH ANCHOR
- —OH— DENOTES OVERHEAD UTILITY LINES
- DENOTES EXISTING BARBED WIRE FENCE
- DENOTES OPEN SPACE (13.747 Ac±)
- DENOTES DRAINAGE EASEMENT GRANTED THIS PLAT

SCALE 1"=100' FEET

PRELIMINARY FOR REVIEW

SHEET 2 OF 2

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
2502 CAMINO ENTRADA
SANTA FE, NEW MEXICO
FILE# 9375SUBD DATE: 8-12-17

EXHIBIT
8

302C Rabbit Rd
Santa Fe, NM 87508

June 12, 2017

Penny Ellis-Green, Director
Growth Management Department Land Use
Santa Fe County
102 Grant Avenue
Santa Fe, NM 87501

Dear Ms. Ellis-Green,

Please accept this letter on behalf of the Tapia family members, residing on Rabbit Road, Los Tapias Lane, and Old Galisteo Way.

We are extremely concerned with the proposed high-density Large Scale Mixed-Use development at the entrance to our family community at South St. Francis Drive and Rabbit Road (CASE# 10-5364 St. Francis South). We concur with our neighbors in the Old Galisteo Way Road Association that this development will inalterably change the nature of our family community and will inevitably be accompanied by numerous negative impacts. We offer the following concerns:

1. Many of our driveways are on Rabbit Road. Already traffic has increased from 500 cars a day to over 6000 since the opening of the extension of Rabbit Road to Richards avenue via Oshara Village. This unimagined increase of traffic poses a daily safety risk as we attempt to either exit or enter our driveway. Often, drivers are exceeding the posted "40 miles per hour" speed limit by 10 to 15 miles per hour. In many instances, when we are attempting to enter our driveway, drivers ignore our turning signal and often pass us on the shoulder of the road, or in some instances on the side that we are turning;
2. The construction of the proposed office buildings (150,000 sq ft), warehouses (300,000 sq ft) and a rehabilitation facility (50,000 sq ft) is completely out of keeping with our rural residential area with single family homes on an average of 2.5 acre lots;
3. This type of commercial development will likely negatively affect property values in the surrounding residential areas and considerably increase traffic noise and nighttime light pollution.

We, too, are concerned regarding the lack of detail concerning the specific development plans of lots proposed for BCC approval.

Our family patriarch, Filiberto Tapia, envisioned a family compound where his descendants would continue to live and nurture the land that he purchased. The current county code restrictions regarding lot sizes have not allowed the delegation of inheritance for this purpose.

We request that the Board of County Commissioners continue to deny the variance request to increase the residential zoning density of the development beyond the present county code restrictions.

SFC CLERK RECORDED 07/17/2017

We also support our neighbors' request that community initiated traffic calming structures be in place before any further development is permitted and that full disclosure of specific development plans be provided.

As native Santa Feans, we recognize that progress is inevitable, Santa Fe will continue to grow, and our small hamlet will be affected. However, we request that the Board of County Commissioners pause in the approval process and allow our concerns and wishes to be taken into account.

Sincerely,

Terri Tapia

Tapia Family Members in Agreement:

Signature:	Address:
Frank C. Bustamante	286 RABBIT RD SF 87505
[illegible]	286 Rabbit Rd. Santa Fe 87505
Joyce Sogio	284 A RABBIT RD.
Kenny Tapia	284 B. Rabbit Rd.
Jessie Tapia	21-B Los Tapias Ln
Joleen Tapia	21-A-Los Tapias LN 87508
Shirley Tapia	26 AB Los Tapias Ln 87508
Mr. & Mrs. Shawn Peña	26 AB Los Tapias Lane 87508
Mary Ann Tapia	21-B Los Tapias LN. 87508
Mr. & Mrs. Joe Lorenzo	37 Los Tapias LN-87508
Marie McAllister	42 A Los Tapia LN
Rick McAllister	42 A Los Tapia N
Gloria Tapia	45 A Los Tapia 87508
Jackie Tapia	43 LOS TAPIAS LN 87508
Mark Tapia	302 B Rabbit Rd Santa Fe NMEX
[illegible]	#43 Los Tapia Lane Santa Fe NM.

CAMPO CONEJOS HOMEOWNERS' ASSOCIATION
PO BOX 6759, Santa Fe, N.M. 87502

June 12, 2017

Penny Ellis-Green, Director
Growth Management Department/ Land Use
Santa Fe County
102 Grant Avenue Santa Fe, NM 87501

Dear Ms. Ellis-Green,

I am President of the Campo Conejos Home Owner's Association. My neighbors and I in Campo Conejos and other nearby communities are very concerned by the proposed high density Large Scale Mixed-Use development at the entrance to our neighborhood at South Francis and Rabbit Road (CASE # 10-5364 St. Francis South). This proposed development will inalterably change the nature of our neighborhood and will inevitably be accompanied by numerous negative impacts. In particular,
we are concerned by the following:

1.Traffic on Rabbit Road will increase substantially. It has already increased from 500 cars a day to over 6000 since the opening of the extension of Rabbit Road to Richards Avenue via Oshara Village some nine years ago. This has created real safety risks at several intersections including South St. Francis and Rabbit Road and Rabbit Road and Old Galisteo Road;

2. The construction of the proposed office buildings (150,000 sq. ft), warehouses (300,000 sq. ft) and a rehabilitation facility (50,000 sq. ft) is completely out of keeping with our rural residential area with single family homes on an average of 2.5 acre lots;

3. This type of commercial development will likely negatively impact property values in the surrounding residential areas and considerably increase traffic noise and nighttime light pollution.

We continue to be concerned by the lack of detail concerning specific development plans of lots proposed for BCC approval.

However, we were heartened by the November 10, 2015 decision of the Board of County Commissioners to deny the variance request to increase the residential zoning density of the development beyond the present county code restrictions. We thank the BCC for their sensitivity to our neighbors' concerns expressed at that meeting.

(over, please)

SFC CLERK RECORDED 07/17/2017

We, the undersigned, request that the property be developed as residential single family lots as are all the surrounding properties, that community initiated traffic calming structures be in place before any further development is permitted and that full disclosure of specific development plans be provided.

We hope that the county will pause in the approval process to allow the wishes and concerns of all the neighbors of this development to be clearly stated and taken into account.

Respectfully Submitted,

Rich Rotto DW

Rich Rotto, President/Treasurer
Campo Conejos Homeowners' Association

Directors of CCHOA

Jim Wechsler, Vice-President
26 Calle Aguila, SF, NM 87508

John Singleton, Secretary
4 Calle Aguila, SF, NM 87508

Henry Gonzales, Director
8 Mariquita Court, SF, NM 87508

Simone Koutsouflakis, Director
25 Calle Aguila, SF, NM 87508

Bill Wawrychuk, Director
17 Camino Azulejo, SF, NM 87508

Dave Wilkison, Director
16 Calle Cascabela, SF, NM 87508

6-12-17

Penny Ellis-Green, Director
Growth Management Department/ Land Use
Santa Fe County
102 Grant Avenue Santa Fe, NM 87501

June 12, 2017

Dear Ms. Ellis-Green,

My wife and I are very concerned about the proposed development at St. Francis and Rabbit Road - CASE # 10-5364 St. Francis South.

This scale and intent of use of this proposal will greatly affect the character of our neigborhood. It seems to me that more specific information about the ultimate use of this property is essential before this project continues. Additionally, with a proposal of this size, and with such a certain negative impact on the surrounding neighborhood, a traffic impact report is very important. I definitly feel that further study needs to be undertaken before continuing the permitting process.

This proposed development will inalterably change the nature of our neighborhood and will inevitably be accompanied by numerous negative impacts. In particular, we are concerned by the following:

1) Traffic on Rabbit Road will increase substantially. It has already increased from 500 cars a day to over 6000 since the opening of the extension of Rabbit Road to Richards Avenue via Oshara Village some nine years ago. This has created real safety risks at several intersections including South St Francis and Rabbit Road and Rabbit Road and Old Galisteo Road;

2) The construction of the proposed office buildings (150,000 sq ft), warehouses (300,000 sq ft) and a rehabilitation facility (50,000 sq ft) is completely out of keeping with our rural residential area with single family homes on an average of 2.5 acre lots;

3) This type of commercial development will likely negatively impact property values in the surrounding residential areas and considerably increase traffic noise and nighttime light pollution.

Lynn Robbie LYNN ROBBIE 82 OLD GALISTEO WAY

David Hering DAVID HERING 82 OLD GALISTEO WAY

SFC CLERK RECORDED 07/17/2017

June 12, 2017

Ms. Penny Ellis-Green, Director
Growth Management Department/Land Use
Santa Fe County
102 Grant Avenue
Santa Fe, New Mexico 87501

Dear Ms. Ellis-Green:

I am President of the Old Galisteo Way Road Association. My neighbors and I on Old Galisteo Way and other nearby communities are very concerned by the proposed high density Large Scale Mixed-Use development at the entrance to our neighborhood at South St. Francis and Rabbit Road (Case # 10-5364 St. Francis South). This proposed development will inalterably change the nature of our neighborhood and will inevitably be accompanied by numerous negative impacts. In particular, we are concerned by the following:

1) Traffic on Rabbit Road will increase substantially. It has already increased from 500 cars a day to over 6000 since the opening of the extension of Rabbit Road to Richards Avenue via Oshara Village nine years ago. This has created real safety risks at several intersections including South St. Francis and Rabbit Road and Rabbit Road and Old Galisteo Road;
2) The construction of the proposed office buildings (1500 sq.ft.), warehouses (300,000 sq.ft.) and a rehabilitation facility (50,000 sq.ft.) is completely out of keeping with our rural residential area of single family homes on an average of 2.5 acre lots;
3) This type of commercial development will likely negatively impact property values in the surrounding residential areas and considerably increase traffic noise and nighttime light pollution.

We continue to be concerned by the lack of detail concerning specific development plans of the lots proposed for BCC approval.

However, we were heartened by the November 10, 2015 decision of the BCC to deny the variance request to increase the residential zoning density beyond the present county code.

We, the undersigned, request that the property be developed as residential single family as are all the surrounding properties, that community initiated traffic

SFC CLERK RECORDED 07/17/2017

calming structures be in place before any further development is permitted and that full disclosure of specific development plans be provided.

We hope that the county will pause in the approval process to allow the wishes and concerns of all the neighbors of this development are taken into account.

Respectfully submitted,

Samuel M. Hitt
48 Old Galisteo Way

Wendy M. Hitt
48 Old Galisteo Way

Ian Alsop
38 Old Galisteo Way

Lois Alsop
38 Old Galisteo Way

Keith Melton
54 Old Galisteo Way

Jennifer Gedmin
Old Galisteo Way

Jason Gedmin
Old Galisteo Way

Ernest Suazo
Old Galisteo Way

Nancy Monk
60 Old Galisteo Way

Ken Monk
60 Old Galisteo Way

Roger Williams
114 Old Galisteo

Heidi Williams
114 Old Galisteo Way

Bonnie Giacchetti
74B Old Galisteo Way

David Hering
82 Old Galisteo Way

Lynn Robbie
82 Old Galisteo Way

Marie Suazo
Old Galisteo Way

Betty Sperlich
72A Old Galisteo Way

Norbert Sperlich
72A Old Galisteo Way

Ian and Lois Alsop
Vasundhara Alsop
38 Old Galisteo Way
Santa Fe NM 87508

Penny Ellis-Green, Director
Growth Management Department/ Land Use
Santa Fe County
102 Grant Avenue Santa Fe, NM 87501

June 12, 2017

SFC CLERK RECORDED 07/17/2017

Dear Ms. Ellis-Green,

We are opposed to the proposed high density Large Scale Mixed-Use development at South St. Francis Drive and Rabbit Road (CASE # 10-5364 St. Francis South). Unfortunately, we only heard about this development project via the articles appearing in August of 2016 in the Santa Fe New Mexican and the Albuquerque Journal North. Had we heard about it earlier we would have registered our opposition earlier. Many who were there spoke out against it.

This proposed development, at the entrance from town into our neighborhood, will inalterably change the nature of our neighborhood and affect the safety of our commute. Traffic on Rabbit Road will increase substantially (it has already increased more than tenfold since 2008 when Rabbit Road was extended without any substantial road improvements). There are real traffic hazards, especially at the intersection of Rabbit Road and Old Galisteo Road..

The Large-Scale mixed-use construction of office spaces and warehouses is completely out of keeping with the surrounding residential neighborhoods. There is plenty of that just before I -25 at Sawmill and Zia Roads. Since the present developers are only planning the permissions and lot divisions for sale, there is in fact no plan of what will eventually be built on these lots, and how long construction will be going on. We are concerned that this type of development will have a negative impact on the value of our property and that of our neighbors. We will lose the character of our Santa Fe County lifestyle and certainly the "City Different" will be less different.

It is our hope that the BCC will table this proposal of final plat approval for the first two phases of this project in order to allow the wishes and concerns of all the neighbors of this development to be clearly stated and taken into account.

Thank you,

Ian Alsop Lois Alsop Vasundhara Alsop

SrF

Penny Ellis-Green, Director

Growth Management Department/Land Use

Santa Fe County

102 Grant Avenue, Santa Fe, New Mexico 87501

Dear Ms. Ellis-Green:

I am President of the Santiago Subdivision Road User Association. My neighbors and I on Rabbit Road/Entrada de Santiago and other nearby communities are very concerned by the proposed high density Large Scale Mixed-Use development at the entrance to our neighborhood at South Francis and Rabbit Road (CASE # 10-5364 St. Francis South). This proposed development will inalterably change the nature of our neighborhood and will inevitably be accompanied by numerous negative impacts. In particular, we are concerned by the following:

1) Traffic on Rabbit Road will increase substantially. It has already increased from 500 cars a day to over 6000 since the opening of the extension of Rabbit Road to Richards Avenue via Oshara Village some nine years ago. This has created real safety risks at several intersections including South St Francis and Rabbit Road and Rabbit Road and Entrada de Santiago;

2) The construction of the proposed office buildings (150,000 sq ft), warehouses (300,000 sq ft) and a rehabilitation facility (50,000 sq ft) is completely out of keeping with our rural residential area with single family homes on an average of 2.5 acre lots;

3) This type of commercial development will likely negatively impact property values in the surrounding residential areas and considerably increase traffic noise and nighttime light pollution.

We continue to be concerned by the lack of detail concerning specific development plans of lots proposed for BCC approval.

However, we were heartened by the November 10, 2015 decision of the Board of County Commissioners to deny the variance request to increase the residential zoning density of the development beyond the present county code restrictions. We thank the BCC for their sensitivity to our neighbors' concerns expressed at that meeting.

SFC CLERK RECORDED 07/17/2017

We, the undersigned, request that the property be developed as residential single family lots as are all the surrounding properties, that community initiated traffic calming structures be in place before any further development is permitted and that full disclosure of specific development plans be provided.

We hope that the county will pause in the approval process to allow the wishes and concerns of all the neighbors of this development to be clearly stated and taken into account.

Respectfully Submitted,

Marlin Mackey, President

Santiago Road Users Association

5 Calle Jacinta

Santa Fe, N.M. 87508

6-12-2017

and attached signers (with addresses)

Santiago Road User Association Homeowners

Name	Address
James M Paulo	49 ENTRADA DE SANTIAGO
[illegible]	49 Entrada de Santiago
Bill Beasley	39 Entrada de Santiago
Mary Beasley	39 Entrada de Santiago
Karen B. Hall	8 Calle Jacinta
Jane Mitchell	14 Calle Jacinta
Mitchell	14 Calle Jacinta
Sandra Mag	5 Calle Jacinta

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Santiago Road User Association Homeowners

Name	Address
Douglas Brenner J.D.	15 Entrada de Santiago, Santa Fe, N
Sam SHAW	5 TRAVIESA de Camilo, Santa Fe NM
Ekkehard Koch	13 Traviesa De Camilo E, Santa Fe, NM
Victor P Baca	06 E. TRAVIESA De Camilo S.F. NM
Navi R Baca	06 E Traviesa de Camilo S.F. N
[illegible]	26 Entrada de Santiago
Irene Angel	26 Estrada de Santiago
[illegible]	27. Entrada De Santiago

Santiago Road User Association Homeowners

Name	Address
John J. Redd	12 Traviesa de Camilo E
Bernadette Redd	Same

SFC CLERK RECORDED 07/17/2017

Santiago Road User Association Homeowners

Name	Address
[illegible] Bremner	196 Rabbit Rd
Eddie Vigil	33 Calle Jacinta
Leslie Vigil	33 Calle Jacinta
Sandra Mady for (as per the June 12, 2017 e-mail to Marlin Mady, attached) Andrew Drom / Barbara Larsen	13 Calle Jacinta

From: **Barbara Larsen** ba_larsen@msn.com
Subject: Re: Tuesday County meeting re. new development project
Date: Yesterday at 3:40 PM
To: Marlin Mackey marlin.mackey@gmail.com

Hi Marlin,

Andy and I are both supportive of your letter. please sign on our behalf.
Thanks so much.

Barbara

From: Marlin Mackey <marlin.mackey@gmail.com>
Sent: 12 June 2017 04:23
To: Chris and Jane Mitchell; Jim and Susan Parks; Bernadette Redd; Jay and Barbara Clack; John Redd; Karin B. Hall; Ekkehard and Melanie Koch; Frank and Irene Angel; Sam and Liz Shaw; Eddie and Rosalie Vigil; Mark and Vanessa Angel; Bill and Mary Beacham; Douglas Brenner; Rudy and Marcela Gonzalez; Victor and Navi Baca; Andrew Drom and Barbara Larsen; Jonathan Gonzales
Subject: Tuesday County meeting re. new development project

This Tuesday the Santa Fe County Commission will be meeting at the downtown County office to review the proposed multi-unit development at St. Frances and Rabbit Road. Many of us have attended several meetings in the past to review and comment on this high volume development and its impact on the area including Rabbit Road traffic.

Attached is a letter to the County that I will deliver on Tuesday that outlines several concerns. If you would like to sign please let me know and I will bring by your house tomorrow or Tuesday. The meeting starts at 5:00 and has a short agenda.

Several of our neighbor associations will also be delivering a similar letter and will have members attending the meeting. These include:

1. Old Galisteo Way
2. Camp Conejo
3. Rabbit Road

SFC CLERK RECORDED 07/17/2017

VIII. A

EXHIBIT 9

Tony T. Flores

From: Mike McDowell <mlm8bag3@comcast.net>
Sent: Monday, June 12, 2017 1:23 PM
To: Tony T. Flores
Subject: Commission Meeting Agenda Item re: Stop Hunt Power Line Citizen Group
Attachments: Statement of Michael McDowell on Proposed Verde Transmission Project.docx; Southwest Power Pool Executive Summary.docx; Map of Southwest Power Pool.docx

Please include the attached statement and two attachments in regard to the above agenda item. Thank You.

SFC CLERK RECORDED 07/17/2017

Southwest Power Pool Executive Summary

Submitted by Michael McDowell

The **Southwest Power Pool (SPP)** is the founding member of the North American Electric Reliability Corporation (NERC). SPP's story began in the early days of World War 2 when America was rapidly ramping up production of weapons and military supplies. After entering the War, the USA had an immediate and crucial need to produce aluminum for military aircraft. Alcoa and Reynolds Metals Company established themselves in Arkansas, which had the largest commercially exploitable bauxite deposit at that time. In 1941, the federal Defense Plant Corporation opened a plant in Jones Mill, Ark., with the intent of operating 24/7 to supply the war effort. The government leased the plant to Alcoa for operations. The Jones Mill Plant alone required 120,000 kilowatts (kW) of capacity to operate; this exceeded the state's entire generation (100,000 kW at peak, excluding outages). Due to the war effort, there was not enough manpower nor raw materials to build further electric generation. Executives of Southwest power utilities decided to pool their generation resources together to ensure the region's reliability and dependability during the wartime. The existence of Southwest Power Pool was out of necessity and scarcity. After the war, these companies recognized the expertise and efficiency that had been created and decided to remain a power pool.

Southwest Power Pool was formed Dec. 14, 1941, with 11 regional electric utilities entering into an inter-company agreement.

SPP was incorporated as a nonprofit corporation in 1994, and was approved as a Regional Transmission Organization (RTO) by the Federal Energy Regulatory Commission (FERC) in 2004. SPP is one of nine regional electric reliability councils under North American Electric Reliability Corporation (NERC) authority. NERC and the regional reliability councils were formed following the Northeast Blackout of 1965. SPP is headquartered in Little Rock, Ark.

As a FERC-designated Regional Transmission Organization, one of SPP's responsibilities is to create regional transmission expansion plans. With its members, regulators and stakeholders, SPP creates planning models and studies that determine what new transmission is needed to meet our region's long- and near-term needs and create a cost-effective, flexible and robust transmission network. SPP does not own or build transmission, though its Open Access Transmission Tariff contains rules that govern transmission planning.

SPP is responsible for developing regional transmission expansion plans; directing and monitoring construction of approved transmission-expansion projects; administering SPP's generator interconnection and long-term transmission services; and performing the Planning Coordinator function in accordance with North American Electric Reliability Corporation reliability standards.

SPP manages a Generation Interconnection Queue process that provides a means for generation planners and developers to submit new generation interconnection projects into the Queue for validation, study, analysis and, ultimately, execution of a Generation Interconnection Agreement.

The SPP region lies within the Eastern Interconnection, in the central United States, serving all of the states of Kansas and Oklahoma, and portions of New Mexico, Texas, Arkansas, Iowa, Louisiana, Missouri, Minnesota Mississippi, Nebraska, North Dakota, South Dakota, and Wyoming. SPP members include

SFC CLERK RECORDED 07/17/2017

Map of Southwest Power Pool

SFC CLERK RECORDED 07/17/2017

VIII. A

EXHIBIT 10

Old Buckman Road (CR 77) Segment El Camino Real de Tierra Adentro National Historic Trail (NHT)

- What Is It?
- What Does Hunt Want?
- What Will BLM Do?
- What Does the Law Require?
- What Should the County Do?

6/11/2017 devin.bent@gmail.com

El Camino Real

- International Trail – Mexico City to Ohkay Owingeh.
- US portion: 400 miles dates from 1598 and earlier.
- Congress designates as National Historic Trail (NHT) in 2000.
- In 400 years, much of it covered by highways.
- Santa Fe County is fortunate. Why?

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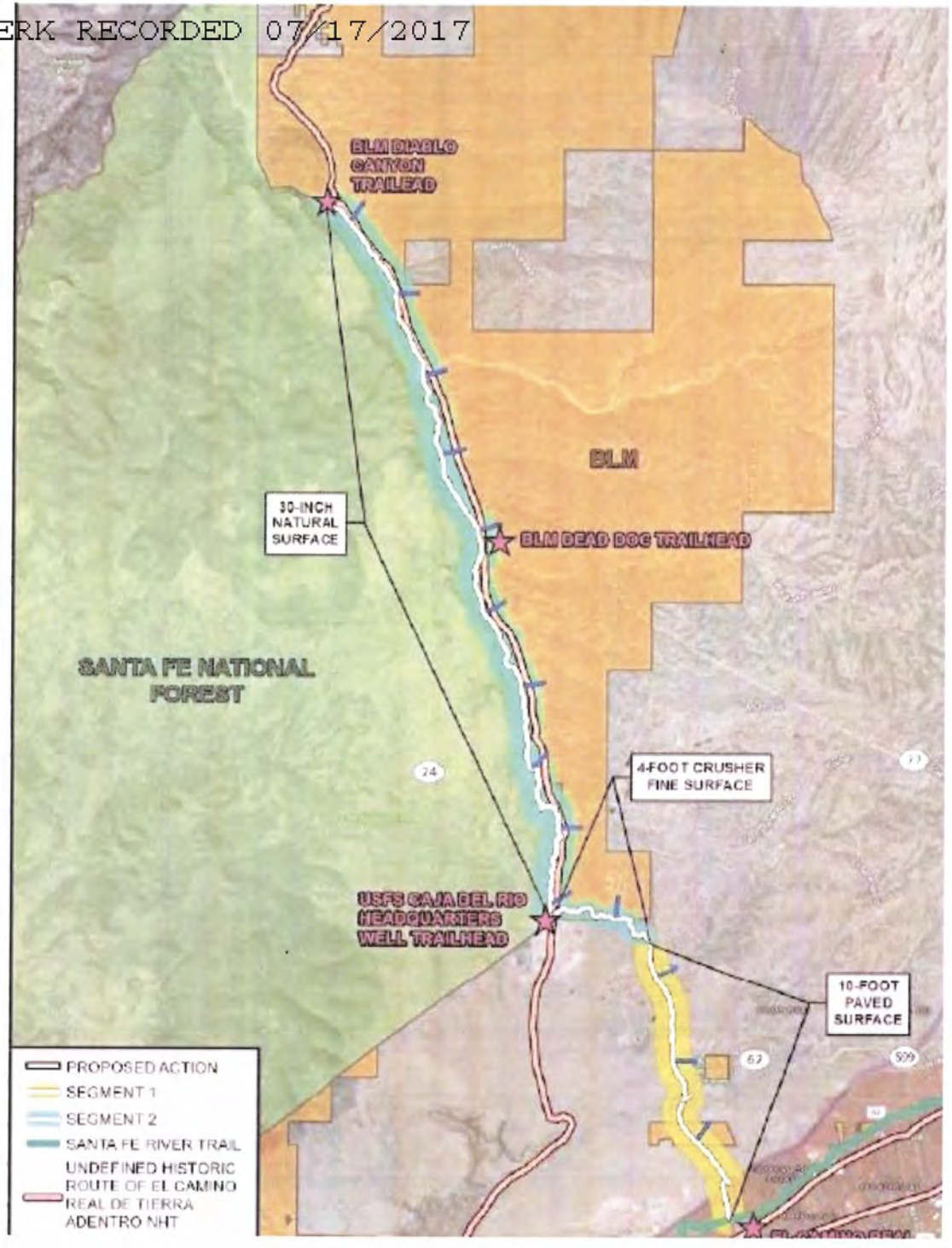
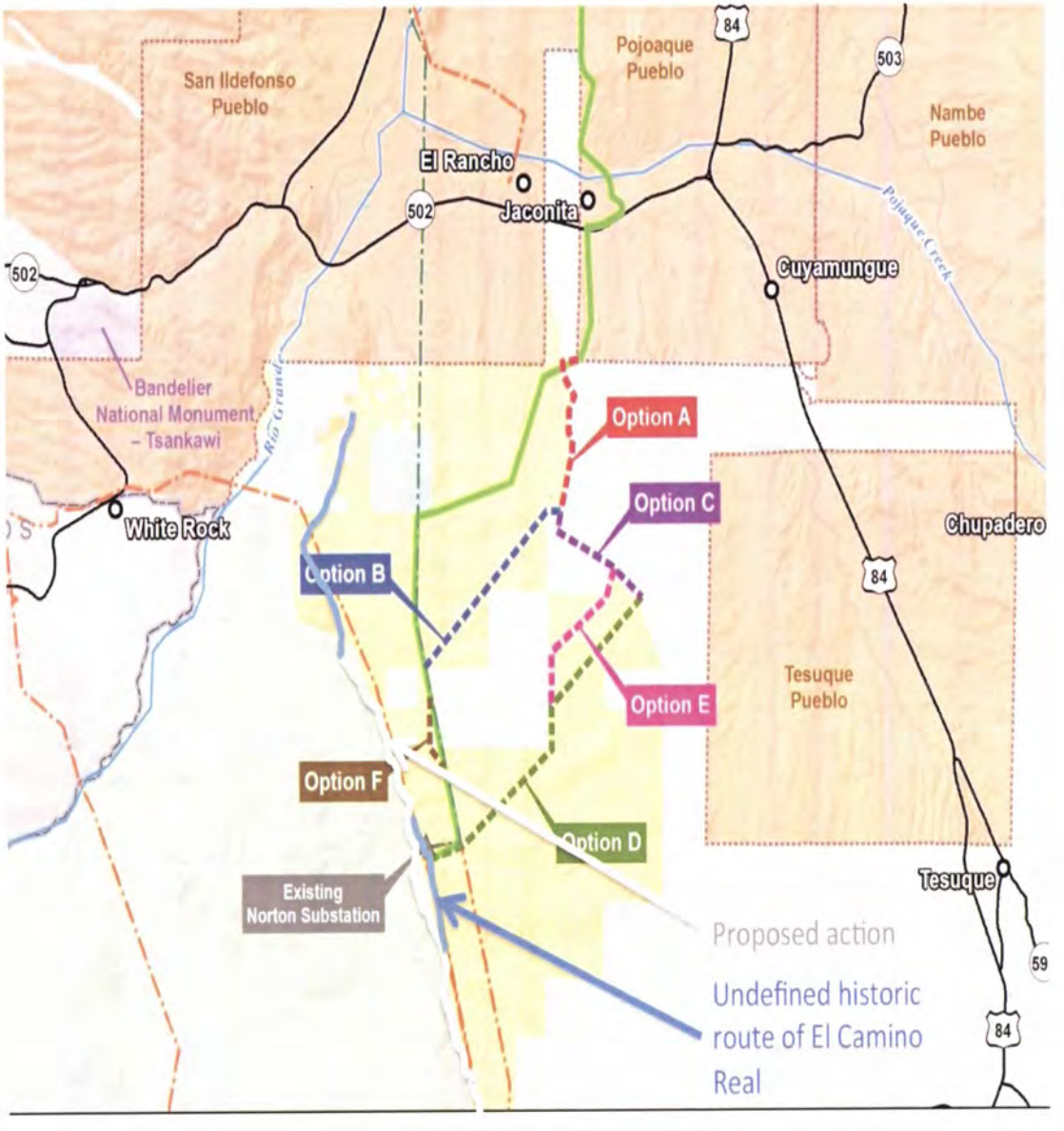
Old Buckman Road Segment

- At Santa Fe, NHT leaves the highways, roughly parallels Old Buckman Road.
- Cuts northwest across largest undeveloped land area between Santa Fe and Espanola
- Unique opportunity to recreate the historical experience.
- Soon to be built. Longest El Camino Real trail segment in US. Historic section a 30-inch wide natural surface trail.
- What could go wrong?



What Does Hunt Want?

- Proposed Hunt Power Line runs south along one of several alternative routes through undeveloped BLM land.
- Connects with Existing ~1 acre Norton substation fronting on Old Buckman Road Segment of NHT.



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Hunt Wants:
#1. Three Additional Acres of Electrical Substation on Old Buckman Road (CR 77) Segment of NHT

#2. TWO MASSIVE ANCHOR or ANGLE TOWERS ON OLD BUCKMAN ROAD (CR 77) SEGMENT

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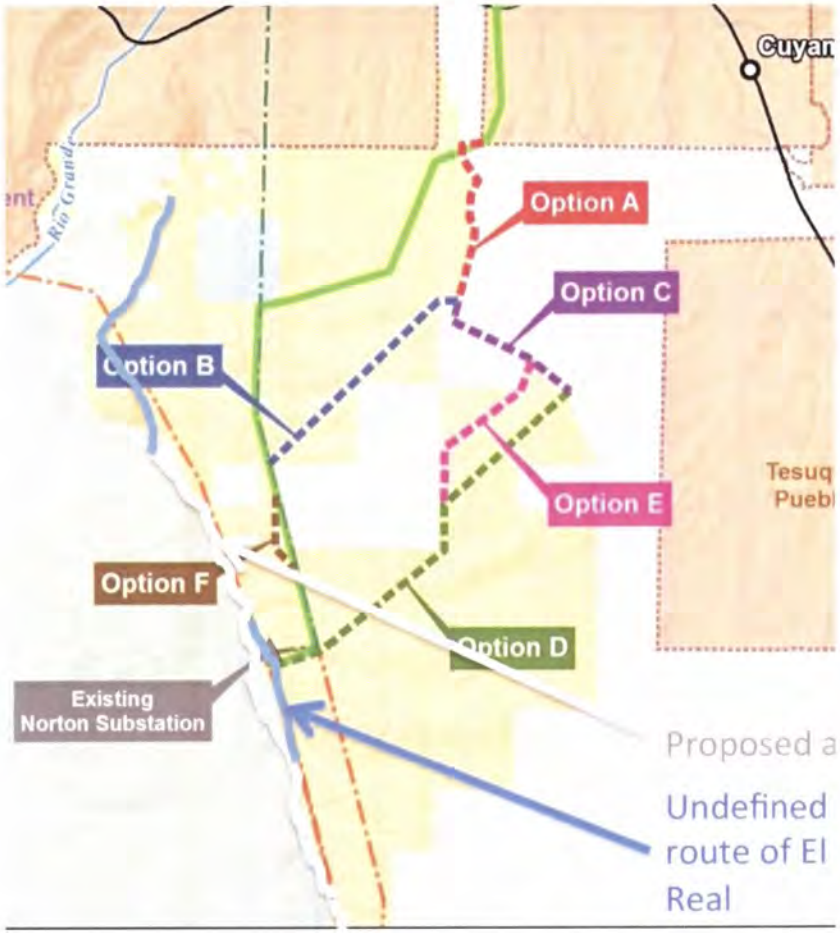
#3. A LINE OF TOWERS FROM OLD BUCKMAN ROAD SEGMENT OF NHT INTO THE DISTANCE

What Will BLM Do?

- Already begun the preparation of a draft Environmental Impact Statement for the Hunt proposed power line.
- Considering revision of the Taos Field Office 2012 Resource Management Plan (RMP).
- What is an RMP? Rules that govern permissible uses on BLM land. Not specific to Hunt. Would govern all possible proposed uses. It's land use.
- RMP is not an EIS or even a portion of an EIS.
- RMP might be thought of as the BLM equivalent of the County's Sustainable Growth Management Plan and/or the Sustainable Land Development Code.

- 2012 RMP assigns all BLM managed lands to one of four Visual Resources Management classes, with Class I the most protected from development and Class IV the least.
- The lands north of Old Buckman Road are Class II. (page 25) To allow the Hunt Power Line, they would have to be reclassified Class III or probably Class IV.
- The lands along Old Buckman Road are Class III. (p. 25)
- In addition, a 0.25 mile utility corridor is designated along Old Buckman Road. (page 42).



BLM's Choice

- Will it protect the Old Buckman Road segment of the Congressionally designated El Camino Real de Tierra Adentro?

  Or

- Will it open the BLM lands to further unsightly development and continue to collocate a 30 inch wide National Historic Trail with a quarter-mile wide utility corridor?

- Unhappily, we know the answer. How?

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FHWA CFLHD
12300 West Dakota Avenue
Lakewood, CO 80228
Brent Nagen, Project Manager
(720) 963-3411

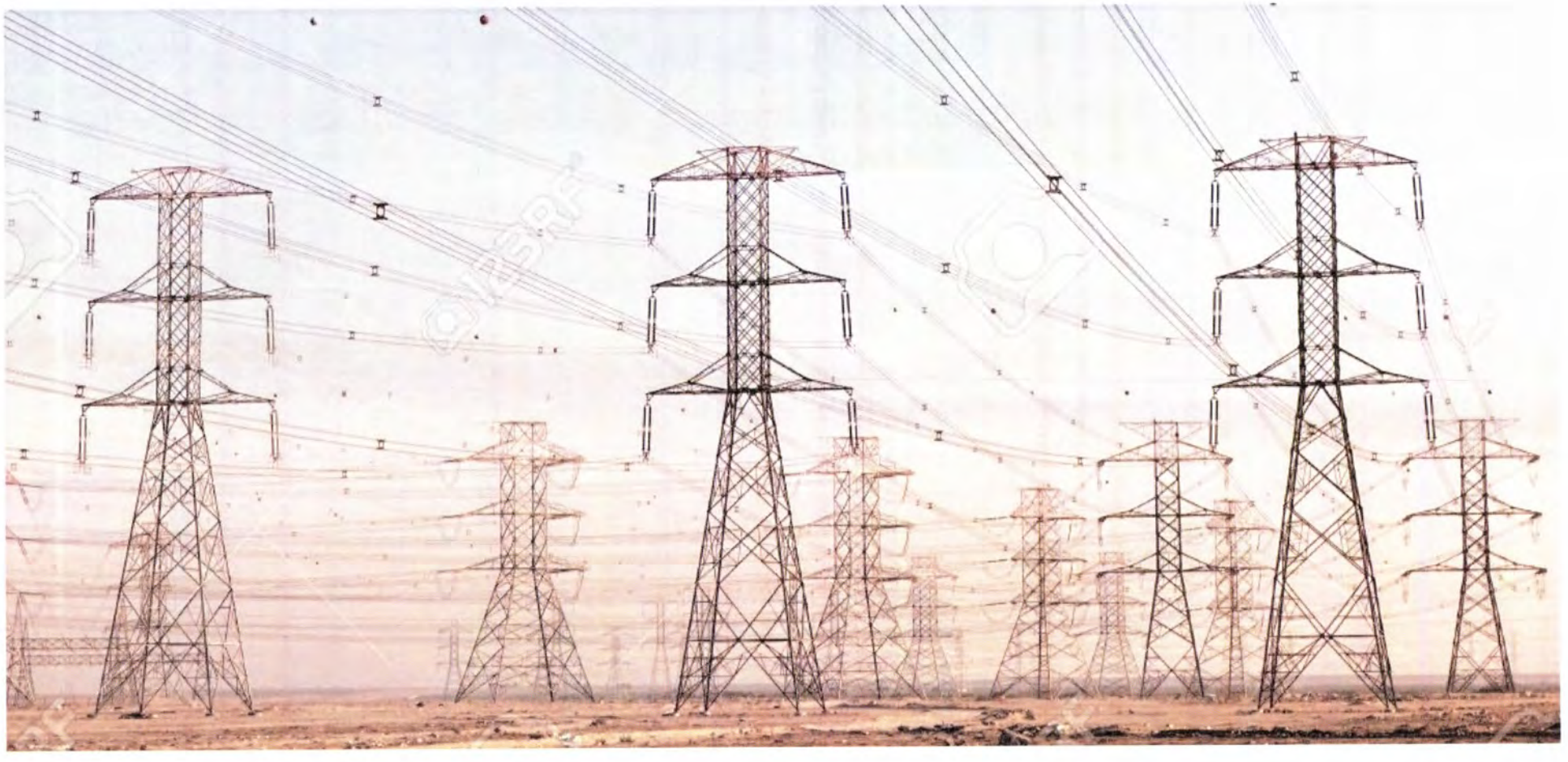
USFS, Española Ranger District
11 Forest Lane
Santa Fe, NM 87508
Sandy Hurlocker, District Ranger
(505) 753-7331

BLM, Taos Field Office
226 Cruz Alta Road
Taos, NM 87571
Sarah Schlanger, District Manager
(575) 758-8851

Page 27, Environmental Assessment, Old Buckman Road Segment, 11/16/2017:

"Utilities. CR 77 has been identified as a [a quarter-mile wide] corridor for future transmission development. The proposed action [i.e., the NHT] would be sited adjacent to this corridor and in some places, the future transmission line may cross El Camino de Tierra Adentro National Historic Trail. The proposed action would not preclude the future development of this transmission corridor, irrespective as to whether those facilities are above or below ground."

The Old Buckman Road Utility Corridor Trail
A 30 inch wide trail and 1,200 foot wide utility corridor look like this (except with more power lines).



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What Does the Law Require?

- National Trails System: "In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the **preservation of**, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and **historic resources** of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located. [Emphasis added.] (16 U.S. Code § 1241)
- National Historic Trails: "National historic trails shall have as their purpose the identification and **protection** of the historic route and its historic remnants and artifacts for public use and enjoyment." [Emphasis added] (16 U.S. Code § 1242)

What Does the Law Require? 2

- El Camino Real de Tierra Adentro: "The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions . . .for the purpose of exchanging trail information and research, fostering trail **preservation** and educational programs, providing technical assistance, and working to establish an international historic trail with complementary **preservation** and education programs in each nation." [Emphasis added.] (16 U.S. Code § 1244)
- National Landscape Conservation System: ""In order to **conserve, protect, and restore nationally significant landscapes** that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape **Conservation** System." [Emphasis added.] (**16 U.S. Code § 7202**) (National Historic Trails are explicitly included in the system.)

Do We Get the Message?

- Protection, preservation, conservation – Congressional intent is clear.
- BLM's Mission Statement for National Conservation Lands: "The mission of the National Conservation Lands is to **conserve, protect, and restore** these nationally significant landscapes that are recognized for their outstanding cultural, ecological, and scientific values." [Emphasis added] https://www.blm.gov/programs/national-conservation-lands (Again, National Historic Trails are specifically included.)
- BLM's Manual that governs the Visual Resource Management Classes: "Class I is assigned to those areas where a management decision has been made previously to maintain a natural landscape. This includes areas such as national wilderness areas, the wild section of national wild and scenic rivers, and other congressionally and administratively designated areas where decisions have been made to preserve a natural landscape." https://www.blm.gov/sites/blm.gov/files/program_recreation_visual%20resource%20management_quick%20link_%20BLM%20Handbook%20H-8410-1%2C%20Visual%20Resource%20Inventory.pdf

What Can/Should the County Do?

- Recognize the serious threat posed to the County's interests by the CR 77 utility corridor designation.
- Direct staff to begin process of revision of the SLDC with a view to changing a high voltage power line from a Conditional Use to a Development of Countywide Impact (DCI).
- Reconsider whether the County should sit on the sidelines while BLM revises its Resources Management Plan.

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Thank You for Your Attention

6/11/2017 devin.bent@gmail.com

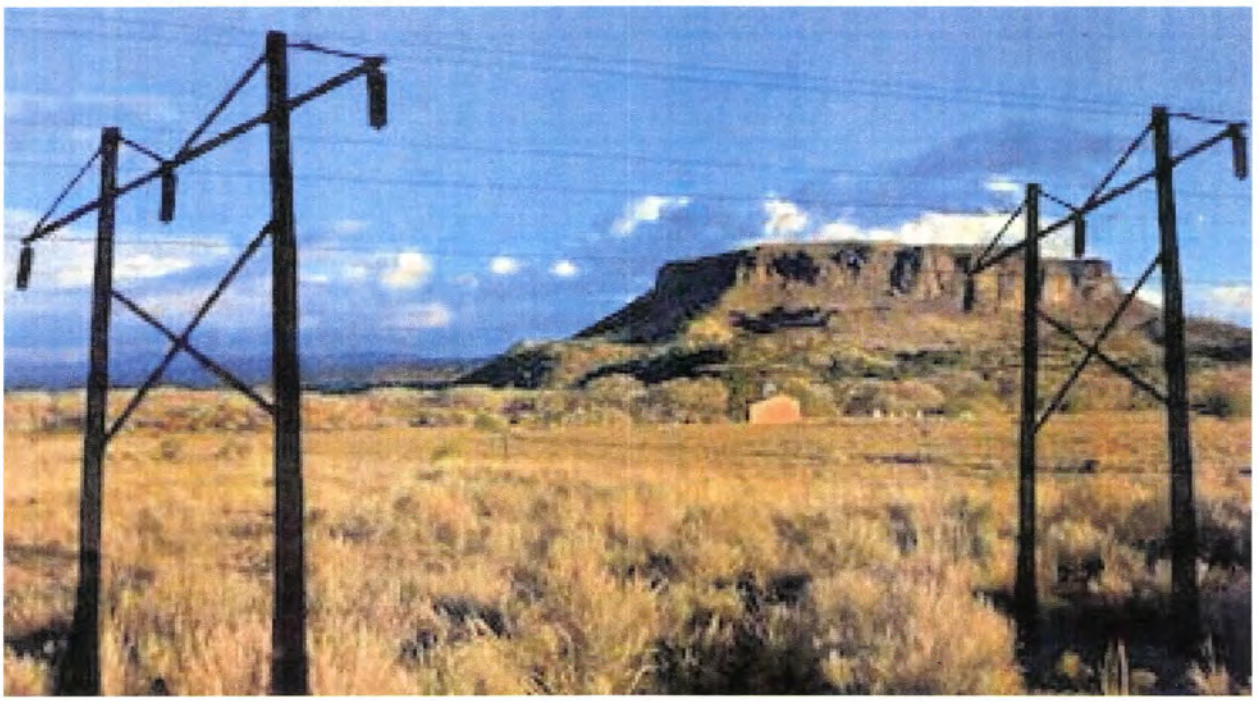
EXHIBIT
11

STOP
HUNT
Power Line

Compilation of press, research and testimony concerning the proposes Texas Hunt Power's Verde High Transmission Project prepared for you by

STOPHUNTPOWERLINE.ORG

stophuntpowerline@gmail.com



SAVE BLACK MESA FROM THIS !!!!

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Power outage causes chaos

By Erika Dahlby Jackson Hole Daily | Posted: Thursday, February 9, 2017 4:30 am

Update, 4:50 p.m.: Lower Valley Energy was able to restore power to Teton Village Fire Department and its facilities. That will allow the volunteer staff to aid in emergency operations.

Crews are continuing to work to restore power to the Solitude subdivision. Currently power has been restored to a third of the area.

Update, 10:35 a.m. Thursday: Lower Valley Energy has begun the process of restoring the 17 steel transmission poles that toppled over in a windstorm Tuesday night.

With help from five neighboring utility companies and the mountain operations crew from Jackson Hole Mountain Resort, crews were able to dig 9-foot holes into the ground to being setting foundations for temporary wooden poles, according to a press release.

Lower Valley Energy has enough poles to complete the restoration, but deteriorating weather conditions are adding complexity.

Crews were able to restore power to most areas around the airport yesterday, but Solitude still remains without power.

Teton Village power outage

Seventeen steel power poles along Highway 390 south of Teton Village were blown down in Tuesday night's storm.

Crews were not successful in returning power to the Teton Village Fire Department and facilities yesterday due to other outages in the valley, but it's a priority for today.

Both Lower Valley Energy crews and Jackson Hole Mountain Resort are asking people to please avoid travelling to Teton Village. The roads are hazardous due to excessive water and snow, and the power crews need room to work.

Original story: Teton Village remains without power after 17 75-foot-tall steel transmission towers toppled Tuesday night.

"They took each other out," Lower Valley Energy spokesman Brian Tanabe said.

The destruction left behind is going to require a major cleanup effort, Tanabe said, and it could take five to seven days to restore power to Teton Village.

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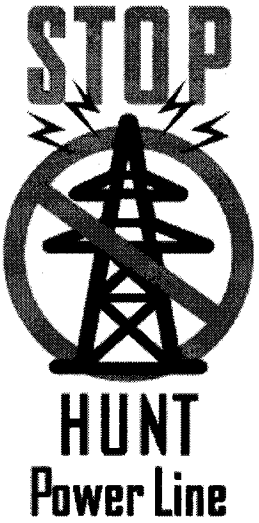
WHO WE ARE

Website: StopHuntPowerLine.org
Email: StopHuntPowerLine@gmail.com



We are a group of profoundly concerned Northern New Mexico residents. We count among us retired and actively employed physicists, educators, engineers, executives, artists, writers, farmers and small business owners. We have come together in a campaign to stop a private Texas company, Hunt Power, from constructing their so called "Verde" Transmission Line.

The 33- mile long, overhead, high voltage power line with 90 - 125 ft. tall transmission towers spaced every 800 ft. would carry 345-kilovolts of power connecting the Norton Substation in Santa Fe County to the Ojo Substation in Rio Arriba County[1].

We are convinced there is absolutely NO NEED for this project[2,3,4,5,6,7]. Moreover the line would not provide power to local areas (Jemez Mountain Electric Co-Op is the local service provider and is opposed to Hunt Power's "Verde" Transmission Line[8]).

We protest the construction of this project because it will blight the natural landscape and harm the wildlife[9] of the region, in particular migratory birds[10,11,12]. It will mar the visual integrity of the historic (and sacred) Black Mesa and be in close proximity of spiritual shrines and sites sacred to the Natives[13] and to the non-natives.

It will intrude on the viewsheds of thousands of residents and tourists alike. It will affect important recreation areas and trails[14], and it will permanently ruin our scenic landscape[9,15,16] damaging our tourism and our film industries[17].

We protest the construction of the "Verde" Transmission line because it passes in close proximity to some five schools[18,19] in the region causing concern for the health of thousands of children. Children attending school in the region for six hours a day and living at home for the remaining 18 hours would be subjected to an untenable degree of exposure to EMF (Electro Magnetic Field exposure significantly increases the risk fo

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[1] A map of the proposed route is included in this binder
[2] See Rob Heineman's statement included in this binder
[3] See Dr. Kirk Viers' statement included in this binder
[4] See Dr. Elena Guardincerri's editorial article included in this binder
[5] See attorney Bruce Throne's editorial article included in this binder
[6] See attorney Pete Dominici's letter to the BLM included in this binder
[7] See Mike McDowell statement included in this binder
[8] See the Jemez Mountains Electric Coop letter to the BLM included in this binder
[9] See the Sierra Club comments submitted to the BLM
[10] See Prof. Albert Manville's affidavit included in this binder
[11] See Karen Koch's statement included in this binder
[12] See the Sangre the Cristo Audobon Society letter to the BLM included in this binder
[13] See Jose Lucero's letter to the BLM, included in this binder
[14] See Dr. Devin Bent's statement included in this binder
[15] See the Rio Arriba County resolution
[16] See the City of Espanola resolution included in this binder
[17] See Dick Hogle's editorial article included in this binder
[18] See the Espanola School Board resolution, included in this binder
[19] See the letter to the BLM from the Pojoaque Valley School District, included in this binder

childhood leukemia as well as being responsible for a multitude of other negative health impacts such as Alzheimer's and other neurological sensitivities)[20,21].
And, the line has negative impacts on more than 800 homes running as close as 200 ft. to more than 75 homes and as close as 100 ft. to some homes[Error! Bookmark not defined.,23]. High voltage lines are a fire hazard, in fact sparking from transmission lines is what caused both the Las Conchas and Thompson's Ridge fires near Los Alamos, the Tres Lagunas fire near Pecos, and the La Cueva fire.
They are also an electrical hazard: high voltage power lines can fall[22], energizing the ground over a large area around them and electrocuting whomever happens to be there.
This line has been routed through floodplains, threatening the stability of residential areas and exposing homes to the risk of flooding.
For most residents of this area their homes are their single most valuable asset, so the profound loss of value caused by proximity to these transmission towers is already causing fear and despair. If approved, Texas-based Hunt Power will profit enormously while residents will suffer economically, emotionally and physically[23].

The BLM held four public "scoping" meetings beginning mid November 2016 and closed their comment period on January 5, 2017. Most residents of the region were not informed of the project, and only through word of mouth (and our organization's work) are residents becoming aware of what's happening. The BLM is currently preparing an Environmental Impact Statement (EIS).

In addition to the BLM, Hunt Power must apply for and receive permits from Santa Fe County and Rio Arriba County, and location approval by the NM PRC.

We are determined to continue the campaign to **STOP HUNT** and have already garnered more than 4,500 signatures on an opposition petition[24], hundreds of opposition letters and testimony, as well as research papers documenting the negative impacts and the lack of need have been submitted to the BLM. Enclosed here are research papers, press clippings and significant testimony to the BLM.

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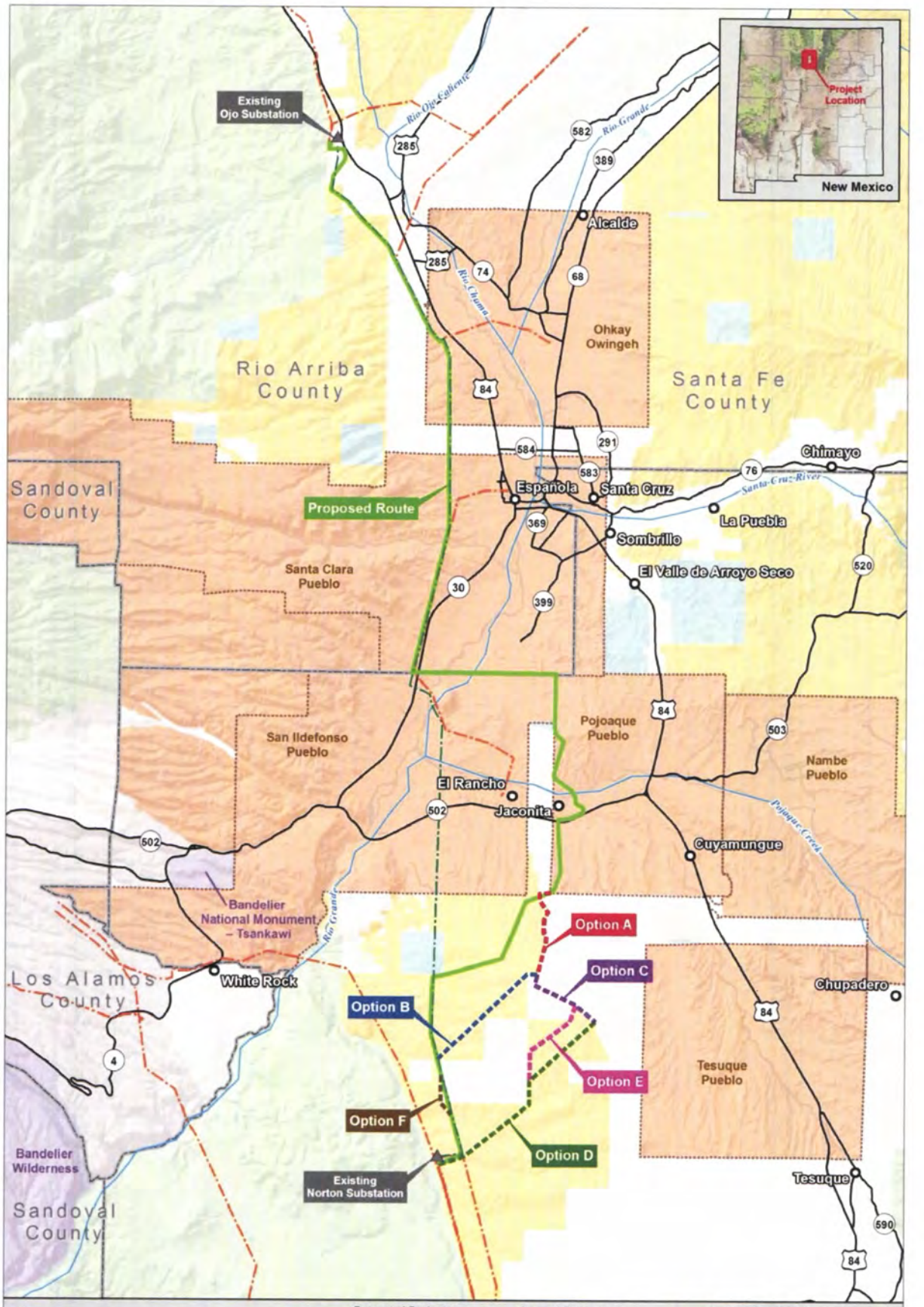
[20] See Prof. Frederic Cosandey's statement, included in this binder
[21] See the Rio Arriba Community Health Council resolution included in this binder
[22] See the press article in the inside cover of this binder
[23] See the Northern New Mexico Protects resolution included in this binder
[24] Included in this binder



Verde Transmission Line EIS Project

0 Miles 4

0 Kilometers 8

N

1:150,000

Data Source: ESRI ArcGIS Online, Shaded Relief, accessed September 2016
Map Created: 6/16/2016
Map Updated: 9/29/2016

Proposed Project
- Proposed Route

Preliminary Route Options
- Route Option A
- Route Option B
- Route Option C
- Route Option D
- Route Option E
- Route Option F

General Reference
- City/Town
- Existing Substation
- 115 kV Transmission Line
- Other Transmission Line
- Roadway
- Drainage
- County Boundary
- Pueblo Boundary

Surface Ownership
- Bureau of Land Management
- Dept. of Energy
- Forest Service
- National Park Service
- Private
- State
- Tribal

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Statement of Michael McDowell, 36 Estambre Road, Santa Fe

Proposed Verde Transmission Project

June 13, 2017

For reasons summarized below, I believe this project provides no definitive public benefit to electric consumers in Santa Fe County, as well as those along and nearby the proposed route.

My examination of this proposed project is based on four decades of electric industry experience. A brief bio is attached to this statement.

The current proposed Verde Transmission Project would build about 30 miles of 345 kilovolt ("kV") transmission line that will interconnect the existing Public Service Company of New Mexico (PNM) Ojo substation in southern Rio Arriba County to the existing PNM Norton substation in Santa Fe County. The project sponsors say it will complete a critical transmission loop in the Northern New Mexico transmission system. The project sponsors further say it would strengthen import and export capabilities system-wide, help relieve congestion, strengthen the reliability of the existing electrical system, and improve transmission access for local renewable and other energy sources.

The proposed project's justifications are based on, at present, speculative assumptions about future use and operation of the proposed line. The proposed project sponsor has provided no evidence that it was subjected to a rigorous review of state and regional grid impacts, benefits, costs and public need such as used by the Southwest Power Pool (SPP). SPP operates in part of New Mexico. I have attached a map showing the SPP operating area, as well as a description of SPP. The project sponsor's transmission subsidiary is a member of SPP and is thus aware of the SPP rigorous review processes required to establish need, cost allocations and benefits. Conceding the proposed project is outside the current operating area of SPP does not reduce the need for a rigorous review in order to protect energy consumers.

The proposed project, in fact, is the latest variation of a transmission path dating back several decades. There should be no confusion as to why a project was never built in this path. The current proposed project, like those before it, seems to lack any concrete defined benefit and demonstration of public need. Speculative assumptions of benefit and public need looking for an acceptable reason to build transmission infrastructure do not justify spending the millions of dollars required for its construction. It is also not clear who would assess the costs of proposed project. Electric infrastructure is expensive and is built only after careful analysis of benefits, costs, need, and regional power pool impacts. The proposed project does not pass these tests.

In conclusion, there is no demonstrable public benefit and need to build this project. Thank you for your time.

January 3, 2017

Mr. Jose H. Lucero
P.O. Box 1298
Espanola, NM 87532

Mr. Adrian Garcia, Project Manager
Verde Transmission Line Project
Bureau of Land Management
301 Dinosaur Trail
Santa Fe, NM 87508

Dear Mr. Garcia:

Greetings and Happy New Year. My name is Jose H. Lucero and I am of the White Corn family and Winter clan from Santa Clara Pueblo, New Mexico. I speak in part from the collective thoughts and wisdom of my traditional native elders who have entrusted me to share with you now. As a retired educator from Espanola Valley High School I also speak on behalf of over six thousand of my former students whom I have taught during my career which spanned more than three decades.

I am writing to express my deep concern regarding the proposed Verde Transmission Line Project. The power line poses grave threats to the Espanola Valley and the surrounding pueblos of San Juan, Santa Clara, San Ildefonso and Pojoaque. These threats come in the form of the risk of personal injury or death, as well as the threat of desecration to several cultural and spiritual sites which have been and continue to be very important to the people of the area.

The primary safety/health concern is the high level of electromagnetic energy which would be present around the sites where the power line is placed. The electromagnetic field (EMF) which is emitted by the power line would affect not only the animals and vegetation that thrive in the area, but the people as well. Alarmingly, this includes approximately one hundred and fifty elementary students at the Hernandez Elementary School (see enclosed photo) as well as hundreds of other students who attend the Pojoaque Valley Schools.

The effect of the EMF would also be of great concern to the northern New Mexicans who reside or work under or near the proposed power lines. Some of the areas which would be directly impacted are the Santa Clara Travel Center along with numerous farms and grazing lands.

Not only does the power line pose physical threats, but cultural and spiritual ones as well. Santa Clara Pueblo's first water source, a spring at the mouth of the Santa Clara Canyon would be in the path of the power line, along with the clay formations which pueblo potters have utilized for generations in order to make their world-famous black pottery. The beautiful and historic Holy Family church and grave yard, which lie below the Black Mesa, as well as various acequias (irrigation ditches) which have been in use for over a century, will all be negatively impacted by the power line.

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Spiritual shrines which are located on mesas above pueblos and throughout the land serve to protect the people. These sacred places would be desecrated by the intrusion of the power line. The Black Mesa (see enclosed photo) is a spiritual center for the pueblos. If the power line is permitted to be built it would physically and symbolically sever the sacred pathway for the spiritual entities who reside there.

Furthermore, the proposed power line offers virtually no economic benefit to the people of northern New Mexico. Approximately six hundred properties would be affected by the placement of the power line. They will experience a major loss of land value as long as the line exists. Although the developers promise a wealth of jobs, it is well known that companies bring in their own experts and hire only a handful of local people as temporary, part-time employees.

Having dealt with the proposed transmission project for forty years I find that there are more dangerous and uncertain impacts than there are benefits for the land and people of northern New Mexico. As you know, our people are not financially endowed, but we are richly blessed culturally and spiritually with a strong connection to the land in which we have lived for generations. To compromise this connection and the safety and well-being of our people would therefore be in direct opposition to our common cultural and spiritual sense.

In conclusion, the people say "NO BUILD" for the Verde Transmission Line Project.

KUH DA (Thank you)

Jose H. Lucero

Jose H. Lucero

cc: Ben Ray Lujan, U.S. Representative
Tom Udall, U.S. Senator
Pojoaque Pueblo Governor
San Ildefonso Pueblo Governor
San Juan Pueblo Governor
Santa Clara Pueblo Governor

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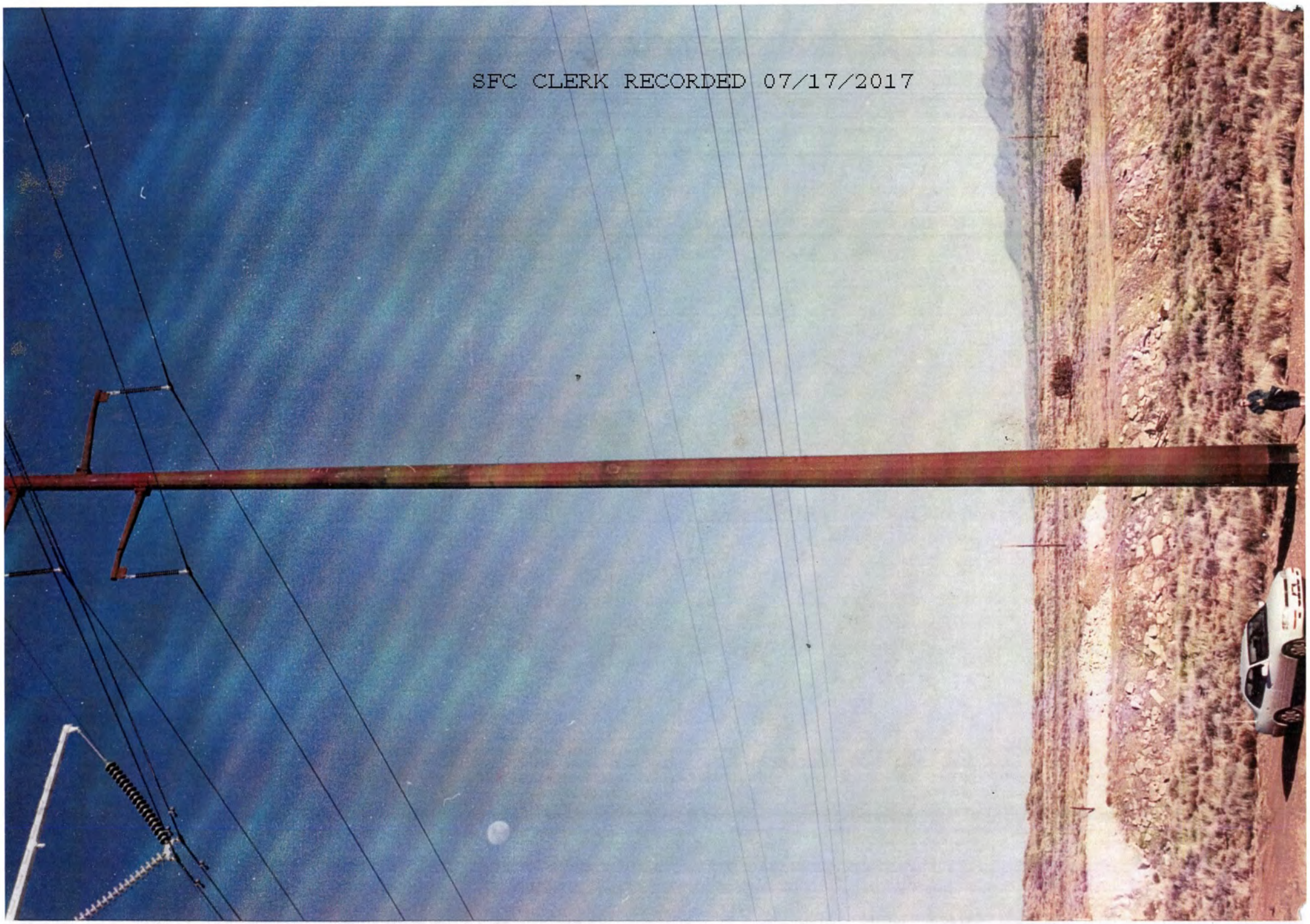

Santa Fe County Commission Meeting
June 13, 2017

Good Evening Chairman Roybal and Commissioners.
My name is Karen Koch, I am a filmmaker, 4th generation New Mexican and I live on a Permaculture Farm in Jacona. I am also a member of a citizen's organization named Stop Hunt Power Line.
Stop Hunt started last November as a small group of concerned citizens. Today we are thousands strong, incorporated as a non-profit, represented by the law firm Montgomery and Andrews, and fiscally sponsored by New Energy Economy.
We understand that this board may be required to vote on a permit for Hunt's Transmission Line in the future and you were therefore advised not to express an opinion or ask questions. We have heard many Hunt presentations, including to this body, and are here to inform you of the alternate views of many of your constituents -- first with a short film and then with several statements from members and supporters. Thank you for your attention.

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Good Evening Chairman Roybal and fellow commissioners. I appreciate you offering me the opportunity to speak today. My name is Rob Heineman. I am a retired electrical contractor licensed in the states of Colorado and New Mexico. I served on the New Mexico State Electrical Technical Advisory Committee under Governors Johnson and Richardson for 16 years, and am a past president of the National Independent Electrical Contractors' Association, a New Mexico resident of 37 years and live on Arroyo Jacona in Santa Fe County.

I am requesting in the strongest terms that the Santa Fe County Commission take a hard look at the Hunt Verde Project and its impact on the residents, vistas, environment and property values that will be ruined by the construction and maintenance of this monstrosity. This is probably only the first of several private infrastructure projects that the county will have to consider over the near future. I would like to quickly comment on the need for this line in the context of both county and state residents:

- Hunt has repeatedly stated at the BLM scoping meetings that they have not identified customers for the line, and further, have had no negotiations with PNM concerning the future use of the line.
- PNM's customer base extends from Santa Fe southward and is already served by two 345KV lines from Four Corners.
- Jemez Co-Op's electrical load in the valley is supplied by Tri-State Generation and Transmission, and is derived from the Hernandez 115KV substation. The proposed Verde line runs from the Norton station near Santa Fe to the Ojo station north of Hernandez point to point, without an intermediate stop in Hernandez. Should the Verde line be constructed, Jemez Co-Op will still rely solely on the Ojo-Hernandez-Norton 115kV line for supply, adding no capacity or economic value to Santa Fe County.
- The OLE project, virtually the same transmission line, connecting the same substations, routed through the Jemez Mountains was proposed by PNM in the 1990s and it was not approved by the PRC because PNM could not justify need.
- Furthermore, PNM's load is currently decreasing and it is forecasted to continue in decline in the next years due to:
    - Increased efficiency of appliances and lighting
    - PNM lost some of their wholesale customers for a total of about 100 MW. Examples are the city of Aztec, the city of Gallup, the Navapache Co-Op
    - Citizens switching to solar causes a reduction of about 13 MW/year in PNM's load
    - Intel is reducing operations in New Mexico

- PNM is also scaling back its generation capability:

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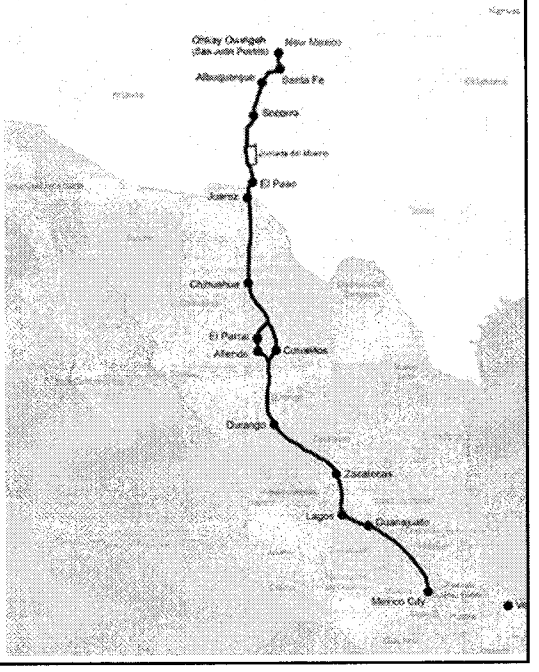
Old Buckman Road (CR 77) Segment
El Camino Real de Tierra Adentro
National Historic Trail (NHT)

- **What Is It?**
- **What Does Hunt Want?**
- **What Will BLM Do?**
- **What Does the Law Require?**
- **What Should the County Do?**

6/11/2017 devin.bent@gmail.com

El Camino Real

- International Trail – Mexico City to Ohkay Owingeh.
- US portion: 400 miles dates from 1598 and earlier.
- Congress designates as National Historic Trail (NHT) in 2000.
- In 400 years, much of it covered by highways.
- Santa Fe County is fortunate. Why?



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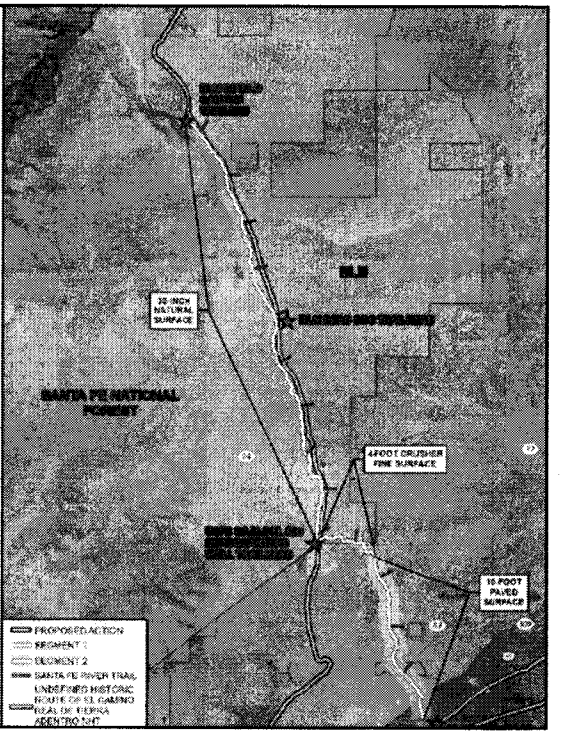
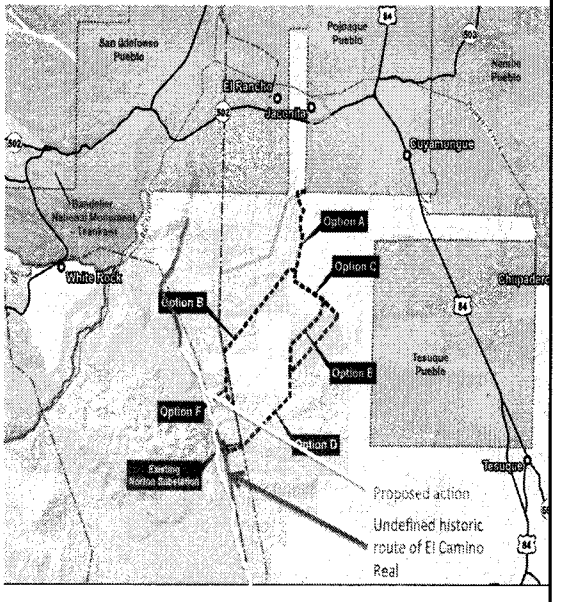
Old Buckman Road Segment

- At Santa Fe, NHT leaves the highways, roughly parallels Old Buckman Road.
- Cuts northwest across largest undeveloped land area between Santa Fe and Espanola
- Unique opportunity to recreate the historical experience.
- Soon to be built. Longest El Camino Real trail segment in US. Historic section a 30-inch wide natural surface trail.
- What could go wrong?



What Does Hunt Want?

- Proposed Hunt Power Line runs south along one of several alternative routes through undeveloped BLM land.
- Connects with Existing ~1 acre Norton substation fronting on Old Buckman Road Segment of NHT.



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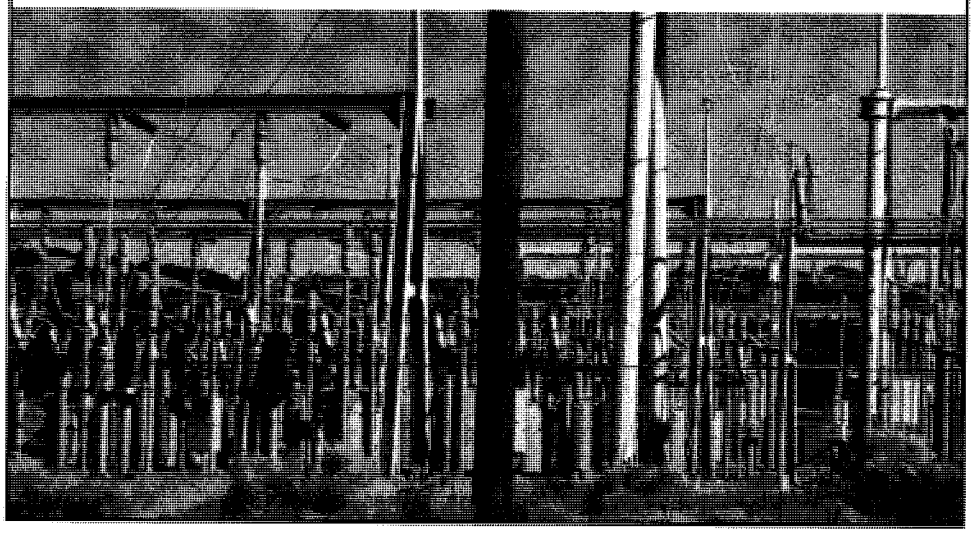
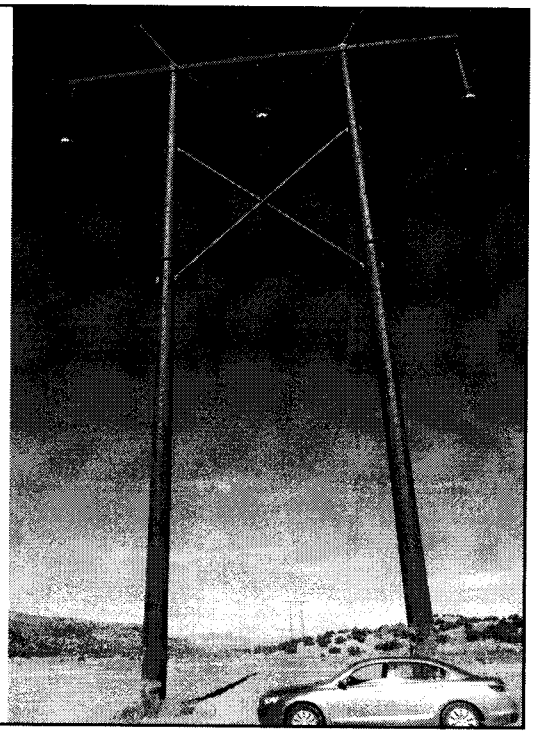
Hunt Wants:
#1. Three Additional Acres of Electrical Substation on Old Buckman Road (CR 77) Segment of NHT



#2. TWO MASSIVE ANCHOR or ANGLE TOWERS ON OLD BUCKMAN ROAD (CR 77) SEGMENT



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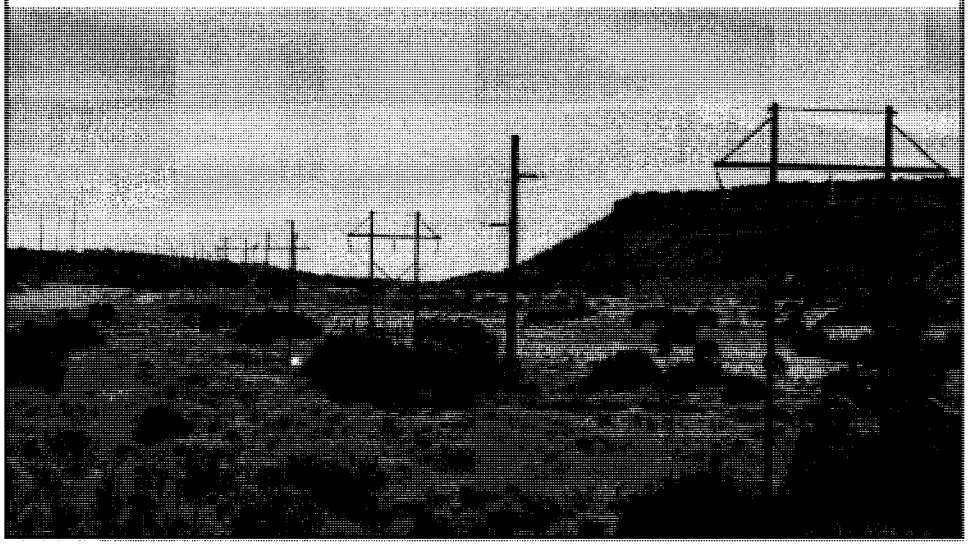
#3. A LINE OF TOWERS FROM OLD BUCKMAN ROAD SEGMENT OF NHT INTO THE DISTANCE



TAOS RESOURCE MANAGEMENT PLAN

What Will BLM Do?

- Already begun the preparation of a draft Environmental Impact Statement for the Hunt proposed power line.
- Considering revision of the Taos Field Office 2012 Resource Management Plan (RMP).
- What is an RMP? Rules that govern permissible uses on BLM land. Not specific to Hunt. Would govern all possible proposed uses. It's land use.
- RMP is not an EIS or even a portion of an EIS.
- RMP might be thought of as the BLM equivalent of the County's Sustainable Growth Management Plan and/or the Sustainable Land Development Code.

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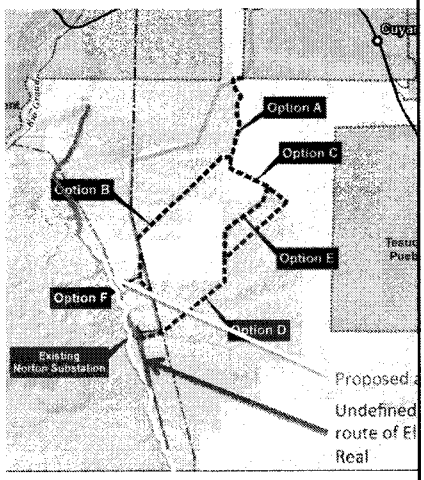
- 2012 RMP assigns all BLM managed lands to one of four Visual Resources Management classes, with Class I the most protected from development and Class IV the least.
- The lands north of Old Buckman Road are Class II. (page 25) To allow the Hunt Power Line, they would have to be reclassified Class III or probably Class IV.
- The lands along Old Buckman Road are Class III. (p. 25)
- In addition, a 0.25 mile utility corridor is designated along Old Buckman Road. (page 42).



BLM's Choice

- Will it protect the Old Buckman Road segment of the Congressionally designated El Camino Real de Tierra Adentro?

  Or

- Will it open the BLM lands to further unsightly development and continue to collocate a 30 inch wide National Historic Trail with a quarter-mile wide utility corridor?

- Unhappily, we know the answer. How?

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FHWA CFLHD
12300 West Dakota Avenue
Lakewood, CO 80228
Brent Nagen, Project Manager
(720) 963-3411

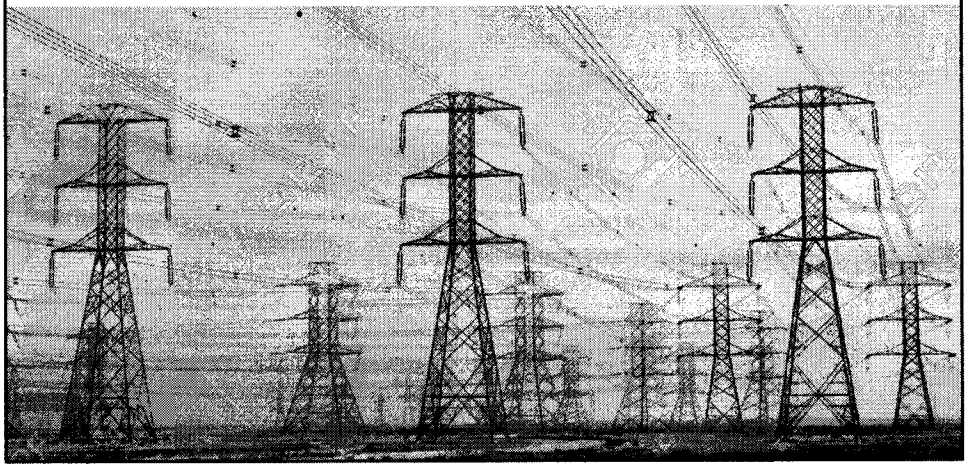
USFS, Española Ranger District
11 Forest Lane
Santa Fe, NM 87508
Sandy Hurlocker, District Ranger
(505) 753-7331

BLM, Taos Field Office
226 Cruz Alta Road
Taos, NM 87571
Sarah Schlanger, District Manager
(575) 758-8851

Page 27, Environmental Assessment, Old Buckman Road Segment, 11/16/2017:

"Utilities. CR 77 has been identified as a [a quarter-mile wide] corridor for future transmission development. The proposed action [i.e., the NHT] would be sited adjacent to this corridor and in some places, the future transmission line may cross El Camino de Tierra Adentro National Historic Trail. The proposed action would not preclude the future development of this transmission corridor, irrespective as to whether those facilities are above or below ground."

The Old Buckman Road Utility Corridor Trail
A 30 inch wide trail and 1,200 foot wide utility corridor look like this (except with more power lines).



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What Does the Law Require?

- National Trails System: "In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the **preservation of**, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and **historic resources** of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located. [Emphasis added.] (16 U.S. Code § 1241)
- National Historic Trails: "National historic trails shall have as their purpose the identification and **protection** of the historic route and its historic remnants and artifacts for public use and enjoyment." [Emphasis added] (16 U.S. Code § 1242)

What Does the Law Require? 2

- El Camino Real de Tierra Adentro: "The Secretary of the Interior may coordinate with United States and Mexican public and non-governmental organizations, academic institutions . . .for the purpose of exchanging trail information and research, fostering trail **preservation** and educational programs, providing technical assistance, and working to establish an international historic trail with complementary **preservation** and education programs in each nation." [Emphasis added.] (16 U.S. Code § 1244)
- National Landscape Conservation System: ""In order to **conserve, protect, and restore nationally significant landscapes** that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape **Conservation** System." [Emphasis added.] (**16 U.S. Code § 7202**) (National Historic Trails are explicitly included in the system.)

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Do We Get the Message?

- Protection, preservation, conservation – Congressional intent is clear.
- BLM's Mission Statement for National Conservation Lands: "The mission of the National Conservation Lands is to **conserve, protect, and restore** these nationally significant landscapes that are recognized for their outstanding cultural, ecological, and scientific values." [Emphasis added] https://www.blm.gov/programs/national-conservation-lands (Again, National Historic Trails are specifically included.)
- BLM's Manual that governs the Visual Resource Management Classes: "Class I is assigned to those areas where a management decision has been made previously to maintain a natural landscape. This includes areas such as national wilderness areas, the wild section of national wild and scenic rivers, and other congressionally and administratively designated areas where decisions have been made to preserve a natural landscape." https://www.blm.gov/sites/blm.gov/files/program_recreation_visual%20resource%20management_quick%20link_%20BLM%20Handbook%20H-8410-1%2C%20Visual%20Resource%20Inventory.pdf

What Can/Should the County Do?

- Recognize the serious threat posed to the County's interests by the CR 77 utility corridor designation.
- Direct staff to begin process of revision of the SLDC with a view to changing a high voltage power line from a Conditional Use to a Development of Countywide Impact (DCI).
- Reconsider whether the County should sit on the sidelines while BLM revises its Resources Management Plan.
- Thank You for Your Attention

6/11/2017 devin.bent@gmail.com

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- PNM just announced, the CANCELLATION of a $100M upgrade at the San Juan Generating Station due to lower power demand. This was reported in the November 1st edition of the Albuquerque Journal (see Figure 2)
- PNM owns the Algodones generation station, and this station has not been on-line in the last 25 years.
- PNM owns real estate and water rights in Algodones, enough to install an additional large 50MW PV solar array system there, and this has never been done
- PNM upgraded the 115kV power line from Ojo to Norton, increasing its power capacity by 30% 7-8 years ago. An additional 30% power capacity could be gained by rewiring the same line using a new kind of conductor wires (ACSS/TW – Aluminum Conductor, Steel Supported, Trapezoidal Wire).
- Further energy demand in the Albuquerque area can be absorbed by the Sun Zia line and distributed generation.
- PNM is retiring 286 MW of coal capacity at San Juan, and no longer needs to import that energy into Albuquerque from the Four Corners area. Any future generation capacity needs can be located closer to the load.

- Regarding the ***reliability*** of the system, there is no proof that the existing electrical grid is unreliable. The system runs quite well with the existing 115 kV line closing the loop. When questioned about system reliability at the Espanola scoping meeting, Hunt admitted that there have only been two major outages in thirty years:
  - They cite the 2000 outage caused by a grass fire as an example of a problem that could be mitigated by the proposed "Verde" line. However, the North American Electric Reliability Council's "Review of Selected Electric System Disturbances in North America", highlights this specific outage. As it turns out, during the outage, caused by a wildfire, the 345 kV line from San Juan Generating Station to Ojo was out of service due to maintenance so the transmission line could not carry any power from San Juan to the main load in Albuquerque through the Ojo station. The presence of the Hunt line would not have prevented the outage.
- So, I reiterate that Hunt has not made a case for the need of the line, nor have they shown that the current system's reliability is in question.
- To close, I ask will the health risks to our children, destruction of our vistas, devaluation of our properties, damage to other species and their habitats, and reduction of County property tax rolls be the only "economic benefit" of the line if it does not provide power or increase reliability to the local grid?

Thank you

Santa Fe County Commission Meeting
June 13, 2017

Good Evening Chairman Roybal and fellow commissioners.
Thank you for the opportunity to speak today.
My name is Elena Guardincerri, I am a physicist at the Los Alamos National Laboratory and the president of Stop Hunt Power Line.
Our organization is convinced that there is absolutely no need for this project, and the documentation in our binders provides information in support of our claim.
We protest the construction of this project because it passes in close proximity to some five schools in the region causing concern for the health of thousands of children.

Furthermore, the line has negative impacts for more than 800 homes with the towers running as close as 200 ft. to more than 75 homes and as close as 100 ft. to some homes. High voltage lines are a fire hazard, in fact sparking from transmission lines is what caused the largest recent wildfires in our area.
They are also an electrical hazard: high voltage power lines can fall, energizing the ground over a large area around them and electrocuting whomever happens to be there.
This line has been routed through floodplains, threatening the stability of residential areas and exposing homes to the risk of flooding.

We protest the construction of this project because it will blight the natural landscape and harm the wildlife of the region, in particular migratory birds. It will mar the visual integrity of the historic (and sacred) Black Mesa and be in close proximity of spiritual shrines and sites sacred to the Natives and to the non natives.
It will intrude on the viewsheds of thousands of residents and tourists alike. It will affect important recreation areas and trails, and it will permanently ruin our scenic landscape damaging our tourism and our film industries.
Because of all these reasons the project is opposed by a huge number of citizens and organizations: we have garnered more than 4,500 signatures on an opposition petition, 1,500 opposition letters and testimony were sent to the BLM.
I invite you to read the documentation enclosed in the binders that we delivered to you.

- Currently, a high voltage power line requires a conditional use permit in the SLDC. The process to obtain a conditional use permit is perhaps the least thorough of the permit processes, it is the same that would be required to build a shed. We ask you to reclassify HV power lines as DCIs, Developments of County Wide Impact. The process to obtain a permit for a DCI is the most thorough and most appropriate to a high voltage power line, which has multi-faceted impact over a wide area.
- We ask you to establish a moratorium on permit applications for high voltage power lines while the revision is being considered.
- The Santa Fe County is currently a cooperating agency in the preparation of BLM's EIS. We ask you to advocate for us, your constituents, in the course of the process.
- We ask you to become involved in the ongoing revision of BLM's Resource Management Plant, that Devin Bent mentioned in his talk, and request the most

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restrictive classification for the area around Old Buckman Road and the El Camino Real trail.

- We ask you for transparency during the whole process. We ask you to communicate with us, and to inform us clearly and promptly about any development. Please involve us in the decision making, since we are the most affected.
- Finally, we ask you to consider your legacy. If built, this power line will survive us and be passed on to the future generations. The decisions you make today will be everyone's legacy for the future, and it is what you'll be known and remembered for.

Thank you for your consideration.

Dr. Elena Guardincerri

Resolution No. 2017-041

COMMISSIONERS
Danny J. Garcia
Chairman, District III

Alex M. Naranjo
District II

Barney Trujillo
District I

COUNTY MANAGER
Tomas Campos, III

Rio Arriba
Board of County Commissioners

Resolution No. 2017-041

A RESOLUTION IN OPPOSITION TO THE PROPOSED VERDE TRANSMISSION LINE

WHEREAS, northern New Mexico is world-renowned for its stunningly scenic vistas, unique skylines, and natural beauty; and

WHEREAS, New Mexico's Native and Hispanic cultures are abundantly alive and thriving after centuries of continuous habitation in the Española Valley; and

WHEREAS, the Black Mesa, located south of Española on Santa Clara Pueblo land, is an iconic symbol of the Española Valley, familiar and sacred to residents, and frequently photographed and admired by tourists; and

WHEREAS, the Board of County Commissioners for the County of Rio Arriba, in the Comprehensive Plan adopted by the Board on January 24, 2008 has committed to protecting the County's traditional land-based communities, customs, and cultures; improving the quality of life in the County; protecting the County's precious vistas, natural resources and waters; and developing housing, education and a business-friendly environment that creates prosperity and a bright future for the County's youth; and

WHEREAS, the County is committed to preserving and protecting the health, safety and welfare of its residents and property owners; its environment, ecosystems, air, scenic beauty and other natural resources; and its history, culture and archaeology; all for the benefit of the County and its citizens; and

WHEREAS, negative impacts on the landscape of northern New Mexico may interfere with the quality of life of its residents as well as tourism and efforts to promote the scenic beauty and outdoor recreational opportunities in northern New Mexico, thus hindering efforts to improve the financial climate of the region; and

WHEREAS, Hunt Power's Verde Transmission Project is a proposed new, approximately 33-mile long 345 kilovolt (kV) transmission line that will interconnect from the existing Public Service Company of New Mexico (PNM) Ojo station in southern Rio Arriba County to the existing PNM Norton station in Santa Fe County, New Mexico, and also would cross private and Pueblo land; and

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*P.O. Box 158 * Tierra Amarilla, New Mexico 87575 * Phone (575) 588-7724 * Fax (575) 588-7814*
*Espanola Annex * 1122 Industrial Park Road * Espanola, New Mexico 87532 * Phone (505) 753-1780 * Fax (505) 753-2387*

WHEREAS, the Bureau of Land Management has received a right-of-way application from Verde Transmission, LLC, to construct, operate, and maintain a proposed overhead 345Kv transmission line commencing in Santa Fe County, New Mexico and terminating in Rio Arriba County, New Mexico; and

WHEREAS, the currently proposed Verde power line would be strung on poles measuring 90-110 feet tall, with 5-7 structures placed per mile, and an anticipated right-of-way width of 150 feet; and

WHEREAS; Hunt Power is seeking right-of-way for approximately twelve (12) miles of the proposed transmission line from the Bureau of Land Management, part of which lies within Rio Arriba County; and

WHEREAS; the Bureau of Land Management's Visual Resource Management system rates the 12-mile portion of federal land as Class II, the classification objective of which is to "retain the existing character of the landscape"; and

WHEREAS, the current proposed placement of the transmission line would run directly north of the Black Mesa on Santa Clara Pueblo land, obstructing the view for residents living in the vicinity; and

WHEREAS, rapid approval of such a large-scale project will prevent proper review and careful consideration of environmental and community impacts; and

WHEREAS, economic disadvantages have not been completely studied, and parties living near the route may require proper compensation for the way this project could their lives, health, and home and property values; and

WHEREAS, studies have shown an increase in childhood leukemia among those living near power lines and an increase in chronic adult leukemia among those who work in electricity-intensive industries; and

WHEREAS, the Española Public School Board has passed a resolution on the 21st of December 2016 recognizing the health hazards of the Hunt Power Verde Transmission Line Project, especially considering its close proximity to Hernandez Elementary and Carlos F. Vigil Middle School, which serve hundreds of local students; and

WHEREAS, the proposed power line does not promote power generation close to the source of consumption; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF RIO ARRIBA, NEW MEXICO:

The Board stands in opposition to the approval of the Verde Transmission line in its current location; and

The Board further resolves that the aforementioned points in opposition to the approval of the Verde Transmission line be considered by the Bureau of Land Management's Environmental Impact Statement.

Doc Id: 2017-041 DocInsertRW
Meeting Date: 03/30/2017
Receipt #: 35524 Page 3 of 3 Doc Code: RES
Linda J. Padilla County Clerk & Recorder Rio Arriba, New Mexico

PASSED, ADOPTED AND APPROVED THIS 30TH DAY OF MARCH 2017.

BOARD OF COUNTY COMMISSIONERS
RIO ARRIBA COUNTY, NEW MEXICO

Danny J. Garcia, Chairman
Commissioner, District III

Alex M. Naranjo
Commissioner, District II

Barney Trujillo
Commissioner, District I

ATTEST: Linda J. Padilla
Linda J. Padilla, Rio Arriba County Clerk

SFC CLERK RECORDED 07/17/2017

*P.O. Box 158 * Tierra Amarilla, New Mexico 87575 * Phone (575) 588-7724 * Fax (575) 588-7814*
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HEALTH COUNCIL

Rio Arriba Community Health Council

Lore Pease
President
Vice President
Brenda Romero
Secretary
Delfinia Romero
Lauren Reichelt
Coordinator

AN RACHC RESOLUTION OPPOSING THE VERDE HIGH VOLTAGE POWERLINE PROPOSED IN RIO ARRIBA COUNTY

WHERAS, research has determined that high voltage power lines pose multiple health risks, affecting sleep cycles, stress levels, immune response and DNA structure for individuals living or working in proximity to them; and,

WHEREAS, proximity to power lines is linked to increased cancer, stunted growth, increased triglyceride levels, abnormal EEGs, decreased calcium flow, altered reaction times, and altered biorhythms; and,

WHEREAS, the proposed path of the Verde High Voltage transmission line is immediately adjacent to Hernandez Elementary School and the Rio Arriba Health Commons, a clinic serving vulnerable residents including infants, elderly and people with compromised immune systems; and,

WHEREAS, the proposed path of the power lines threatens to damage the tourist industry by destroying the view of Black Mesa, a local landmark, as well as pristine views attractive to tourists; and,

WHEREAS, reduction of gross receipts taxes caused by decreased tourism may harm Rio Arriba's economy and it's health care providers, and by extension, residents relying on health care services;

NOW, THEREFORE, BE IT RESOLVED that the Rio Arriba Community Health Council stands in opposition to the approval of the Verde Transmission Line, in its current location, or in any location that is adjacent to a school or health facility serving Rio Arriba residents, or obstructing the view of Black Mesa or our beautiful mountains; and,

The Rio Arriba Community Health Council, comprised of over 25 agencies serving the residents of Rio Arriba County stands in opposition to construction of the Verde

1122 Industrial Park Road Espanola, NM 87532 Phone: 505-753-3143 Fax: 505-753-1769

SFC CLERK RECORDED 07/17/2017

transmission lines in any location that may threaten the health and safety of Rio Arriba residents; and,

The Rio Arriba Community Health Council further resolves that the aforementioned points in opposition to the approval of the Verde Transmission line be considered by the Bureau of Land Management's Environmental Impact Statement.

PASSED, ADOPTED AND APPROVED THIS 12TH DAY OF APRIL, 2017.

RIO ARRIBA COMMUNITY HEALTH COUNCIL

Lore Pease CPA, CEO 5-12-17

CHAIR, Lore Pease

For witnessing or attesting a Signature:

State of: New Mexico
County of: Rio Arriba

Signed or attested before me on 5/22/17 by EDWINA ROMERO
Date Name of Person(s)

Edwina B. Romero
Notary

May 17, 2021
My Commission expires

OFFICIAL SEAL
EDWINA B. ROMERO
Notary Public
State of New Mexico
My Comm. Expires 5-17-21

RACHC Member Agencies

Rio Arriba Health and Human Services Department
Presbyterian Española Hospital
Española Public Schools
El Centro Family Health
Las Clinicas Del Norte
La Clinica del Pueblo
Hoy Recovery Program
Santa Fe Recovery Program
Santa Fe Mountain Center
Rio Arriba Senior Programs
Rio Arriba Sheriff's Office
Española Police Department
Somos Amigos
McCurdy Ministries
Espanola Valley Humane Society
Moving Arts Española
DreamTree
Tewa Women United
Española Community Market
Northern New Mexico College
Española Public Health Department (NM DOH)
NM Income Support Division
NM Children, Youth and Families Department
RACSTOP
Rio Arriba Magistrate Court
Jemez Mountains Electric Coop
United Way of Northern NM
Hands Across Cultures
Las Cumbres Community Services
Siete Del Norte Community Development Corporation
Honor Our Pueblo Existence
San Martín de Porres Soup Kitchen

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CITY OF ESPAÑOLA RESOLUTION 2017-04
A RESOLUTION OF THE CITY OF ESPAÑOLA OPPOSING THE VERDE TRANSMISSION LINE PROPOSED BY HUNT POWER

WHEREAS, Federal, State, Tribal, County, Municipal and other subdivisions of government exist within the proposed right-of-way of the Verde high voltage transmission line (345kV); and

WHEREAS, Governmental entities mentioned must be diplomatic and fair, providing representation, stewardship, ensuring the public health, welfare and safety of its people; and

WHEREAS, The City of Española recognizes Federal Public Lands in New Mexico, the installation of the Verde Transmission Line Excavation would alter the natural landscape which includes; grasslands, mountain landscapes, scenic vistas, riparian habitats, desert ecosystems and acequia systems; and

WHEREAS, the City of Española recognizes the cultural and economic impacts posed by the Verde Transmission Line as sacred and scenic landscape which includes; historical landmarks, recreational tourist destinations and parks would all be visually and culturally impacted; and

WHEREAS, the Verde Transmission Project as proposed by Hunt Power will not be offering services of electrical power, telecommunication infrastructure, fiber optic cable or benefits thereof to people of the City of Española; and

WHEREAS, scientific studies have shown negative impacts on the human condition resulting in forms of cancer due to the exposure, or close proximity to high voltage electromagnetic transmission lines; and

WHEREAS, the Verde Transmission Project would have adverse impacts to residential property values due to the invalidating and factual information described above; and

WHEREAS, the Verde Transmission Project, as proposed, violates the BLM Resource Management Plan, by its own admission in the October 6, 2016, Notice of Intent and intent on degrading its management plan affecting landscapes and scenic vistas in order to accommodate the Verde Transmission Line.

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NOW, THEREFORE, be it resolved by the Governing Body of the City of Española, a Municipal subdivision of government existing within the proposed right-of-way of the Verde high voltage transmission line (345kV), are opposed to the project proposed by Hunt Power as it poses a threat to the health, welfare, well-being of its citizens and its surrounding communities and will not benefit the people of the City of Española.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Española this 14th day of February 2017.

Alice A. Lucero, Mayor

Attest:

Anna Squires, City Clerk

SEAL

SFC CLERK RECORDED 07/17/2017

RESOLUTION #5 - 2016-17

A Resolution recognizing the health hazards of the Hunt Power Verde Transmission Line Project

The Española School Board is informed that:

WHEREAS, the Board of Education of the Española Public schools is committed to the protection of the health and welfare of Public School students, teachers, staff and administrators;

WHEREAS, the proposed Verde High Voltage (345KV) Transmission Line is planned to pass near one or more Española Public Schools;

WHEREAS, an increasing number of papers in the scientific literature show correlation between the proximity to High Voltage Alternated Current Lines and the incidence of Cancer and other diseases;

WHEREAS, Hunt Power has not demonstrated a need for additional electrical power, nor has it taken the initiative to brief the Board of Education of the Española Public Schools;

WHEREAS, the Board of Education of the Española Public Schools value the local history and culture of the Española Valley and continuously strive to embed this tradition in our Public Schools;

NOW THEREFORE BE IT RESOLVED by the Española Public Schools:

That the Board of Education is opposed to the Construction and Operation of the Verde Transmission Line in its proposed form near any school or residential area.

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That the Board of Education of the Española Public Schools opposes the disruption of harmony that is enjoyed by all students regardless of race, religion, national origin, gender or ethnicity.

BE IT FURTHER RESOLVED that a copy of the resolution be distributed to all participating and cooperating agencies listed in the Hunt Power Plan of Development drafted May 2016.

NOW THERFORE BE IT RESOLVED that the Española Public School District Board of Education call on our district to join with family, friends, students, teachers, staff, and administrators to adopt this effective December 21, 2016.

SIGNED, ADOPTED AND APPROVED THIS 21ST DAY OF DECEMBER, 2016.

ESPAÑOLA PUBLIC SCHOOL DISTRICT BOARD OF EDUCATION

Pablo E. Lujan, President

Lucas Fresquez, Vice-President

Annabelle Almager, Secretary

Yolanda Salazar, Member

Ruben Archuleta, Member

ATTEST:

Mr. Eric V. Martinez, Superintendent

SFC CLERK RECORDED 07/17/2017

Dr. Melville L. Morgan
Superintendent of Schools

Sondra A. Adams
Assistant Superintendent

POJOAQUE
VALLEY SCHOOL DISTRICT

Michelle M. Ortiz
Business Manager

Angela B. Lobato
Human Resources Director

1574 State Road 502
Santa Fe, New Mexico 87506
P: 505-455-2282 / F: 505-455-7152
www.pvs.k12.nm.us

January 2, 2017

Bureau of Land Management
Verde Transmission Line Project

Re: Comments from Pojoaque Valley School Board of Education

Dear Sirs:

The Pojoaque Valley Schools Board of Education (the Board) is submitting the following comments regarding the Bureau of Land Management's (the Bureau) intent to initiate an Environmental Impact Statement (EIS) to evaluate impacts of the proposed Verde Transmission Line through the Pojoaque Valley. The Board is entrusted with the safety and well-being of 1,973 students, over 260 employees and many visitors to its schools.

Our School District has multiple facilities on its Jacona campus that lie within several hundred feet of the proposed Verde Transmission line as detailed by the route overview that illustrates the path of the line as it crosses through Jacona and Jaconita and over New Mexico Highway 502. These facilities are occupied by students and staff that include the Pablo Roybal Elementary School, the Pojoaque Intermediate School, the Pojoaque Valley High School, the Ben Lujan Gym, outdoor sports facilities and the District Central Office. We have a number of concerns regarding the impact to our students, staff, and schools:

- We do not have evidence that our students and employees would not experience adverse health effects from the proposed 345 kV transmission line. At present, we do not have scientific, peer-reviewed documentation that the transmission line will not harm our students' and employees' health or pose a safety risk.
- The size and location of the transmission poles could present a safety hazard to students and staff especially since Pojoaque students use adjacent lands near our schools for athletic activities such as cross-country running.
- The District is concerned about the impacts of the right of way (ROW) easement and how they could impact property values in the community that form the basis for the District's General Obligation bond capability. Any decline in property values decreases the District's bonding capability for voters to approve bonds for critical school infrastructure improvements.

Pojoaque Valley Schools Board of Education

Jon Paul Romero	Fernando Quintana	Toby G. Velasquez	Sharon Dogruel	Jeffrey D. Atencio
President	Vice-President	Secretary	Member	Member

SFC CLERK RECORDED 07/17/2017

- NM Highway 502 is the primary highway for the high volume of motor vehicle traffic to and from Los Alamos as well as our schools and runs directly in front of the facilities listed above, as well as the Pojoaque Middle School located a few miles east of the Jacona campus. The construction and maintenance of the transmission line will significantly impact traffic during construction and maintenance and increase the risk of traffic-related accidents.
- The District is concerned about the damage of the proposed transmission line to the viewscape from the Jacona campus, which currently benefits from its location in a relatively natural setting in the Jacona hills. This viewscape is valued by students, employees and visitors alike.
- In addition to potential health effects, the District has concerns regarding noise and potential fire hazards. No scientific evidence is available to answer questions regarding these concerns.

The Pojoaque Valley School District Board of Education supports the the precautionary approach to risk management in protecting our students, employees and visitors from harm. In the absence of peer-reviewed scientific consensus that the proposed transmission line presents no risk of harm, the Board submits this statement indicating they do not support the building of the Verde Transmission Line and recommend the Bureau propose the no-build option as the preferred option for the project in the EIS.

We welcome any interaction with and information from the Bureau and our Superintendent, Dr. Melville L. Morgan and Board President, Jon Paul Romero, can be reached at the District Office at (505) 455-2282.

Sincerely,

JP Romero/dk

Jon Paul Romero, Board President

Melville L. Morgan

Dr. Melville L. Morgan, Superintendent

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Pojoaque Valley Schools Board of Education

Jon Paul Romero	Fernando Quintana	Toby G. Velasquez	Sharon Dogrual	Jeffrey D Atencio
President	Vice-President	Secretary	Member	Member

Jemez Mountains
Electric Cooperative, Inc.
P.O. Box 128, Espanola, New Mexico, 87532

Phone:
Espanola 505-753-2105
Cuba 575-289-3241
Jemez Springs 575-829-3550

Bureau of Land Management, New Mexico State Office
Verde Transmission Project
P.O. Box 27115
Santa Fe, NM 87502-0115

RE: Supplemental Comments of Jemez Mountain Electric Cooperative, Inc. on Proposed Verde Transmission Line
Federal Register Document Citation: 81 FR 69546
Agency: Bureau of Land Management, Interior
Agency/Docket Numbers: LLNM930000 L51010000 ER0000 LVRWG16G1190 16XNMNM114507

SFC CLERK RECORDED 07/17/2017

January 4, 2017

To Whom It May Concern:

Jemez Mountain Electric Cooperative, Inc. ("JMEC") previously submitted comments to the Bureau of Land Management, New Mexico State Office ("BLM") regarding the proposed Verde Transmission Project (the "Verde Project"). A copy of these comments ("JMEC Comments") is attached for convenient reference. JMEC is submitting additional comments ("JMEC Supplemental Comments") at this time after further consideration of its position regarding the Verde Project.

In its prior comments JMEC did not take a formal position in support or opposition to the Verde Project, but instead expressed some concerns about the potential impact of this project on the membership of JMEC. As previously noted, JMEC serves more than 30,000 members located in 5 New Mexico counties, including the area where the Verde Project is proposed to be located. Subsequent to the submission of the JMEC Comments, the JMEC Board of Trustees ("Board") received substantial additional input on the Verde Project from its membership. This input has

Jemez Mountains
Electric Cooperative, Inc.
P.O. Box 128, Espanola, New Mexico, 87532

Phone:
Espanola 505-753-2105
Cuba 575-289-3241
Jemez Springs 575-829-3550

taken the form of written comments to the Board, a petition with over 3,500 signatures, telephone calls to individual Board members, and oral comments presented by numerous members at the Board's meeting on December 21, 2017. All of the comments received by the Board have been in strong opposition to the Verde Project, with the sole exception of the comments received from the developers proposing to construct the Verde Project.

At a meeting of the Board on January 3, 2017, after further consideration of the concerns identified in the original comments submitted to the BLM by JMEC, as well as the substantial input received from our membership, the Board voted unanimously to revise its position and adamantly oppose the Verde Project. These JMEC Supplemental Comments are submitted to reflect that decision by the Board and to update the BLM with respect to the position of JMEC concerning the construction of the Verde Project.

Sincerely,

Joseph Sanchez, P.E.
CEO/General Manager

SFC CLERK RECORDED 07/17/2017

Northern New Mexican Protecting
Land, Water, and Rights Inc.
Resolution to Oppose Verde Transmission Project

WHEREAS, the Northern New Mexicans Protecting Land, Water, and Rights (NNMPLWR) Inc. Board of Directors met in regular session at the <<date/time>> as required by law, and

WHEREAS, the NNMPLWR Inc. is a non-profit corporation organized and operating under the laws of the State of New Mexico, and

WHEREAS, the NNMPLWR Inc. Board Directors approved and adopted on August 26, 2014 the bylaws governing NNMPLWR Inc., and

WHEREAS, according to adopted the Articles of Incorporation and Bylaws, NNMPLWR Inc. is non-profit organization with a mission of lessening community tensions and discord and,

WHEREAS, NNMPLWR has become aware of an application to the Bureau of Land Management (BLM) for the Verde Transmission Project (VTP) by Hunt Power, Inc., and

WHEREAS, the public scoping process for the Environmental Impact Study (EIS) for said application is currently in process, and

WHEREAS, public comments regarding this application must be submitted, in writing, to the BLM, and

WHEREAS, the greater community represented by NNMPLWR, as well as specific individual members of NNMPLWR are adversely affected by the planned transmission project proposed by the applicant (Hunt Power, Inc.), and

WHEREAS, the culturally historic areas of La Mesilla, San Pedro, Pojoaque, Jacona, Jaconita, Nambe, El Rancho and Espanola will be adversely visually impacted by this project, and

WHEREAS, this area provides current and future revenue to area residents and the State of New Mexico broadly through the film and television industries, and

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Northern New Mexican Protecting
Land, Water, and Rights Inc.
Resolution to Oppose Verde Transmission Project

WHEREAS, cultural and adventure tourism may be adversely impacted by the 120 foot power lines that the applicant plans to run through their proposed route, and

WHEREAS, insufficient evidence has been provided by Hunt Power, Inc. that any lasting economic benefit will be realized by the construction of the VTP to local residents or the residents of New Mexico, and

WHEREAS, the VTP is being packaged as a green energy project yet has not provided any documentation of such, and

WHEREAS, the privately negotiated Rights-of-Way (RoW) agreements between the applicant and the Pueblos of Santa Clara, Ohkay Owingeh and Pojoaque are not limited to fair market value under the Code of Federal Regulations (CFR) 25 Subpart 169, *Rights-of-Way over Indian Lands*, and

WHEREAS, non-profit and for-profit utility providers will be required to negotiate future easements under this same rule, passing these fees on to utility users in the region, and

WHEREAS, the amounts of these fees paid by Hunt Power, Inc. will set a precedent for the amount of money required to provide such services to local residents, adversely affecting their utility rates, and

WHEREAS, there exists a technically feasible option for the applicant to place these power lines below ground so as to lessen the visual impacts of the VTP,

NOW, THEREFORE, BE IT RESOLVED by the NNMPLWR Board of Directors that:

We oppose approval of the current proposal by the applicant to the BLM in the strongest terms. In lieu of approval of this application, we ask the BLM to approve either a no-build option or to require that the applicant construct the power line underground, especially in the

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Northern New Mexican Protecting
Land, Water, and Rights Inc.
Resolution to Oppose Verde Transmission Project (16-001)

NOW, THEREFORE, BE IT RESOLVED by the NNMPLWR Inc. Board of Directors that:

We oppose approval of the current proposal by the applicant to the BLM in the strongest terms. This resolution is hereby passed and approved by the Northern New Mexicans Protecting Land, Water, and Rights Inc. Board of Directors on this November 25, 2016.

APPROVED:

Beverly Duran-Cash, President	9 Dec 2016 **Date**
Martha Trujillo, Secretary	12-12-16 **Date**

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SIERRA CLUB
FOUNDED 1892

Northern New Mexico Group
Rio Grande Chapter
1807 Second Street, Suite 45, Santa Fe, N.M. 87505
(505) 983-2703

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January 5, 2017

Bureau of Land Management, New Mexico State Office
Verde Transmission Project
P.O. Box 27115
Santa Fe, NM 87502-0115

Sent via Email: BLM_NM_Verde@blm.gov

RE: Comments on proposed Verde Transmission Line

Northern New Mexico's Sierra Club has worked closely with BLM Taos Field office on a range of resource management and land use plans. Our 2,500 members in the northern half of the state volunteer their time and expertise in many instances, including when infrastructure projects potentially threaten community health, sensitive public lands or critical wildlife habitats.

We met privately with representatives of Hunt Power on the Verde Project last October and attended all (4) BLM scoping meetings in October through December (2016) as well as contacted many concerned landowners and parents with school age children. We concluded the project presented the following significant and highly negative impacts to northern New Mexico counties, pueblos and residents.

Negative Impacts

The 345 kV Verde Transmission line is:

1. Much larger in scope and impact than originally assumed given that the 33 mile segment was designed to run along pueblo boundaries, including San Ildefono, which has rejected the project on their tribal lands; across private land owned by residents who stated they would be severely affected; and across critical bird flyways and wildlife habitats identified by Audubon, NM

Department of Game and Fish and the Energy, Minerals and Natural Resources Department.[1]

2. Poses a significant health hazard as the proposed right-of-way (ROW) would run adjacent to school properties in the area that serve over 2,000 children from the Espanola Valley and the Pueblos.[2]
3. Will be a source of future catastrophic wildfires similar to the Thompson Ridge Fire & Las Conchas Fire (largest recorded wildfire in state history) both started by high voltage transmission lines
4. Will be a significant source of electrocution and illegal taking of protected migratory birds and ducks in the Rio Grande corridor
5. Poses a negative agricultural and habitat impact as an ongoing source of invasive plants from ROW and access road land disturbance
6. Poses an ongoing problem without mitigation remedies in terms wildlife disruption and abandonment of habitat due to transmission noise and electro-magnetic fields
7. Will become a significant factor in land devaluation for communities located along the ROW and lost property tax revenues for the counties of Sandoval, Rio Arriba and Santa Fe

Speculation vs. Demonstrated Need for Verde Line

Hunt Power's attempt to market a merchant line as a "Verde" line that could benefit New Mexicans and would be built to encourage more renewable energy generation has been largely debunked by Hunt Power representatives themselves. During presentations and Q/A at several scoping meetings they have stated they have not contacted any renewable energy companies and that the line is for interstate transmission only, not for increased distribution within the state.

Hunt has stated:

1. The Verde line would "improve the transfer of electricity between the countries".

There is no proof that the existing grid is unreliable with the current 115kV line closing the loop between Ojo and Norton substations, Hunt Power has admitted there have been only 2 significant outages in 30 years – one which was highly unusual and unlikely to ever reoccur.

2. The line "would possibly help renewable energy sources".

This is an empty "greenwash" promise made to many communities facing infrastructure impacts. Hunt Power has repeatedly stated they "have not identified customers for the line" and "have not contacted any renewable energy companies."

3. PNM has told Hunt Power that the line will make grid maintenance "easier".

The proposed ROW will jigsaw around San Ildefonso Pueblo and run across new territory without access roads or access agreements with landowners. Maintaining

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[1] EMNRD, 2010, "New Mexico Statewide Natural Resources Assessment & Strategy and Response Plan"

[2] "Proposed Verde Powerline Safety Consideration" letter submitted to BLM by Dr. Kurt Moore, on safety distances between public facilities and transmission line ROWs

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the line will involve negotiating new permits and maintenance agreements with country governments, pueblo councils and private landowners, as well as BLM, which will significantly add to the maintenance costs of the grid.

Publicly Stated Financial Concerns of Jemez Mountain Electrical Coop Customers

Damage to northern New Mexico[3]

•In addition to spoiling our land, landscape, historic heritage, to damaging the habitat of our wildlife, affecting our health and devaluing our properties **the building of this line will set a new bar as regards easement and right-of-way costs.**

•San Ildefonso's right of way contract with JMEC in 1980 was $114,000.

• The one negotiated in 2014 was $4,700,000 (41-fold increase).

•Hunt will also have to negotiate easements with several tribes

• The costs of the R-O-Ws will be folded into the transmission costs per federal regulations, therefore Hunt doesn't have an interest in keeping them low.

• Next time JMEC has to negotiate the contracts, the Hunt agreement will be the baseline for calculating new R-O-W rates.

JMEC customers will pay for this increase.

This line is not needed[4]

•PNM just announced (Nov 1 2016) the CANCELLATION of a $100M upgrade at the San Juan Generating Station due to lower power demand.

•PNM owns the Algodones generation station

•That station was never powered for 25 years

•PNM could install a large 50MW PV solar array system at Algodones using the land and the water rights that it owns there

•PMN upgraded the 115kV power line from OJO to Norton by ~30% 7-8 years ago. Additional 30% power capacity is possible using ACSS/TW wires. The line grid is already redundant through this line.

•Further demand in the ABQ area can be absorbed by the Sun Zia line and distributed generation.

The Espanola Valley contains primarily rural communities and Native American Pueblos as well as a few large private land holdings and small residential developments along US 285 between the cities of Espanola and Santa Fe. Any increases in utility bills or financial losses due to increased health costs, higher mortgage rates, higher homeowner's insurance or property devaluation would negatively impact these communities to a much greater extent than areas with higher median incomes and non-land based occupations.

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[3] Powerpoint "About the Uselessness of the proposed "Verde" Line", E. Guardincerri, stopverdenm.org , November 15, 2016.

[4] IBID.

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How REIT Financing benefits Hunt Power and exploits New Mexico

Hunt Power estimates the project will cost close to $80 million. Hunt Power will receive an estimated $8 million annually from New Mexico taxpayers through PNM transmission fees.

Hunt Power states it is financing the project through a relatively new financial tool, a Real Estate Investment Trust or REIT.

Real Estate Investment Trusts (REITs) have historically been used for traditional real property holdings that produce rental income, such as apartment buildings, shopping centers and office space. In 2007, we obtained a private letter ruling from the Internal Revenue Service confirming that our T&D assets could constitute real estate assets under applicable REIT rules. Since InfraREIT's formation in 2010, InfraREIT and Sharyland, our tenant, have developed expertise in owning and operating electric transmission and distribution assets in a REIT.
For an entity to qualify as a REIT, the entity must meet certain thresholds:
The REIT must own the property Rental income must be paid to the REIT by a separate operator of the property 75 percent of the rents must be from real estate assets 75 percent of the assets must be real estate assets The REIT must have 100 or more shareholders 90 percent of the taxable income must be distributed by the REIT as dividends to investors on an annual basis
As long as these thresholds are met, the REIT receives a deduction for dividends paid. If not, the REIT is taxed as a regular corporation.[5]

InfraREIT, Inc. is a real estate investment trust (REIT) that owns rate regulated electricity delivery infrastructure assets in Texas. With our emphasis on the state of Texas and the southwestern U.S., <u>InfraREIT offers a unique opportunity to invest in a dividend-focused business.</u>
Our transmission and distribution (T&D) assets are located throughout Texas. They include power lines, substations, transmission towers, distribution poles, transformers and related property and assets.
We lease all of our T&D assets to Sharyland Utilities, L.P., a Texas-based regulated electric utility, pursuant to leases that require Sharyland to make lease payments to us when our assets are placed in service.
We are focused on paying a consistent and growing cash dividend that is sustainable on a long-term basis. We believe we are well-positioned to take advantage of favorable trends in the T&D sector, including replacement of aging assets and construction of new assets to address growing energy demand.
We believe our structure and focus on Texas and the southwestern U.S., where we can leverage our proven track record of identifying, developing,

[5] See Hunt Power, October 6, 2016 "What is a REIT" BLM Verde Project documents

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constructing and acquiring critical infrastructure assets, provide InfraREIT with a significant competitive advantage to execute our growth strategy.[6]

The Verde Project is being financed as an investment speculation to acquire real estate assets in New Mexico to be leased to Sharyland Utilities, Limited Partnership, that requires Sharyland to make lease payments to Hunt Power, along with transmission fees PNM will be required to make to Hunt Power for the use of the line, regardless of customer demand.

REIT financing allows Hunt Power to avoid paying corporation taxes and will instead receive a deduction for dividends paid. As stated:
InfraREIT offers a unique opportunity to invest in a dividend-focused business.

Hunt Power will expand and benefit. New Mexicans will sustain the risks, pay for the rate increases and face the costs of damage to their health, land and communities.

Long Term Severe Health Risks

Health impacts to residents, especially to school age children, has been at the top of the list of concerns voiced at the scoping meetings and informally within the communities and pueblos.

Short term exposure to high voltage Electric and Magnetic Fields (EMF) causes significant health symptoms according to research and publications from the World Health Organization including:
Skin rashes, muscle pain, headaches, anxiety, regular insomnia, and fatigue.

The minimum magnetic field associated with cancer in young humans is 1 milligaus (mG). A general safe limit of exposure is 0.5 mG to a lower 0.1 level for hypersensitive individuals. The magnetic fields from a 345kV line with pole heights of 120' range from 200 to 250 mG directly below the poles to 3 to 8 mG 200 feet away. The MINIMUM safety distance is 1200 to 2000 feet.

According to calculations made by Dr. Kurt Moore, retired Los Alamos Lab Space Physicist, the proposed Verde line exceeds EMF safety guidelines throughout the ROW and specifically along NM84 between El Duende and Hernandez communities.

Of greatest concern is that all 2000 school children, pre-K through high school, enrolled in the Pojoaque School complex near Jacona on Highway 502, would be within 700 to 1000 feet of the line for up to 6 hours a day, 240 days a year, for 14 years of their lives.[7]

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[6] See Hunt Power, October 6, 2016 "About Overview REIT" BLM Verde Project documents
[7] See written comment submitted by Melvin C. Chaney, December 12, 2016, BLM scoping meeting

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Cancer rates in children, especially childhood leukemia in those age 4 and under, is about 6 per 100,000 every year, for children exposed to LESS than 1 mG of EMF. The Verde line would place a source of EMF ranging from 1 to 8 mG within their daily school environment with possible extreme exposure of 250 mG if the children enter the ROW at any time.

How much risk should be asked of children, parents and school staff? Why should this potential life-long damage be asked of any community?

Wildlife Threats

Transmission and utility corridors present several problems for wildlife and their habitats. Natural landscapes provide a high degree of diversity of forage and natural boundaries that gradually transition between patches of forage and shelter. Straight-line transmission corridors disrupt wildlife movement, cause abandonment of nesting areas for avian species, avoidance by ground species and exposure to predator or human-caused mortality.

Transmission corridors are reservoirs and conduits for invasive and problematic species, particularly non-native plants and weedy species that germinate and seed more quickly than slower developing native species and over large areas. Removal of woody vegetation in ROWs for fire protection creates fragmented habitat and creates barriers for some forest dependent organisms that support forest wildlife.

Bird electrocutions caused by collisions with electric transmission lines have been estimated at kill greater than 170 million birds annually. The highest percentage of mortality occurs where transmission lines cross or run adjacent to where birds congregate – such as wetlands and migration corridors. [8]

The Verde line is proposed to cross the Rio Grande and wetland regions near Santa Clara Pueblo and the Jacona River and wetlands, which attract endangered Southwestern Willow Flycatcher as well as large populations of Canada Geese and Greater Sandhill Cranes, which are protected under the Migratory Bird Treaty Act (MBTA).

These flyways and rich habitat areas for nesting and foraging would be significantly more dangerous for birds to move through as well as introducing invasive and potential erosion and flooding from sloping and barren ROW areas that would degrade the plant life. There is no provision for "incidental or accidental" taking of protected migratory birds and companies that operate transmission lines that result in bird injuries or mortality are in violation of the Act and fines and penalties can be in the hundreds of thousands of dollars.

[8] NM Department of Game & Fish, November, 2016, "State Wildlife Action Plan", pg.50

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Damage to Largest Fish and Wildlife Priority Area in northern New Mexico

The proposed Verde ROW will impact the largest Fish and Wildlife Priority area in northern New Mexico.[9] The area, that includes the convergence of the 3 counties included in the project, Sandoval, Rio Arriba and Santa Fe, is listed on the EMNRD Statewide Model Map 1:1 as the largest contiguous area of medium to high fish and wildlife habitat in the northern half of the state.

The area provides rich potential habitat for Threatened and Endangered species (T&E), high value fishing waters and is listed as a highest Fish and Wildlife Priority Conservation area by The Nature Conservancy. It also is a natural corridor for larger mammals such as elk and deer moving back and forth from the Jemez Mountains and Santa Fe National Forest.

Transmission corridors cause soil erosion, continuous spread of invasive weeds, loss of native plants and animals, habitat fragmentation, loss of habitat and forage areas, avoidance by mammals and abandonment of critical nesting areas by birds. Residents from the pueblos and neighboring communities have relied on fishing and hunting in this large biologically rich and diverse area for centuries.

Devaluation of Land

A shared concern between taxpayers and county-city governments in Santa Fe, Sandoval and Rio Arriba, is the issue of property devaluation as a result of hundreds of properties being placed in an "energy infrastructure corridor."

The percentage of loss in property value varies from state to state, but they all are significant (from 15% to 80% loss of original property value) and transmission corridors have been shown to be highly damaging to landowners, real estate companies, mortgage lenders, local banks and homeowner's insurance companies.

Landowners who contacted our group listed this concern below other considerations such as environmental damage, health risks and impacts to wildlife. But, their anxiety as to the financial impact the Verde project would inflict on them has grown as they see the size and route the project has proposed.

Landowner concerns range from losing the view to a Tier 4 (industrial) intrusion in a Tier 2 (high quality visual resource area) landscape, to losing a lifetime of savings in land and a home that will be rendered dangerous to inhabit with the ROW within 100' of the house.

To illustrate at-risk real estate assumptions, this Luxury Sales Trends article states:

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[9] EMNRD, 2010, "NM Statewide Natural Resources Assessment & Strategy and Response Plan", Map 1-1: Statewide Model – T&E Potential Habitat, TNC Fish Atlas, TNC Cons Areas

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"It appears pre-election year concerns have not deterred discretionary spending. This (trend) demonstrates consumer confidence in our local real estate market. Santa Fe County residential luxury sales (over $1M) for the first 9 months of 2016 are up 15% over the same period land year and current showing activity is very strong." (Barker Realty at santaferealestate.com)

Homes in the article are described as "secluded, spiritual retreats, an oasis in magical northern New Mexico" and more. Photographs of properties north of Santa Fe are described as "elevated, premier view residences" in Las Campanas and show a view of the Caja del Rio area where the Verde ROW is proposed. It has been surprising how little attention this project has generated in the Santa Fe real estate community considering the vocal concerns from Espanola realtors.

Public Service Commissions in other states, such as Wisconsin, have reviewed the environmental issues and concerns raised by the construction and operation of electric transmission lines. They provide the following areas of information in pamphlet form as public information and to generate community involvement:

- Aesthetics
- Agricultural Land
- Airports and Airstrips
- Archaeological and Historical Resources
- Cultural Concerns
- Electric and Magnetic Fields (EMF)
- Endangered/Threatened and Protected Species
- Invasive Species
- Noise and Light Impacts
- Property Owner Issues
- Radio and Television Reception
- Recreation Areas
- Safety
- Water Resources
- Wetlands and Woodlands
- Wildlife

In depth information in **all** these areas is crucial to the public and the decision makers faced with the prospect of a regional infrastructure project.

Community based groups, like the Northern New Mexico Group of Sierra Club, are often asked to provide assistance when environmentally threatening projects are proposed in our city, county, or region. The Verde Line is an exceptionally virulent example of precisely what the InfraREIT document described:

It is a "unique business opportunity" – an opportunity to "acquire critical infrastructure and real estate assets" in the Southwest, make use of an unpublished "2007 private letter from the IRS" to create a real estate tax loophole, avoid

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corporate taxes, receive tax deductions on dividends paid, and provide this Texas corporation **with a significant competitive advantage to execute our growth strategy.**

Hunt's growth strategy has little to do with more reliable electricity for New Mexico or future renewable energy generation.

This project was scrapped 30 years ago and should be denied again on the basis that it fails to benefit the state or the inhabitants, it poses significant long-term risks to health, natural resources and property, and it a calculated land transfer that will rapidly impoverish northern New Mexicans.

Thank you.

Sincerely,

Teresa Seamster

Teresa Seamster
Chair, Northern New Mexico Group
Rio Grande Chapter
505-983-2703
505-466-8964
tc.seamster@gmail.com

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Sangre de Cristo Audubon Society
P. O. Box 22083, Santa Fe, NM 87502-2083

Conserving and restoring natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity.

November 23, 2016

Verde Transmission Line Project
Bureau of Land Management
P.O. Box 27115
Santa Fe, NM 87502-0115

By email to: BLM_NM_Verde@blm.gov

Sangre de Cristo Audubon Society represents over 1,400 members of the National Audubon Society in north-central New Mexico. We provide public education through our quarterly Newsletter and our evening programs on conservation topics. We also conduct a number of field trips each year to introduce people to and foster a respectful appreciation of birds and nature. Bureau of Land Management (BLM) lands provide essential habitat for many species of birds, some of them of significant conservation concern both locally and regionally. Our members make use of BLM lands in northern New Mexico for wildlife viewing, recreation. and quiet contemplation of nature.

These comments are in response to the **Notice of Intent To Prepare an Environmental Impact Statement and Resource Management Plan Amendment for the Verde Transmission Project in New Mexico** (NOI) published in the Federal register on October 6, 2016. The NOI is pursuant to a request by Hunt Power, L.P. (Hunt) for a 150' wide right of way (ROW) on BLM lands between the Ojo and Norton substations in Rio Arriba and Santa Fe counties, respectively.

NEED:
The proposed line would roughly parallel an existing 115 KV transmission line belonging to the Public Service Company of New Mexico (PNM) between the Ojo and Norton substations. This existing line has a capacity of approximately 200 MW. The proposed line would have a capacity of approximately 600 MW.

We believe that a more integrated and comprehensive approach to transmission line siting and development, particularly one that is designed with larger-scale stability and regional/national "smart grid" concepts, is the best approach for both regional and local grid stability. Piecemeal local projects such as this one can foreclose a more integrated approach to electrical transmission stability and do not take advantage of potentially more integrative solutions.

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Hunt lists four reasons for the need for this transmission line:

- to improve reliability,
- to relieve congestion,
- to encourage and sustain growth, and
- to facilitate renewable energy.

Each of these needs is questionable.

Reliability: While the proposed line would strengthen the grid loop connecting the San Juan, Ojo, Norton, and Rio Puerco substations, there are no critical loads served by this loop which a single segment failure of existing lines would put at risk. Taos is served by both the 345 KV line from San Juan and by a 115KV line from the east. Los Alamos is connected both through Norton and directly through the BA substation. Santa Fe is connected both through Norton and from the east through Las Vegas. None of these loads (Santa Fe, Los Alamos, or Taos) require the capacity that the Verde line might provide in the event of segment failure on any of the existing 115 KV or 345 KV lines. The grid in northern New Mexico is sufficiently redundant that reliability is not an adequate justification.

Congestion and Future Needs: As pointed out, the northern New Mexico grid is more than adequate to serve the existing load centers. Even if substantial growth occurs in any of these loads, grid congestion is simply not a problem in northern New Mexico and is unlikely to become one in any plausible growth scenario.

Renewable Energy: Because of the mountainous topography and associated mountain weather, northern New Mexico is not an ideal location for utility-scale renewable power generation. There is a need to connect eastern New Mexico to central New Mexico with more robust transmission capacity, but the Verde line does not address any planned or anticipated renewable energy needs in north-central New Mexico.

Hunt is proposing a merchant transmission line that does not have a customer base in north-central New Mexico. The fact that they have not coordinated or collaborated with PNM on this line reinforces this point. While it may be the case that they can justify the Verde line economically through wheeling charges of power from the San Juan generating station, **the fact remains that the Verde line will not provide any significant enhancements to the grid in north-central New Mexico.**

BIOLOGICAL IMPACTS:

The Rio Grande valley is a major migratory flyway for many birds and other wildlife. In particular, the riparian corridor along the Chama and Rio Grande rivers in northern NM along the route of the proposed project represents a relatively undisturbed riparian zone which makes it all the more valuable for birds and wildlife. Admittedly, the river is substantially channelized compared to its historical character as a braided stream. Nevertheless, the existence of an extensive Cottonwood bosque along the river represents a unique resource in the Southwest. The proposed route of the Verde line would add a second transmission line parallel to and crossing the Rio Grande and also add a second crossing of the riparian corridor of the Pojoaque river in the vicinity of Jaconita.

Riparian areas are critical habitats for birds and other wildlife in the Southwest. Riparian areas and vegetative communities associated with surface water are among the rarest habitat types in North America and even more so in the desert Southwest. Riparian areas are essential habitats for many birds and other wildlife in New Mexico.

Sixty-seven species of birds found in Santa Fe County are listed as Migratory Birds of Conservation Concern in the Taos Field Office Resource Management Plan (RMP) in Appendix

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G. Many of these species are riparian obligates and are at special risk for collisions at the points where the Verde line will cross riparian zones. Others are grassland birds that will be negatively impacted by increased habitat fragmentation should the Verde line be built. According to the State of North America's Birds (2016)[1], one-third of grassland species are considered "species of highest conservation concern" as a result of steep population declines and potential habitat loss and fragmentation.

Like grassland species, many aridland species are under threat. One species, Bendire's Thrasher, is of particular concern. Almost 30% of the global population of Bendire's Thrasher occurs in New Mexico and Breeding Bird Survey data indicate that Bendire's Thrasher is declining at a high rate; 4.4%year[1] over the last 10 years[2]. There is suitable habitat for Bendire's Thrasher on BLM lands in the area of the proposed line. The New Mexico Avian Conservation Partnership[3] (NMACP) considers Bendire's Thrasher the most threatened species in the state. The 2016 Partners in Flight Landbird Conservation Plan includes Bendire's Thrasher on the Red Watch List of most threatened species.

Four Piñon-Juniper dependent species: **Piñon Jay, Gray Vireo, Juniper Titmouse, and Black-throated Gray Warbler** are also of concern. These species all appear high on the NMACP threat list and should be considered because of the threat to their habitat and their status. The 2016 Partners in Flight Landbird Conservation Plan includes Gray Vireo and Piñon Jay on the Yellow Watch List due to small range or population and moderate threats.[4] The Intermountain West Joint Venture, which encompasses the Bird Conservation Region 16 and the BLM plan area, is home to 77% of the breeding population of Gray Vireo.[5] The Gray Vireo is also listed as threatened by the NM Department of Game and Fish.

Analysis of the potential for bird-powerline collisions analyzed by the BLM for the SunZia line in central New Mexico suggests that Sandhill Cranes fly at a modal height of as little as 30 m in the vicinity of roosting/feeding areas—riparian areas and farm fields. Land use adjacent to the Verde Project and the loss of the braided character of the river itself preclude extensive use by Sandhill Cranes, but the Rio Grande valley is a major flyway for these birds and some do roost along the Rio Grande in this area. In addition, the Rio Grande corridor is heavily used by many other birds in migration, for nesting and/or wintering habitat. In particular, ducks, geese, and Bald Eagles use this stretch of the river during the winter as it provides reliable open water in an otherwise dry area. All of these birds are therefore at risk of colliding with the lines, particularly in the vicinity of the riparian crossing of the Rio Grande north of San Ildefonso and the Pojoaque River at Jaconita.

We also note that the fact that the Verde line is not ***replacing*** the PNM 115 KV line but is ***in addition to*** that line. Thus whatever current impacts to birds result from the PNM line, the addition of Verde will more than double those impacts, as the Verde line will be higher.

VISUAL IMPACTS:
The NOI states: "..the proposed transmission project would not be consistent with the existing visual resource management classifications of the area." The visual resource management classification for BLM lands in this area in the RMP appears to be class I, the most protective

[1] North American Bird Conservation Initiative. 2016. The State of North America's Birds 2016. Environment and Climate Change Canada: Ottawa, Ontario. http://www.stateofthebirds.org.
[2] NMOS Bulletin **44** p 25 (2016)
[3] New Mexico Partners in Flight. 2007. New Mexico Bird Conservation Plan Version 2.1. C. Rustay and S. Norris, compilers. Albuquerque, New Mexico. NMACP is the successor to New Mexico Partners in Flight. Note that this plan is currently in revision—completion date expected to be in January of 2017.
[4] Partners in Flight Landbird Conservation Plan, 2016 Revision for Canada and Continental United States, at p. 6.
[5] Id. at p. 52

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classification (Map 2.2, Visual Resource Management, Alternative A), although the text (volume I, RMP p 106) states that "The majority of the West Santa Fe planning unit would be managed for VRM class II." In either case, the presence of the Verde line would result in a visual resource management class III designation, a substantial downgrade of the visual resource.

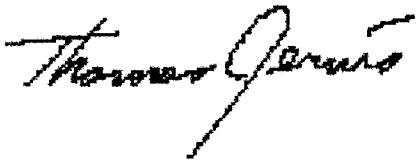
ALTERNATIVES:
We believe that Hunt has not made a compelling case for the need for the Verde Transmission Project. The Verde line would not significantly address the needs outlined in their prospectus. The line itself and the associated impacts in terms of habitat loss and fragmentation would increase the threats to birds on BLM lands in the area. Visual resource degradation would be significant.

But there is an alternative. Hunt should work with PNM to upgrade PNM's 115 KV line to 230 KV in the existing right-of-way. This project would double the capacity of the Ojo-Norton link and meet all plausible future needs for grid capacity in northern New Mexico. Further, since San Ildefonso Pueblo is already being negatively impacted by the existing 115 KV line, we propose that Hunt underground the upgraded line from north of the Rio Grande crossing to south of San Ildefonso lands.

The result of this alternative would be an increase in capacity and grid stability for northern New Mexico and a reduction in the impact of electrical transmission infrastructure on the natural and human environment in the area.

The absence of any demonstrated need for this project, the direct and indirect impacts on birds and other wildlife through habitat fragmentation, and the severe impact on visual resources on BLM lands along the right-of-way all argue against approval of this project. We realize that the BLM does not have jurisdiction over much of the area through which the Verde line will pass. But we believe that the outcome of the process described in the NOI should be no action. Such a finding would open the door to a more imaginative solution than that proposed by Hunt.

Sincerely,



Thomas Jervis, Ph.D. President
Sangre de Cristo Audubon Society
Jervidae@cybermesa.com
P. O. Box 22083
Santa Fe, NM 87502-2083

cc: Julie Weinstein, Executive Director, Audubon New Mexico

Sangre de Cristo Audubon is a 501(c)(3) tax-exempt organization.

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Dear BLM representatives:

I have been aware of this project for only a short number of months, which is especially troubling given that this project has been in the works for over 6 years. In those six years, local, county and state entities have not been brought into the discussion. Because this is now new information for many potentially concerned parties, there is a need to extend scoping and public input considerably to make up for lost opportunities not provided earlier by the Hunt Power Company. As Chair of the Sustainable Santa Fe Commission, I am now bringing this project before my commission to recommend that the City of Santa Fe take a position in opposition to current plans. We will take up a position within the next two months and forward a resolution to City Council. I would like that resolution to fall within the scoping period. Therefore, extending that period considerably is important.

The impacts from this project will be significant in the following ways:

- A critical habitat region will be markedly impacted, as already indicated by Sierra Club.
- Critical migratory birds will be potentially threatened by this project, as already indicated by the Audubon Society.
- By you own resource mapping process, this valley is considered of high priority from a visual scenic corridor standpoint.
- The significance of this area as having sacred land, from the points of view of pueblo people and others in the area, is incalculable. Consider

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the impacts on Black Mesa, for instance, which Maizie has eloquently addressed. These lands have been undisturbed with respect to industrial constructs as in these towers, and they represent significant wildlands and sacred lands. San Ildefonso pueblo took the wise action of refusing to give ROW for this project, only to find that the alignment now will potentially run along their border, thus harming them nonetheless.

- Tourism in Santa Fe County and in the state depends on protection of its wildlands. The film industry uses these spaces as well. There will be an economic impact given these uses.
- Property owners will experience a decline in value as a result of the viewshed being littered with industrial-scale towers.
- Lastly, there is no clear need established by Hunt Power Company that gives assurance that this project will IN FACT solve a reliability problem or bring RENEWABLE energy to the local area that will be most impacted. Will renewable energy be brought from a neighboring state through NM and out to other states? These answers are needed. Where is the need HERE to offset the considerable costs to our local area? We need to know WHY this is being called "Verde." It is hardly clear.

Sincerely
Beth Beloff
Santa Fe County Resident and
Chair, Sustainable Santa Fe Commission

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http://www.riograndesun.com/news/county/officials-say-no-to-route/article_af07026c-2063-11e7-afd5-ab47cf897f09.html

Officials Say 'No' To Route

By Austin Fisher SUN Staff Writer Apr 13, 2017

(SUNfoto by Austin Fisher)

Rio Arriba County Commissioner Alex Naranjo (center, right) speaks during City of Española and Rio Arriba County Day, March 7, at the Mexico Legislature, as Deputy County Manager David Trujillo, Commissioner Danny Garcia, Commissioner Barney Trujillo and Español Manager Mark Trujillo listen. The commissioners voted, March 30, to oppose the current route of a high-voltage electricity line being proposed by Hunt Power.

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A Texas company's pitch to build a high-voltage power line will likely end up being approved by Rio Arriba County officials, though not along its currently proposed route.

The Rio Arriba County Board of Commissioners unanimously passed, March 30, a resolution opposing the project's current route, which would require a 12-mile long easement from the federal Bureau of Land Management, including a part of the County.

"The Board stands in opposition to the approval of the Verde Transmission line in its current

location," the resolution states. It cites a previous resolution passed by the Española School Board in December 2016, that recognizes the health hazards posed by the proposed line's proximity to Hernandez Elementary School and Española Middle School.

The resolution stops short of opposing the project, altogether. In a written statement, Commissioner Alex Naranjo wrote, "Because we live in a democracy, I need to put emphasis that this resolution is against the present route only."

During the meeting, he said he does not succumb to public pressure and only does what he thinks is right.

The line is being proposed by Hunt Power, a subsidiary of Hunt Consolidated, Inc., based in Dallas, Texas.

"The Commission's vote was on a resolution, not a formal application, and we appreciate the supportive comments expressed during the meeting," Paul Schulze, a Hunt Power spokesperson, wrote in an emailed statement. "Verde will submit a formal permit application to Rio Arriba County a few years from now. We look forward to having more discussions with all stakeholders as the process continues."

The 33-mile 345kV transmission line project, if it gains approval from the plethora of local, state and federal agencies, will connect a high-power voltage line between the Norton Substation in Santa Fe County, and the Ojo Substation in Chilí. The line will run parallel to a less powerful 115kV transmission line strung between the two substations.

The project could cost the company as much as $80 million to complete.

The County's decision comes after numerous public meetings and town halls on the question.

About 120 people packed the San Pedro Community Center, Feb. 22, to unanimously express their opposition to the project.

The people argued that the project would desecrate sacred sites, ruin the visual appeal of the area and offer no tangible benefit to their communities.

Sarah Schlanger, field manager of the Bureau of Land Management's Taos Field Office, said the Bureau's environmental impact statement on the line will include possible alternative routes. The environmental impact statement is being written by Albuquerque-based SWCA Environmental

Consultants.

A federal permit for the project will not be issued until 2019, state and local permits will be considered in 2020 and, if approved, construction is scheduled to finish by the end of 2021.

The company is open to alternative routes that would be further away from the elementary schools, Gabriela Canales, a project development advisor with Hunt Power, said.

She said renewable energy is the future and the challenge to expanding renewable infrastructure is the lack of transmission.

Before last week's vote, Commissioner Barney Trujillo said the project is critical to the future transmission of renewable energy in the state.

"The people don't want this, but this does hurt New Mexico in terms of renewable energy," he said. "(Opposing the project) will put us years behind, but I'm with the residents."

Karen Koch, a member of the Tesuque-based group Stop Hunt Power Line, said the project is being sold to the public as green.

"There is no proof that it will provide renewable energy," Koch said. "There is no source of renewable energy between the two substations that would be connected by the line."

Rio Arriba County Manager Tomas Campos previously said that there is not currently a solar plant in the County large enough to need such a high-voltage line.

Commissioner Danny Garcia said the process should have been more transparent and more public meetings on the proposal should have been held earlier.

Gregor Paslawsky, another member of Stop Hunt Power Line, questions the motivation behind the project, given that Hunt Power officials ended up proposing the line within 150 of Hernandez Elementary and within 1,000 feet of Pojoaque High School, after six years of planning.

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Rio Arriba County votes against Verde power line plan

By Justin Horwath

The New Mexican | Posted: Thursday, March 30, 2017 11:35 pm

Rio Arriba County commissioners on Thursday unanimously voted to oppose the proposed route of the Verde Transmission Line, a proposed high-voltage power line that would stretch 33 miles from northwest of Española to west of Santa Fe.

Rio Arriba County votes against Verde power line plan

The proposed Verde Transmission Line towers would replace the current towers that run north and south by the Norton Substation on Old Buckman Road west of Tesuque. Clyde Mueller/New Mexican file photo

The vote by the County Commission is significant because Hunt Power of Dallas, the company proposing the $80 million line, will need zoning approval from the three commissioners for portions of the project running through Rio Arriba County.

A resolution approved by the commission says the line, if constructed along the current proposed route, would obstruct the views of some county residents. It also says residents may need to be compensated for the line's impact on their lives, health and property values.

Commissioner Alex Naranjo, who pushed the resolution, said in an interview that the measure expresses opposition to "the present route only" of the proposed 345-kilovolt transmission line.

Naranjo said he introduced the resolution following community meetings in San Pedro and Hernandez, where he said hundreds of local residents expressed opposition to the line.

Paul Schulze, a Hunt Power spokesman for the project, said in an email Thursday that the County Commission "vote was on a resolution, not a formal application, and we appreciate the supportive comments expressed during the meeting."

"Verde will submit a formal permit application to Rio Arriba County a few years from now," he said. "We look forward to having more discussions with all stakeholders as the process continues."

The resolution says, "The current proposed placement of the transmission line would run directly north of the Black Mesa on Santa Clara Pueblo land, obstructing the view for residents living in the vicinity" with power line poles measuring 90 to 110 feet tall.

The economic disadvantages of such a large-scale project have not been studied, the resolution says, and parties living near the route may require proper compensation for the way the project could impact their "lives, health, and home and property values."

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The resolution cites a Dec. 21 measure by the Española school board "recognizing the health hazards of the Hunt Power Verde Transmission Line Project, especially considering its close proximity to Hernandez Elementary School and Carlos F. Vigil Middle School, which serve hundreds of local students."

Jan Brooks was among those who showed up at the County Commission meeting to oppose the transmission line. She said in an interview that as long as there's doubt about the health impacts of the line, "Why should we accept the risk?

"After six years of planning, the best route you can present to us goes 150 feet from a playground?" she said.

Hunt Power says the project would add 600 megawatts of capacity to the electrical grid and provide a new means through which to transport renewable energy.

The company is seeking rights of way from the U.S. Bureau of Land Management. The line would pass through public, private and tribal land, including 15 miles in Santa Fe County.

Santa Fe County commissioners in February approved a memorandum of understanding to cooperate with the BLM as it prepares an environmental impact statement for the line.

Robert Griego, Santa Fe County's planning manager, said in February through a county spokeswoman that Hunt Power would be required to submit a development application on portions of the line that cross private land in Santa Fe County.

Contact Justin Horwath at 505-986-3017 or jhorwath@sfnewmexican.com.

http://www.riograndesun.com/news/county/commissioners-to-vote-on-verde-line/article_d435b69c-04e7-11e7-ac83-e3ae5fdfcdc9.html

Commissioners to Vote on Verde Line

By Austin Fisher SUN Staff Writer Mar 9, 2017

(SUNfoto by Austin Fisher)

Rio Arriba County Commissioner Alex Naranjo (with microphone) asks, Feb. 22, at the San Pedro Community Center, who in the crowd, show of hands, supports the Verde Transmission Project. Of roughly 120 people who packed the building, no one raised their hand.

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Widespread public outcry against the proposed Verde Transmission Project could lead Rio Arriba County officials to join the opposition, which would either prevent it from being built altogether, or force Hunt Power to find an alternative route.

On March 30, the Rio Arriba County Board of Commissioners will vote on a formal resolution to either support or oppose the project, which could cost the company as much as $80 million to complete.

While other local entities have expressed opposition to the project, their actions have been largely

symbolic.

Española City Councilor Manny Martinez said the city council's resolution opposing the project, passed on Feb. 14, is a show of unity with the rest of the community.

That is not the case with the County Planning and Zoning officials who have the authority to approve right-of-way agreements with the company that would allow the line to be built in the County's boundaries.

"The decision that we make practically stops it all," County Commissioner Alex Naranjo said in an interview, Feb. 23. "At the end of the day, the action that we take here carries a lot of weight."

The County's decision will come after numerous public meetings and town halls on the question. About 120 people packed the San Pedro Community Center, Feb. 22, to unanimously express their opposition to the project, which is being proposed by Hunt Power, a subsidiary of Hunt Consolidated, Inc., based in Dallas, Texas.

When asked by Naranjo to show, by raising their hands, who is opposed to the project, every attendee raised their hand, while no one raised a hand when he asked who supports it.

The people argued that the project would desecrate sacred sites, ruin the visual appeal of the area and offer no tangible benefit to their communities.

Sarah Schlanger, field manager of the Bureau of Land Management's Taos Field Office, said the Bureau's environmental impact statement on the line will include possible alternative routes. The environmental impact statement is being written by Albuquerque-based SWCA Environmental Consultants.

The company is open to alternative routes that would be further away from the elementary schools, Gabriela Canales, a project development advisor with Hunt Power, said.

She said the company is considering building the line underground, but that is typically too expensive.

She said renewable energy is the future and the challenge to expanding renewable infrastructure is the lack of transmission. Rio Arriba County Manager Tomas Campos said that there is not currently a solar plant in the County large enough to need such a high-voltage line.

When Canales said there is no conclusive evidence of health impacts by high-voltage transmission lines, the crowd erupted into boos and jeers.

Sitting in the audience was Frederic Cosandey, a physicist and professor of materials, science and engineering, who lives in Pojoaque. He told the Española City Council that even though Hunt would not need right-of-way agreements to extend into the city's boundaries in order to build the line, the magnetic fields generated by the line would extend into the city's boundaries.

He said one can stand 300-feet away from the center of a 345kV transmission line and measure an amount of electromagnetic radiation which is about five times what is considered safe field strength that is present in most homes, caused by appliances.

"No study has yet definitely proven that high-voltage power lines are absolutely safe," Cosandey said. "To the contrary, there is mounting evidence that health risks do exist."

More than 200 peer-reviewed studies show a correlation between diseases in humans and electromagnetic radiation, he said. That does not necessarily show a cause-and-effect relation.

Cosandey said any right-of-way agreements should extend at least 700-feet away from the center of the proposed line, in all directions, much farther than the existing 150-foot agreements between the company and the pueblos.

The 33-mile 345kV transmission line project, if it gains approval from the plethora of local, state and federal agencies, will connect a high-power voltage line between the Norton Sub-station in Santa Fe County, to the Ojo Sub-station in Chilí. The line will run parallel to a less powerful 115kV transmission line strung between the two substations.

The developer of the project is Bob Winfield, president of Albuquerque-based Tecumseh Professional Associates, Inc.

There are several more steps before the application process is complete. A federal permit will not be issued until 2019, state and local permits will be considered in 2020 and, if approved, construction is scheduled to finish by the end of 2021.

The application process is meant to ensure any action the federal government takes complies with the National Environment Policy Act.

In this instance, allowing Hunt Power to run the transmission lines across federal lands constitutes

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such an action.

The Act requires the Bureau to compile a report that will help federal regulators determine how well the project fits into existing communities.

Public comments can be submitted to the Bureau via the BLM project website at: www.blm.gov/nm /verde; via email at: BLM_NM_Verde@blm.gov; or by mail at the following address: Bureau of Land Management, Verde Transmission Line Project, P.O. Box 27115, Santa Fe, N.M., 87502-0115.

Contact Bureau Project Manager Adrian Garcia at 505-954-2199 to be added to the project mailing list, or for more information.

Landowners oppose Verde Line

By Teresa Seamster
Northern New Mexico Group chair

The Verde Transmission Line project has finally stepped into the public limelight after more than six years of privately held and undisclosed negotiations between Hunt Power of Dallas and the northern pueblos of Pojoaque, Santa Clara, and Ohkay Owingeh. The reaction of hundreds of Española Valley landowners has been swift.

Because agreements between Hunt Power and the three pueblos and the Jacona Land Grant owners have already been approved, resident Rob Heineman, who just found out about the project, said he felt "the community's flesh is being ripped apart by a pack of wolves" in this valley where "several heritages have co-existed so peacefully and thoughtfully."

The proposed 33-mile, 345-kV high-voltage transmission line would have towers 120 feet tall and spaced 800 feet apart.

The route is to run from Ojo substation northwest of Espanola across the Rio Grande only 1600 feet north of Black Mesa, which is considered a site that is both sacred to San Ildefonso and of regional cultural importance, and then down the west side of Espanola Valley to Norton substation west of Santa Fe.

The Española Valley is the gateway to the Jemez Mountains and the world-renowned Bandelier National Monument and Valles Caldera National Preserve that is home to the second-largest elk herd in the state. Up to 700,000 visitors a year travel NM 502 through Pojoaque and San Ildefonso Pueblos to see the spectacular mountains, cultural heritage sites, wildlife, and sweeping vistas of Northern New Mexico.

The following comments were prepared by landowners who contributed their concerns to the stopverdeprojectnm.org website created by Flaviano Prosperini, his wife, Elena Guardincerri, and Mattie Allen, who have properties that would be impacted by the Verde right-of-way. They were delivered at the BLM meeting in Pojoaque.

•Hunt has repeatedly stated at previous scoping meetings that they have not identified customers for the line, and, have had no negotiations with PNM concerning the future use of the line

Above: a photo illustration of what Black Mesa would look like with the Verde Line constructed. Photo illustration by Tadz Kostrubala

You can make a difference

If you are concerned about the Verde transmission line and would like to weigh in, Please submit email comments to the Bureau of Land Management at BLM_NM_Verde@blm.gov or mail to: BLM, Verde Transmission Line Project, PO Box 27115, Santa Fe, NM 87502-0115 by Jan. 5.

• The proposed Verde line runs from Norton to Ojo point to point, without an intermediate stop in Hernandez. Should the Verde line be constructed, Jemez Co-Op will still rely solely on the Ojo-Hernandez-Norton 115kV line for supply, adding no capacity or economic value to the valley.

• This leaves PNM as the only plausible candidate to use the proposed Hunt line, even though at the Nov. 29 Santa Fe County Commission meeting Hunt denied PNM's involvement and declared that the proposed line has no users yet and there are no contracts in place for the transmission of renewables.

• The OLE project, virtually the same transmission line, connecting the same substations, routed through the Jemez Mountains was proposed by PNM in the 1990s and it was not approved by the PRC. The PRC ruled that PNM had not made the case for additional capacity requirements.

• Further energy demand in the Albuquerque area can be absorbed by existing lines and much more solar panels.

PNM is retiring 919 MW of coal capacity at San Juan, and no longer needs to import that energy into Albuquerque from the Four Corners area. Any future generation capacity needs can be located closer to the load.

• Regarding the reliability of the system, there is no proof that the existing electrical grid is unreliable. The system runs quite well with the existing 115 kV line closing the loop. When questioned about system reliability at the Española scoping meeting, Hunt admitted that there have only been two major outages in thirty years.

Hunt has not made a case for the need of the line, nor have they shown that the current system's reliability is in question.

More than 3,275 Northern New Mexico residents have signed a petition circulated by landowner, biologist, part-time actress, bow hunter, organic farmer and mom Mattie Allen, all strongly opposing the Verde Line.

One of the greatest concerns is the proximity of local schools to the project right-of-way. Dr. Kurt Moore, retired Los Alamos Laboratory space physicist, submitted comments to BLM that the proposed line exceeds magnetic safety guidelines and recommended minimum safe levels associated with cancer in humans "within the ROW and along NM 84 between El Duende and Hernandez."

A minimum safety distance is 1,200-2,000 feet. The right-of-way is 150 feet with many residences and public facilities within 100 to 200 feet.

Heineman summed up the feelings of many in the audience when he concluded:

"They have yet to meet with me, and they want to build on or adjacent to my land. I say to my neighbors, I will never benefit at the expense of my neighbors. You are all I have in this valley."

Resolution supports national monument

Excerpted from an op-ed Taos County Chair Jim Fambro and Commissioners Mark Gallegos and Tom Blankenhorn in the Taos News.

On Dec. 6, the Taos County Commission passed a unanimous resolution affirming the support of our beloved Río Grande del Norte National Monument.

This vote also serves as a memorial to the late Ron Gardener, who worked diligently on efforts around the Río Grande del Norte National Monument in the 1990s.

The vote to support the National Monument could not come at more important time. Recently, outside interests have threatened to repeal our National Monument — something that our constituents fought for and have come to depend upon for their livelihood, recreation, traditional, and small business interests. Continued protection is important for certainty in the ongoing BLM monument planning process to best serve the community as well as protect against further development such as threats of energy transmission running through the Monument.

We go to the canyons, mountains, and rivers to hike, fish, and gather firewood. And our small businesses have grown and prospered because of the assurance that these lands will always be here.

Over the course of 25 years, a diverse coalition came together to preserve this spectacular place for future generations to enjoy. The group grew to become business owners, elected officials, Native American tribes, Hispanic/Latino leaders, ranchers, veterans, and conservationists. And when legislation continued to hit a brick wall in Congress, President Obama designated the Río Grande del Norte National Monument on March 25, 2013.

People in Taos celebrated the designation. We celebrated it because we could foresee the economic growth that would come from putting a star on the map in northern New Mexico. Indeed, there as a 40 percent increase in visitors to the National Monument, and Taos County has enjoyed significant increases in lodgers' tax and gross receipts revenues from the accommodations and food service sector.

And thanks in part to the Monument and our state's other protected public lands. The tourism industry generated the largest economic impact in state history for the sixth year in a row. This resulted in nearly $6.3 billion being added to the New Mexico economy that supported 90,400 jobs.

Continued on Page 15

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County to aid Verde Transmission Line review

By Justin Horwath

The New Mexican | Posted: Tuesday, February 14, 2017 11:05 pm

Correction appended.

Santa Fe County will participate as a "cooperating agency" in the federal government's anticipated environmental review of a Texas company's proposal to build a 33-mile power line between Alcalde in Rio Arriba County and a substation on Old Buckman Road near Santa Fe.

BLM official: Power line proposal violates land plan

The proposed Verde Transmission Line would replace the 164-kilovolt transmission line to the Norton substation on Old Buckman Road. Pictured are the existing 55-foot poles that could be replaced by poles twice the size. Clyde Mueller/The New Mexican

The 345-kilovolt transmission line, supported by towers of up to 110 feet high, would cross the Pojoaque Valley, worrying some residents about the impact on views. Hunt Power, the company proposing the line, says the project, with an estimated cost of up to $80 million, would add 600 megawatts of capacity to the electrical grid and provide a new means through which to transport renewable energy.

The company seeks roughly 12 miles of right-of-way from the U.S. Bureau of Land Management. The line would pass through public, private and tribal land, including 15 miles in Santa Fe County.

Santa Fe County commissioners on Tuesday approved a memorandum of understanding to cooperate with the BLM as it prepares an environmental impact statement for the so-called Verde Transmission Line.

In the role of a cooperating agency, the county will provide the BLM with "data, analysis, and expertise regarding Santa Fe County zoning and ordinances," according to a memo presented to commissioners. The county also would review the environmental impact statement.

Robert Griego, the county's planning manager, told commissioners there will be opportunity for members of the public to comment on the BLM's draft environmental impact statement, which he said is scheduled for completion in a year.

Commissioner Ed Moreno said the federal environmental review represents "our opportunity to influence the way the process is going to work."

"I'd rather be inside the room than outside the room, and I think this is a good opportunity for us to weigh in for our constituents," Moreno said.

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County Attorney Greg Shaffer said nothing prohibits commissioners from attending public meetings on the BLM's environmental review.

Contact Justin Horwath at 505-986-3017 or jhorwath@sfnewmexican.com.

Correction: A previous version of this story reported that Robert Griego, county planning manager, told commissioners Hunt Power did not need to submit a development application for the power line. Griego actually said the county's proposed memorandum of understanding with the BLM did not require such an application. Griego later said through a county spokeswoman that Hunt Power would be required to submit such an application to the county on portions of the line that cross private land where the county has jurisdiction.

http://www.riograndesun.com/opinion/letters_to_editor/verde-line-power-not-for-us/article_4d1e5440-eee7-11e6-868d-03433a6969d1.html

Verde Line Power Not for Us

By Jeanne Juliet Feb 9, 2017

This whole Hunt Power Verde Line offends me. Surely Jemez Mountains Electric Cooperative knows whether it is at capacity or not, contrary to what was reported in an article in the Rio Grande SUN in an article entitled "Officials Want Proposed Power Line Info," Feb 2, page A10.

Maybe the tribes, whose land the line must cross, will make some money off of it, but the rest of u Norteños won't benefit in any perceivable way, because the power is obviously meant for somewher else, which I believe Hunt is lying about.

Putting a dangerous high power line next to a school is nothing short of criminal and I certainly don't want to look at it for the rest of my life in the south end of La Mesilla.

Get real, people.

Jeanne Juliet

La Mesilla

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Reader View: Verde line needs further analysis

By Bruce C. Throne | Posted: Saturday, January 7, 2017 7:00 pm

It is my understanding that this Verde Transmission Line project is proposed within the Western Electricity Coordinating Council Path 48 over which Public Service Company of New Mexico exercises operational control. It also is my understanding that the proposed project would connect two points on PNM's existing transmission system.

According to the Hunt Power Verde Transmission Project website, this project is intended to increase the transmission capacity and reliability of PNM's Transmission System for the delivery of new renewable power generation resources located in New Mexico to off-taking customers. It also is my understanding that for a number of years now, the New Mexico Renewable Energy Transmission Authority has received no operational funding from state government to help plan electric transmission system improvements needed for New Mexico in a centralized and coordinated manner.

PNM currently is engaged in an integrated resource planning process that is due to culminate in the filing of its next Integrated Resource Plan with the Public Regulation Commission on or about July 1. PNM recently withdrew an application with the PRC for authority to construct a new 80MW gas-fired plant at the San Juan Generating Station to provide further system reliability based on its determination that the "quick-start" capacity of that plant is not needed by 2018 as projected earlier in 2016 by PNM.

PNM is scheduled to shut down Units 2 and 3 of that coal-fired station by Dec. 31, 2017. The last two of these decisions suggest a freeing up of some capacity on PNM's transmission system between the Four Corners hub and PNM's retail load center in Central New Mexico. It is not clear to me why PNM, rather than Hunt Power, is proposing this project ("BLM: Verde plan violates land rules," Jan. 5).

For the above reasons and to avoid a piecemeal transmission planning process in New Mexico, I believe this project should not proceed to construction unless its costs and benefits are fully set forth, analyzed and addressed and compared to "all feasible alternatives" in PNM's current Integrates Resource Plan "public advisory" process and its 2017 Integrates Resource Plan. Then, that plan must be reviewed by the PRC after it is filed.

That is, the need for this proposed project compared to all feasible system improvement alternatives should be assessed in the context of PNM's entire 2017 Integrated Resource Plan, which is supposed to address a four-year "action period" as well as a longer 20-year planning period.

Bruce C. Throne is a Santa Fe attorney.

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LETTERS

Thank you for reading The Santa Fe New Mexican. Because you have already viewed this article, you may view it again as many times as you would like without subtracting from your remaining free article views.

1 **Remaining**

Letters to the editor, January 6, 2017

Posted: Thursday, January 5, 2017 9:36 pm

I applaud Joan Logghe's letter ("No to Verde line," Dec. 30) regarding the proposed electrical transmission lines to be built in our state. As one of the founding members of the film worker's union in New Mexico, I know the positive economic impact film has brought to New Mexico.

We are rapidly losing unspoiled landscapes, which are essential to filming exteriors. This proposed transmission line would have a major impact on filming in New Mexico. The lead story ("Celluloid legacy," Dec. 25) in *The New Mexican* lays it all out. This proposed transmission line would negate and ruin a very large portion of our landscape for filming if allowed to be built above ground.

If it is too expensive to bury the cable, then it isn't needed as much as the powers that be claim. As a result of the size of New Mexico and its varied landscapes, it doubles for many other states and cities in films shot here.

Dick Hogle

La Puebla

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http://www.riograndesun.com/opinion/editorials/sovereign-yes-but-consider-your-neighbors/article_21db70d2-d2be-11e6-96b4-ab73aac56d75.html

Sovereign, Yes, But Consider Your Neighbors

By Robert Trapp Jan 5, 2017

It's good to have a little star power on your side. This wasn't the case Sunday when Robert Redford wrote a column for the Santa Fe New Mexican.

Redford refers to himself as an activist and his many appearances over the years prop up that label. His Sunday column was about the greatly debated Verde Transmission Line, almost all of whi runs through Rio Arriba County.

We had a few problems with his prose, aside from the fact he was writing to a Santa Fe audience about a mostly Rio Arriba County issue.

The first issue we have with almost all celebrities is that when they want to wade into an issue, th try to sell themselves as local. Redford claims to be a 36-year resident of Santa Fe. We don't doubt he owns property there but does that make him a resident in the same sense most people use the word resident? Not likely.

He can also probably claim to be a resident of Park City, Utah and Los Angeles, Calif. That claim would be fair in the sense the state statute addresses residency. In the case of candidate and voter residency, a location can be called a residence if the person intends to return there one day to live.

The big issue we must take up with Redford is his total acceptance of allowing pueblos to use the land in any way they see fit.

We understand the sovereignty issue very well. Pueblos are allowed to do whatever they wish wit their land. However, a reasonable person would talk to their neighbors before allowing a huge (unneeded) power line to run through three pueblos resulting in a battle to stop the line on Bureau o Land Management property.

None of the pueblos have demonstrated any sort of desire or will to be those good neighbors. They're strictly out to improve their respective tribal councils' coffers. They're not subject to any sort

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of review and are not accountable to tribal members. Unscientifically and anecdotally speaking, mos tribal members are against the Verde Transmission Line. But they have no voice on tribal councils.

The pueblos have put everyone outside of pueblo boundaries on the defensive in regard to the Verde Transmission Line, all in the name of making a buck. We acknowledge it's a lot of bucks, but that doesn't make it right.

We'll not see the Española Valley improve until many things change. One of those things is Indiar pueblos working with the city of Española and Rio Arriba County. Ramming a power line down everyone's collective throat is not neighborly and will blight pueblo and non-pueblo property.

A dollar seems to trump Indians' claims to the sacred land from which they come. How can runnir power lines over ancestral land be acceptable?

The power line will not lower power costs for anyone, including pueblo residents. None of us in Ri Arriba County will see any benefit from the line, save tribal councils.

For Redford to flippantly state he agrees with pueblos' rights to do with their land what they wish i to assume we all live in a vacuum. In this era of global repercussions we are even more interconnected, especially when it comes to water, power, energy drilling and pollution. Surely Redford wouldn't agree it's fine for Mexico to put manufacturing plants eight miles south of the U.S./Mexico border? Mexico has the right to do so but it's not ethically or morally right.

We don't expect the pueblos to come to their senses and see past the dollar signs, but bringing a celebrity stamp of approval into things doesn't help the matter. A good environmental activist would oppose a useless power line such as the Verde Transmission Line, period. To say it's OK for Indians but not for non-Indians is disingenuous.

That would also hold true in Park City, Utah, where Redford "resides."

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Letters to the editor, January 5, 2017

Posted: Wednesday, January 4, 2017 8:46 pm

We have all heard unsettling reports that the new Congress is gearing up to make radical changes to the social safety net by dismantling programs that allow millions of people to make ends meet every day. We need to prevent this from happening because poverty not only hurts the poor, but it also harms all of us. Almost 1 in 7 Americans live below the poverty line. Every day, people must face the scarcity of food, unstable housing, limited educational and employment opportunities, and even worse, they must deal with health care expenses that they cannot afford. Living with these conditions limits opportunities for them, which in turn influences prosperity of the nation as a whole. Federal anti-poverty programs have allowed millions of Americans to move out of poverty and the uncertainty of living day to day. We must not only protect, but also strengthen these critically important programs.

Gerry Fairbrother, Ph.D.

Santa Fe

Puffed-up politicians

People who support runoff elections for Santa Fe object that a candidate for mayor, for example, now can take office after getting just 30 percent of the vote ("Election reform begins at home," Ringside seat, Dec. 19). Runoff elections between the top votegetters, the argument goes, would ensure that elected officials take office with a majority of votes cast. This is assumed to be an obviously good thing. Why is it a good thing? A majority vote gained in a runoff election is an artificial majority. The "majority" winner could claim that more than half the voters were just dying to see him or her take office, when most voters actually wanted someone else. Do we really need more puffed-up politicians claiming phony mandates? A mayor taking office with a fraction of the vote would know that he or she has a lot of work to do to gain everyone's support. A little humility is a good thing.

Tom Day

Santa Fe

Verde comments

The Bureau of Land Management appreciates *The New Mexican* reminding people of their initial opportunity to provide input about the proposed Verde Transmission Line project ("Comment on Verde before it's too late," Our View, Jan. 2). We'd like, however, to elaborate on the headline that stated, "… before it's too late." Let us explain.

The National Environmental Policy Act requires the Bureau of Land Management to involve the public in its environmental review process and to disclose the potential impacts of projects such as the Verde Transmission Line before project decisions are made. We are now in the first phase of the National

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Environmental Policy Act process, that of public scoping. Although Thursday, Jan. 5, is the end of the scoping period for the proposed project, there will be additional opportunities for the public to provide input as we proceed with our analysis.

The Bureau of Land Management has not and will not reach a final decision on issuing a right-of-way for the transmission line until we have thoroughly evaluated and analyzed the proposal and developed a range of reasonable alternatives, including a no-action alternative. We look forward to continued public input and participation as we proceed through the process.

Sarah Schlanger

Bureau of Land Management

Taos

Missing family photos

After a fantastic week in Carlsbad and then in Santa Fe, where I took my entire family for the holiday, the last day while checking out of the wonderful La Posada de Santa Fe, my camera bag went missing. I can replace the camera. I cannot replace a week's worth of family photos. We all had such a fantastic time. Santa Fe is a wonderful city, with fantastic food and wonderful sights to enjoy. All to say, if that person who has the camera could remove the disk and send it to the hotel, I would be deeply grateful. I am 79, so I probably will not be repeating this trip. Thank you.

Adele McGee

Pismo Beach, Calif.

Watching PBS

Let me begin by saying I am no fan of the president-elect. Secondly, I am longtime subscriber to *The New Mexican* and value it as a source of local information. But your "TV top picks" on Tuesday, Jan. 3, made no mention of the PBS *Frontline* documentary on Donald Trump airing the same evening. Is NBC's *The Wall* and ABC's *American Housewife* really more important to note? Please add PBS to your TV top picks.

Douglas Conwell

Santa Fe

Correction

A letter by Stephanie Rowe ("Why we celebrate," Jan. 2) ran with the word "never" missing. It has been corrected online, but for those who read the print newspaper, Rowe's letter should have read, "I hope we can all remember why we celebrate Christmas — we are commemorating the birth of Jesus Christ. President-elect Donald Trump will never be able to take that away from us."

SFC CLERK RECORDED 07/17/2017

BLM official: Verde Transmission Line proposal violates land plan

By Rebecca Moss

The New Mexican | Posted: Wednesday, January 4, 2017 9:55 pm

A proposed high-voltage power line that would cross federal land northwest of Santa Fe isn't permitted under the management plan for the land, a federal official said Wednesday.

BLM official: Power line propos violates land plan

The proposed Verde Transmission Line would replace the 164-kilovolt transmission line to the Norton substation on Old Buckman Road is on 55-foot poles, pictured. Clyde Mueller/The New Mexica

Hunt Power of Dallas is seeking about 12 miles of right-of-way for the proposed 345-kilovolt line from the Bureau of Land Management. The line — stretching a total of 33 miles from northwest of Alcalde in Rio Arriba County to a substation on Old Buckman Road — also would cross private and pueblo land.

Under BLM's Visual Resource Management system, the federal land is rated as Class II. The BLM objective in managing such land is "to retain the existing character of the landscape. The level of change to the characteristic landscape should be low."

The proposed Verde power line would be strung on poles measuring 90 feet to 110 feet tall, according to Hunt Power. The current 164-kilovolt transmission line to the Norton substation on Old Buckman Road is on 55-foot poles.

Sarah Schlanger, field manager for the BLM's Taos office, said that because of the visual classification of the BLM land, the management plan for the area would have to be changed for construction of the power line to move forward.

The BLM will decide whether the plan should be changed as part of its preparation of an Environmental Impact Statement for the proposed project.

"We will go through a pretty arduous environmental assessment process for this project," Schlanger said.

"We took a pretty conservative approach in 2012 in developing that [management] plan, and our goal was

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to maintain the scenic and resource values of the land," she added.

According to the management plan, the goal is "restricting changes to the visual landscape to those that would not attract the attention of a casual viewer" — meaning someone driving or hiking nearby.

The proposed power line would run south from Pojoaque Pueblo, then southwest to the Norton substation. The BLM land is located between Tesuque Pueblo and the Rio Grande.

Actor and environmental activist Robert Redford, a Santa Fe County resident, raised the issue of the Class II visual rating for the BLM land in a commentary article published Sunday in *The New Mexican.* He highlighted the importance of the state's open landscapes to the film industry and the economic benefit created as a result.

"If this development is allowed to move forward, it will forever alter one of New Mexico's scenic and cultural landscapes," Redford wrote.

Hunt Power is planning to use nonreflective materials in construction of the power line. Company spokesman Paul Schulze said mock-ups showing the visual impacts of the line weren't yet available.

"We support the BLM process, which is open and transparent," Schulze said. "We have a strong track record in working with communities where we do business, and we welcome all comments."

According to the company, the project will provide crucial improvements to the electrical system, needed transportation for renewable energy resources and relieve congestion from the grid by adding 600 megawatts of energy to the system. The project is estimated to cost between $60 million and $80 million and be completed by 2019.

BLM opened its scoping process for the project, which is required under the National Environmental Policy Act, in October. Since that time, the agency has received an onslaught of questions and concerns regarding how the project will impact the environment, cultural and visual resources, the film industry, tribal communities and public health.

More than 4,000 people have signed a petition to stop the line, saying it will harm property values, wildlife and the wilderness characterization of the land. The petition says low-income and minority communities will be most adversely impacted.

Española Public Schools has raised concern about how the high-voltage line might impact the "safety, health and well-being of students" at Hernandez Elementary School and Carlos F. Vigil Middle School. The line would run near the schools.

Schlanger said the evaluation of the transmission line project is just beginning. It will be another 18 to 24 months before the Environmental Impact Statement is released, which will incorporate public concern

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and weigh both the proposal and alternatives, including the costs and benefits of not developing the power line at all. This statement will then launch a new public comment period.

The agency has also emphasized that the line is merely proposed, and the specific route across BLM land has yet to be finalized and could change.

Contact Rebecca Moss at 505-986-3011 or rmoss@sfnewmexican.com.

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OUR VIEW

Comment on Verde before it's too late

Only a few days remain for the Bureau of Land Management to take public comment as it prepares an environmental impact statement on the construction of the proposed 33-mile, overhead high-voltage power line through portions of northern Santa Fe County and southern Rio Arriba County. The deadline to submit remarks is Jan. 5.

At issue is whether the region needs the 345-kilovolt Verde Transmission Line, which Hunt Power of Texas wants to build. It claims the line will increase capacity, make power more reliable and fill in holes in the current regional transmission system. The line would run from a Public Service Company of New Mexico substation near Chili, in Rio Arriba County, to another substation some 12 miles west of Tesuque, in Santa Fe County. The estimated cost is between $60 million and $80 million. The company would pay for upfront construction costs, and PNM and other companies would pay a fee to use the line.

Neighbors of the proposed line have been vocal in opposition — most, that is. The governments of three of the region's pueblos, Ohkay Owingeh, Santa Clara and Pojoaque, are in favor of the project. A third of the route is on federal BLM land, with much of the remainder going through the three pueblos. A fourth pueblo, San Ildefonso, has expressed concern that the line will be too near to sacred sites at Black Mesa and would adversely affect neighbors in El Rancho.

A more direct route for the line would run through San Ildefonso, in fact, but the pueblo has not agreed to consider such a path. This project, evidently, is not just dividing Native and non-Native neighbors, but even the pueblos themselves.

That's unfortunate, just another reason the BLM should not give the green light to the Verde line. The height of the power transmission poles and the lines themselves would be an unnecessary blight on the landscape of Northern New Mexico, destroying the views that draw both tourists and filmmakers to our region. It's unclear, too, whether the transmission line would benefit residents or be more of a conduit to carry power elsewhere. The company has not clearly established just why the project is needed.

For many reasons, the BLM should reject this application. That decision will be made easier if the weight of public comments against — with facts and solid arguments and not just emotional responses — are introduced into the public record. Submit comments online at www.blm.gov/nm/verde, via email at BLM_NM_Verde@blm.gov or by mail at Bureau of Land Management, Verde Transmission Line Project, P.O. Box 27115, Santa Fe, NM 87502-0115.

By Thursday, Jan. 5, it will be too late to weigh in.

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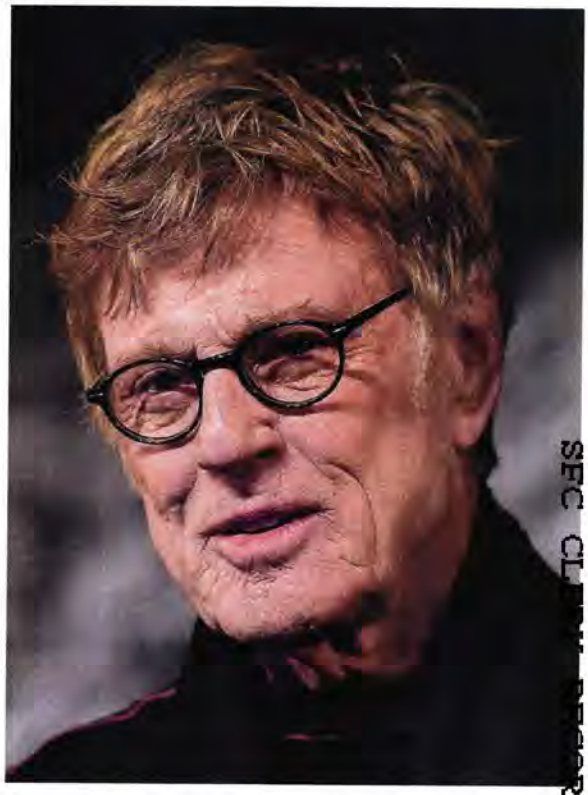
Reader View: BLM land doesn't allow for Verde line

Robert Redford | Posted: Saturday, December 31, 2016 7:00 pm



Reader View: BLM land doesn't allow for Verde line

Robert Redford. Chris Pizzello/Invision/AP file photo

As a 36-year resident of Santa Fe County, I would like to voice my concern over the proposal to build a transmission line on federal, private and tribal lands through the valleys of Española and Pojoaque. I first came to New Mexico in 1972 to explore, and then returned in 1980 to film *The Milagro Beanfield War*. I chose then to sink deep roots because of the state's diverse cultural landscape and people.

I've been following this issue over several months in the local papers and understand the proposed development has created concern among community members.

Though I am not in favor of this project, I want to voice my support and respect for the sovereignty of the tribes and their right to govern and manage their land as they see fit. Whatever the outcome of this project, I believe it is possible to move through this process together with respect.

My comments are focused on the 10 miles of federal public land. It seems there is a great deal of confusion and uncertainty surrounding the purpose, need and economic benefit of this proposal to citizens of New Mexico. It's no secret why the film industry is attracted to New Mexico; its scenic vistas are unparalleled, and I believe the state and its citizens have benefited economically from this symbiotic relationship. If this development is allowed to move forward, it will forever alter one of New Mexico's scenic and cultural landscapes.

This land belongs to all of us, and we have a say in what happens. In fact, we've already had a say. After years of gathering public comment, and inventorying the scenic values of this very landscape, the Bureau of Land Management classified this area with a Visual Resource Management Class II designation, with the charge "to retain the existing character of the landscape."

Simply put, under the existing classification, the transmission project can't be built on BLM land. Yet because of pressure from the developer, the BLM is considering changing that classification, setting this public process in motion.

Change is constant — our community has been and always will be presented with changes, be it in leadership, ownership, etc.

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My commitment and focus has been, and will remain, to ensure that the history, land and people of this special and unique area are honored, protected and not taken for granted. The BLM is accepting comments until Jan. 5, and I urge all concerned to contact the BLM, as well as their local, state and federal leaders to voice their opinions.

Robert Redford is an actor, director and environmental advocate.

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Letters to the editor, December 30, 2016

Posted: Thursday, December 29, 2016 9:39 pm

No to Verde line

After attending the scoping meeting, I am convinced the "no build" option for the Verde Transmission Line is the right option ("Power line sparks opposition," Our View, Nov. 27). The Bureau of Land Management must receive our views by Jan. 5 on the proposed and intrusive Verde power line which would run 33 miles from Ojo to Santa Fe. Think of our beautiful view, the road to Los Alamos, Black Mesa, the Pojoaque Valley, and insert a 120-foot-tall, 345 kilovolt power transmitter every 800 feet or so. This is your chance to write from your knowledge and experience about views. Ask the Bureau of Land Management to make no exception to protect the National Historic Preservation Act, health, land values, wildlife, hiking trails, tourism, film industry, proximity to schools and cultural preservation. Write to: BLM, New Mexico State Office, Verde Transmission Project, P.O. Box 27115, Santa Fe, NM 87502-0115, or send an email to BLM_NM_Verde@blm.gov. by Jan. 5. For more information, visit www.stopverdeprojectnm.org.

Joan Logghe

Española

Best Christmas tree

We wanted to see the Christmas lights you mentioned ("Santa Fe's beacons of good cheer," Dec. 25), but couldn't see the map well enough to figure out where to go. So instead we went to see our favorite Christmas tree which is, hands down, the most beautifully decorated tree I have ever seen anywhere in a residential setting. The lights are so artfully hung that it is an absolute delight to the eye. It is at 2451 Vereda de Encanto. They keep doing it year after year. What a gift.

Nancy Gehman

Santa Fe

Desired result

Much has been said about the Electoral College and how its selection of president seems unfair when the popular vote would choose differently. Most of us would like to see a different system, but the U.S. Constitution is not easy to change.

If the states were all to apportion their electoral votes as nearly as possible according to the votes of their people, it would accomplish the desired result without modifying the Constitution. Suppose that the Congress were to ask (require?) that all the states hold referenda to see if their people would support this. I'll bet they would. Problem solved. In New Mexico, I suppose, we would send three or four Democratic

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http://www.riograndesun.com/opinion/letters_to_editor/more-solar-less-fossil-fuel/article_e9a9491a-c7d6-11e6-8d6b-bf9714a07998.html

More Solar, Less Fossil Fuel

By Saraswati Khalsa 16 hrs ago

I want to publicly thank Rio Arriba County Commissioner Alex Naranjo and the other County commissioners for their Dec. 14 comments at the County commission meeting. They spoke regarding the future of energy development and their decision to hold public meetings about the Verde Transmission Line proposal. They want to hear all concerned and learn as much as possible before making a decision.

The idea of destroying our Valley's beauty and environmental ecosystem for the profit of fossil fuel millionaires in Texas is absurd. The Hunt Group represents the past, not the future, and is trying to push the development of infrastructure that belongs to the era of oil and coal.

If their transmission line is built, in 10 years it will already be a relic of the past and a stain on our landscape that has accomplished nothing. As Hunt representatives noted, solar power tends to be decentralized and does not require transmission lines of the size they are proposing.

Instead I hope that Rio Arriba County can take advantage of our beautiful sunshine and use all possible resources to encourage homeowners and businesses in the area to convert to solar energy. This is also a much bigger opportunity for jobs and economic development in our Valley.

With the decentralization of power, there will be many more opportunities for young people in New Mexico to train and get employment as solar installers and technicians. This is the key to the future of our economy and a bright future for our children.

Saraswati Khalsa

Española

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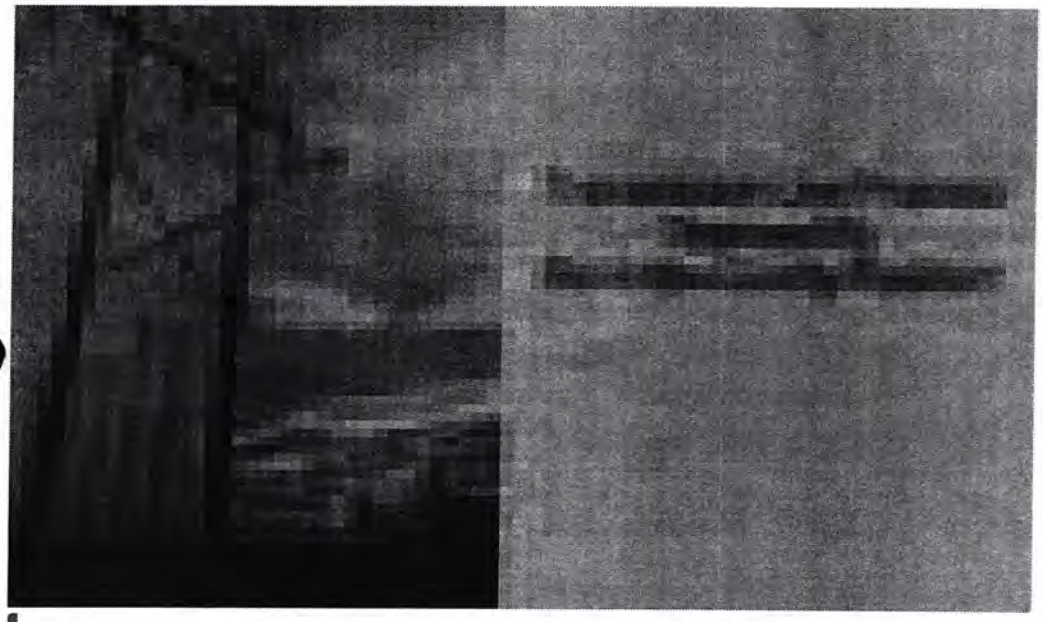
Hunt Transmission Line Project Proposal Draws Critics

by Staff Reporter / Dec 22, 2016 / comments



Hunt Power representatives Jeremy Turner and T.J. Trujillo present the proposed plan for building a high voltage transmission line to Rio Arriba County Commission Dec. 15. Photo by Robert Naranjo for the Valley Daily Post

Hunt Transmission Line Project Proposal Draws Critics

By ROBERT NARANJO

A newly proposed electric transmission line generated lots of energy at the last Rio Arriba County Commission meeting of the year. The Dec. 15 commission meeting in Espanola, included an informational presentation on the proposed "Verde Transmission Project" by Jeremy Turner and T.J. Trujillo representing the project's developers, Hunt Power out of Texas.

The proposed project developer, Hunt Power listed jobs, energy and other benefits in their presentation, but the audience did not buy it. Melvin C. Chaney of Santa Fe handed out a "Comment for Rio Arriba..." that began with "visual experience when seeing power lines is at several levels. The tourist says the "views of the Sangres would be better without the power line" and moves on, said Chaney. "The frequent visitor is quite upset when he/she finds a 120 feet high tower plunked near his/her favorite camp site," he added. "It gets more serious when the line is in sight of your home. Then it is a disaster when the line is wrapped around three sides of your home as the Hunt/Verde line does around a residence in Jaconita," he said.

He said the Bureau of Land Management (BLM) has directed people to a "study sponsored by the BLM," titled, "Electric Transmission Visibility and Visual Contact Threshold Distances In Western Landscapes," but Chaney said that "estimation of

Videos

Monday April 11, 2016, the City c
Española Public Library had it's c
Re-Opening. See here for a video
grand opening, courtesy of Aaron
Lopez. Enjoy the film..

City of Española Public Li...

visual effect has, to this time been subjective, no consideration is made for properties not directly crossed by the right of way. We know that properties at a distance suffer a loss in value. It may be that these data will be a basis for those at a distance to make claims against the line builder," he said.

"Here is a statistic of interest," Chaney pointed out. "There are more than 500 properties along HWY. 84-285 that are within 1600 feet of the proposed right of way," he said. He then pointed out, "In addition to the potential for serious health problems for our children, a power line has more effects that just visual." "According to research and publications put out by the World Health Organization (WHO), EMF (electro magnetic fields) such as those from power lines, can cause: Headaches, Fatigue, Anxiety, Insomnia. I suspect there are more," said Chaney.

Next up to speak against the Hunt Verde Project was Vince Roybal who said some of the same things that Chaney pointed out. He mentioned wildlife and endangered species being likely victims. And Roybal mentioned that the project passes right by an elementary school, a church and cemetery. "We have respect for our dead too," he said.

Keith Marquez, who said he was "Taos Pueblo born and raised," and asked how the project will benefit this area. He said studies have shown that EMF near elementary schools cause cancer. And he said that the Verde Project has not contacted the Eight Northern Pueblos.

He also said that Jemez Mountains Electric Cooperative has almost half of its infrastructure that can carry power. Why do we need this? And Marquez asked rhetorically that two brothers responsible for the "silver crises" a few years back–"We want them to manage this project," Roybal ended with, "I implore you," he told the commissioners to do everything possible to stop this project for the "sake of future generations."

Former Espanola Mayor was also in attendance when calls from the audience rang out, "Let Richard Lucero speak." Chairman Naranjo obliged and the former mayor said Hunt's Verde Project wants to run "a line through us?" Lucero then quoted Albert Einstein, implying that bees would die off with the transmission line. "Einstein said that when the bees are gone, all of us will be dead." Asked about the Pueblos and other cities who have agreed to be "cooperating agencies," he said, "I hope they change their minds," the former mayor said.

Chairman Naranjo indicated opposition to the project but said he could not entertain any motions for an official Rio Arriba County resolution against the Hunt Verde Project as it was only listed as a "Presentation" on the agenda, and could not be changed to an "action item" with proper notice as per the Open Meetings Act. If the County does act on a resolution on the Hunt Verde Project, it will have to wait until the January 2017 commission meeting in Tierra Amarilla.

According to information provided by Hunt Power, the Verde Transmission Project intendeds to build approximately 30 miles of 345 kilovolt ("kV") transmission line that will interconnect the existing Public Service Company of New Mexico (PNM) Ojo substation in the Hernandez area of southern Rio Arriba County to the existing PNM Norton substation in Santa Fe County.

The company claims the project is intended to complete a critical transmission loop in the northern New Mexico transmission system. Hunt Power says the project will strengthen import and export capabilities system-wide, help relieve congestion, strengthen the reliability of the existing electrical system, and improve transmission access for local renewable and other energy sources.

Improving transmission capacity for renewable energy is currently a major motivation in the development of transmission lines across the western United States as many transmission developers seek to find the fastest and cheapest way to move wind and solar generated power to California.

California's Renewables Portfolio Standard (RPS) requires California's electric utilities to have 50% of their energy sales derived from renewable energy resources by 2030. Renewable energy producers in states like New Mexico, Wyoming and Arizona are racing to get their transmission lines built and sales to California utilities locked in place.

Recent posts

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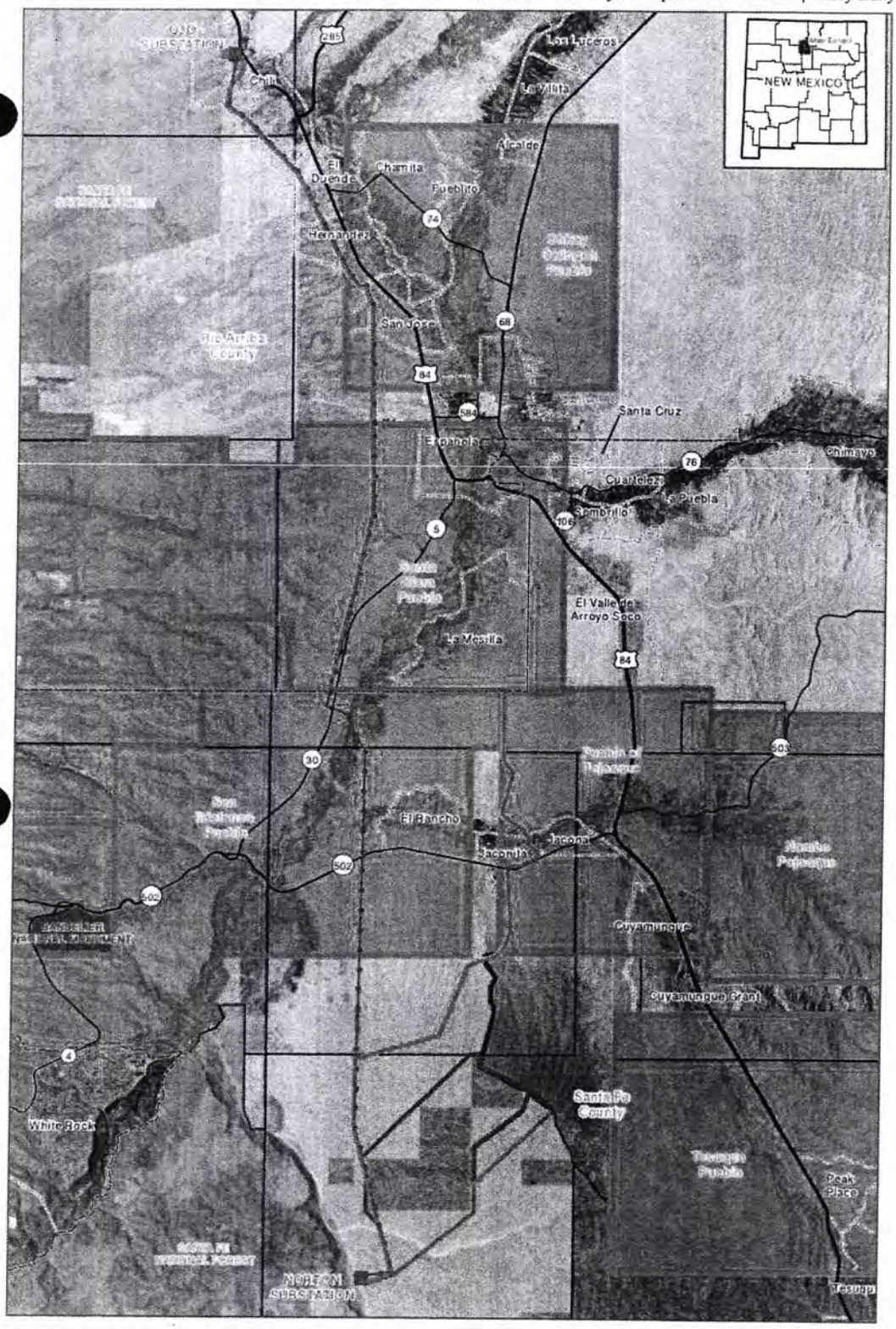

Source material from Hunt Power shows that the completion of this 30 mile stretch of line would open up an electricity pathway for renewable energy generated in wind farms in the eastern side of New Mexico to transmission capacity into Arizona and on to California.

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Power line fight heats up

By Journal North Editorial Staff

Friday, December 9th, 2016 at 1:28pm

PNM's Norton substation on Old Buckman Road north of Santa Fe would be the southern terminus of the proposed Verde Transmission Line. (EDDIE MOORE/JOURNAL)

SANTA FE, N.M. — The burgeoning fight over a 33-mile power line segment proposed to run from southern Rio Arriba County to a spot north and west of Santa Fe on Old Buckman Road is just the latest example of how northern New Mexico is a different kind of place.

On the national scene, Native Americans and other people from around the country have rallied to support the Standing Rock Sioux protesters in North Dakota who, for now, have fought off plans for an oil pipeline the tribe fears could threaten its water supply and would run through a sacred tribal burial ground.

But here at home, three Native American pueblos are the biggest local supporters of another big energy project — a Texas company's proposed high-voltage Verde Transmission Line, which would carry 345 kilovolts on wires supported by five to seven 90- to 120-foot-tall towers per mile. It would run through the populated Jacona/El Rancho area west of Pojoaque, on non-pueblo land.

At a recent public hearing in Hernandez, north of Española and near the proposed line's northern terminus at an existing PNM substation, it was a 7-year-old Anglo girl who said the proposed transmission line would harm "sacred land" while standing in front of her own drawing of power line towers spoiling the view of San Ildefonso Pueblo's landmark Black Mesa. Opponents say the power line will run about 1,600 feet, or about a third of a mile, north of the mesa.

The power line would not cross San Ildefonso land. Three other pueblos — Pojoaque, Ohkay Owingeh and Santa Clara — will be paid for use of right of way or easements across their land as the path for the transmission line. Leaders of those pueblos portray the line as economic development.

Opponents say it will ruin landscapes that make northern New Mexico attractive to tourists and filmmakers. And the people who would have to live near the power lines are worried about the effect on property values, and possibly on health, from the big towers.

The line's proponents make a case that this segment of transmission line will improve the movement of electrical

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power around the grid, eliminating a bottleneck where a lower-capacity line now serves. What's so far less clear is how the high-voltage line would help those who'd have to put up with the big towers and the power lines not far from their homes, and whether the higher voltage lines would translate into any usable infrastructure for local economic development beyond the easement payments to the pueblos.

Is this a case of "not in my backyard?" Well, maybe, but the prospect of 120-foot towers carrying 345 kilovolts in your backyard is pretty hard to dismiss, particularly with a dearth of specifics about how the transmission line would help you or your neighbors.

The Bureau of Land Management is involved because part of the line's route goes across BLM land. The agency would have to approve the use of its land for the project.

As the debate moves forward, the transmission line's backers must to do a better job of explaining to the people of Jacona, El Rancho and Hernandez how having the high-voltage line outside their doors is a good thing. Or this will be a bitter fight to the end.

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Editorials

Public Loses In Power Line Dispute

Nice marketing on the part of Hunt Power, naming a big, ugly electric transmission line "green."

Hunt Power's quest to run a 33-mile 345 kV transmission line through the southern portion of Rio Arriba County continues. It began almost 10 years ago with filings and hearings and all the bureaucratic rigamarole that goes with running a monstrosity through many communities' back yards.

The transmission line is one of the giant metal structures you see in urban areas. This one would carry a massive load from the Norton Substation in Santa Fe County, to the Ojo Substation in Rio Arriba County. The latter substation is in Chili on the Chama Highway.

The power traveling through the lines will not benefit Jemez Mountains Electric Cooperative users, at least not in the near future. We've got plenty of juice. We just get the benefit of the view.

The current bump in the road is Hunt officials listening to and reading comments from Rio Arriba and Santa Fe county residents. As expected, they're not happy. Unfortunately, they're comments won't carry much weight.

That's because if you want to talk about happy, that would be Pojoaque, Santa Clara and Ohkay Owingeh pueblos. The Verde line will run through all three pueblos. Most of the right-of-way Hunt seeks is through these three pueblos. And all are gleefully supporting the project while counting the money they'll receive in easement payments.

We also will never know how that money was spent. Tribal leaders said at the Nov. 16 hearing the easement payments would support tribal members but we know that's not been the case with casino revenue. Why will this be different?

Most of those who don't care to look at or live near a huge power line live outside the pueblos. But they have little say in the matter.

Looking west, just outside the Española city limits, is an existing power line owned by Public Service Company of New Mexico. That line follows almost the same course as the proposed line, but can't be upgraded because PNM owns it.

It's not clear where the energy from the new line will go. It won't benefit those who will look at the lines daily.

This isn't a "not in my back yard" situation. This is a case of someone putting a dog kennel in your back yard, but you don't own any dogs. You hear them bark at night, catch the smell and have to look at the steel cages every day.

We all recognize the country's growing demand for power. Energy makes the economy move and allows healthy growth in a responsible way.

But to come into an area controlled by sovereign pueblos that refuse to hear the community, is wrong. Almost everyone in this equation will be affected in a negative way.

If the line is approved and constructed there will be two winners: Hunt Power and the powers that be in the pueblos receiving easement payments. The rest of us lose.

SFC CLERK RECORDED 07/17/2017

Power line foes urge county to block project

Engineer says PNM needs 340-kilowatt line to strengthen grid

By Rebecca Moss and Justin Horwath
The New Mexican

Opponents of a proposed 33-mile high-voltage power line that would run from northwest of Española to west of Tesuque urged the Santa Fe County Commission on Tuesday to block the project, saying it would threaten the state's cultural legacy, the environment and public health.

The proposed Verde Transmission Project would begin at Public Service Company of New Mexico's existing Ojo Substation in Rio Arriba County, then run south through the Ohkay Owingeh and Santa Clara pueblos, cross the Rio Grande, then make its way through the Pojoaque Valley before ending at PNM's Norton Substation. It would replace a smaller capacity line of PNM.

The final miles of the line would cross property of the U.S. Bureau of Land Management, which says it will conduct an environmental assessment of the line's potential impact, a process that could take at least a year.

Hunt Power of Dallas is proposing to build the line. A company representative told the County Commission the 340-kilowatt line would strengthen the electric grid by adding capacity for power transmission and bring economic growth to the region.

Gabriela Canales, project engineer for Hunt Power, said PNM needs the line because, "The transmission system has a gap."

Please see story on Page A-9

Power line foes urge county to block project

Continued from Page A-8

She added, "Utilities must comply with reliability requirements."

Commissioners questioned the company on the potential to bury parts of the line, what customers would be served and if it would carry renewable energy.

Canales could not say what customers the project would serve because Hunt hasn't entered into a contract with PNM or another power company to use the additional transmission capacity. She said burying the line would be cost-prohibitive and that no current renewable energy projects are tied to the proposed line.

Santa Fe County Attorney Greg Shaffer warned commissioners against expressing opinions about the proposed line because the project would likely need commissioners' approval. The county would also participate in the environmental review process.

San Ildefonso Pueblo will not allow the line to cross its land, though the line would border it.

Opponents said the project could cause irreparable harm to tourism and the film industry, as well as to the environment, wildlife and public health.

This land "is part of a visceral memory people have of New Mexico," said Jan Brooks of Santa Fe.

The BLM held public meetings on the project this fall in Española, Santa Fe and Hernandez, and there has been significant opposition. The next meeting is scheduled Dec. 12 in Pojoaque.

The public comment period for the project was initially planned to close next Monday, but BLM extended it for an additional 30 days.

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OUR VIEW

Power line sparks opposition

Just because a project carries the name "verde" doesn't mean it is actually green — that is, good for people and the environment.

And so it is with the Verde Transmission Line, proposed to connect two Public Service Company of New Mexico substations from the Norton Substation in Santa Fe County to the Ojo Substation northwest of Española. The 345-kilovolt overhead line planned by Hunt Power of Texas is supposedly designed to strengthen New Mexico's electric grid and increase the capacity to transport power, whether from traditional fossil-fuel sources or renewable energy.

Trouble is, that increased capacity could come at the risk of one of New Mexico's most precious resources, the natural beauty of the sky and land. Views are more than just an aesthetic feature to people in Northern New Mexico. They are appreciated for adding to our way of life, but more practically, the natural beauty of the place attracts tourists, movie makers and retirees who want to spend their time basking in striking scenery. New Mexico can't afford to lose these unparalleled viewscapes.

There are questions, too, about whether the power carried across the proposed lines — built at an estimated cost of $60 million to $80 million — would serve New Mexicans, or become instead a way for Hunt Power to transport energy and make a handsome profit. Other line opponents believe such a line is a health risk and its construction would damage property values. Still more questions center on the effect of power lines on wildlife, especially migratory birds. Already, some 100 people have turned out at a meeting on the proposal to oppose the power line, which has been in the planning stages since 2010.

Part of the planning will be figuring out just how the line would affect the people who live nearby. What does it do to cultural and environmental resources? It's complicated because the transmission line crosses near or on federal, tribal, state and local lands.

Several area pueblos stand to gain because of right-of-way dollars; San Ildefonso Pueblo, on the other hand, is concerned about the line's impact on its access to the Black Mesa and neighboring El Rancho. This project is creating divisions among neighbors, never a good thing, especially in an area where residents have been squabbling over road access, rights of way and water. That some of the disputes are along ethnic lines makes the situation even more volatile.

The Bureau of Land Management is tallying responses to the proposal as part of its work on the required environmental impact statement. That could be ready for public review in the fall of 2017, with a final statement coming out a year later, in the fall of 2018. One option for the BLM is to check the "no build" box.

That means the power line — like others proposed in the past — would remain in the planning stages (or be submitted under a President Donald Trump, whose disdain for environmental regulations is unparalleled).

For the line to be rejected under current law, however, citizens from all walks of life, including local and tribal governments, must weigh in forcefully and by the January deadline. Northern New Mexico residents have shown, time and time again, that they are ready to stand together to protect their land. That resolve, it seems, is necessary once more.

Send your comments about the proposed Verde Transmission Line before Jan. 5 by email to BLM_NM_Verde@blm.gov or by mail to Bureau of Land Management, Verde Transmission Line Project, P.O. Box 27115, Santa Fe, NM, 87502-0115.

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No need for the Verde line, and it's not 'green'

By Elena Guardincerri

Friday, November 25th, 2016 at 12:02am

SANTA FE, N.M. — We demand that the Bureau of Land Management consider the "no build" option when preparing its Environmental Impact Statement on the proposed Verde Transmission Line, a 345-kilovolt line between PNM's Ojo substation at Chili in southern Rio Ariba County and its Norton substation on Old Buckman Road north of Santa Fe.

What follows makes the case for our demand.

First, it is stated in Hunt Power's Verde proposal that:

"The Project is intended to complete a critical transmission loop in the Northern New Mexico transmission system. The Project will strengthen import and export capabilities system-wide, help relieve congestion, strengthen the reliability of the existing electrical system, and improve transmission access for local renewable and other energy sources."

We claim that there is no proof that the existing electrical system is unreliable. The system runs quite well with only the existing 115kV line closing the loop. Hunt or PNM should provide a record of the outages that could have been avoided if the loop had been closed, including their location, date and duration. Further, they should provide, for each outage, a description of the action that would have been taken to mitigate it.

Additionally, Hunt never stated who the beneficiary of this additional transmission line is, nor how much extra power is needed and where. If a transmission line is proposed, the applicant should state and demonstrate its need. Essentially, the same transmission line was proposed by PNM in the 1990s and time proved that the line was not necessary.

What is the purpose of this line? This line is not for Albuquerque and five facts that we list here prove it:

• First fact: PNM just announced the cancellation of a $100 million upgrade at the San Juan Generating Station due to lower power demand.

• Second fact: PNM owns the Algodones generation station and this station has never been powered in the past 25 years. If there were a need for power in the Albuquerque area, this station would be in use.

• Third fact: PNM owns real estate and water rights in Algodones, enough to install a large 50-megawatt solar array system there, and this has never been done.

• Fourth fact: PMN upgraded the 115kV power line from Ojo to Norton, increasing its power capacity by 30 percent, 7-8 years ago. An additional 30 percent power capacity could be gained by rewiring the same line using a new kind of conductor wires.

• Fifth fact: Further energy demand in the Albuquerque area can be absorbed by the SunZia line in southern New Mexico and distributed generation (power that is generated at the point of consumption).

These facts all prove that the proposed Verde line is not necessary for northern New Mexico and should be considered when BLM prepares its Environmental Impact Statement for the Verde line.

The Verde line will transport energy out of state. Should we spoil our land so that a utility company and a private company can profit? This is a robbery!

We want to make another point.

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This proposal has been named "Verde," which in Spanish means "green." We claim that this is just an attempt to ruse the public because there is no renewable generation station near the line and no proposal to build any. If new renewable plants or distributed generation stations were built for Albuquerque, they should be located near the load!

And 345kV and higher voltages are used to transfer energy over long distances, not for distributed generation plants.

The wind resources in New Mexico are located in the Southeast plains, where the Centennial West 500kV line is proposed and the approved SunZia 500kV line will be. So there is already a path to the west for wind energy and it is not through northern New Mexico. Will this project compete with the approved 500kV, 3,000-megawatt SunZia Transmission line? This is simply absurd.

Again, is this new line meant to transport energy out of state? Or is it meant to transport south the energy generated from coal in the Four Corners?

PNM just plans on benefitting from the tax credits and exemptions provided by the Energy Policy Act of 2005 for operating a line "consistent with renewables." And Hunt is claiming this line as a priority according to the same act and an Interior Department order promoting renewable energy.

Nothing is "Verde" about this line!

In addition to spoiling our land, our landscape and our historic heritage, damaging the habitat of our wildlife, affecting our health and devaluing our properties, the building of this line will set a new bar for easement and right-of-way costs. As an example, the price of San Ildefonso Pubelo's right-of-way contract with the Jemez Mountain Electric Co-op increased 41 times in 34 years and the price in 2014 was $82,000 an acre.

Hunt Power must negotiate easements with several pueblos. Per federal regulations, the costs of the rights of way will be folded into the transmission costs, so Hunt doesn't have an interest in keeping them low.

The next time Jemez Electric Co-op has to negotiate contracts, the Hunt agreement will be the baseline for calculating new ROW rates. This will be paid for by Jemez Electric Co-op customers of northern New Mexico.

In summary, we demand the BLM consider the NO BUILD OPTION for the Verde line, given that the need for the line has not been stated or demonstrated, nor shown in the context of the energy and distribution needs in the Southwest, and given the damage that this line will cause to northern New Mexico.

Furthermore, Hunt is trying to sell Verde as a line for renewable energies and this is FALSE!

Elena Guardincerri

Guardincerri is a Los Alamos National Laboratory physicist who lives in Jacona. She wrote this piece for stopverdeprojectnm.org.

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PNM scraps $100M gas plant plan

By Marie C. Baca / Journal Staff Writer

Monday, October 31st, 2016 at 3:10pm

The PNM Building is located at 414 Silver Avenue SW in downtown Albuquerque, New Mexico on Monday, March 7, 2016. (Greg Sorber/Albuquerque Journal)

ALBUQUERQUE, N.M. — Public Service Company of New Mexico, the state's largest electric utility, has withdrawn from regulatory consideration a plan to build a $100 million natural gas plant and pipeline in San Juan County.

In a conference call with investors last week, PNM said it was abandoning the proposal due to lower-than-expected energy demand projections.

"We're finding the highest points are not as high as we had previously forecasted," CEO and President Pat Vincent-Collawn said during the call. "As a result of this, we have decided to file a motion to withdraw the application."

The company filed the motion with the New Mexico Public Regulation Commission on Friday.

The 80-megawatt plant was part of PNM's plan to replace energy lost from the closure of half of the coal-powered San Juan Generating Station. PNM agreed to the closure as part of a 2015 settlement with the Environmental Protection Agency aimed at reducing air pollution in the Four Corners area.

In a statement, PNM spokesman Pahl Shipley said it is possible the company will revive the proposal in the future. PNM is currently evaluating its energy portfolio for the next two decades.

"The current forecast indicates PNM will need additional resources by 2020," said Shipley. "We will continue to evaluate resource needs going forward and will file a new application with the commission if a new plant or other resources are required to serve PNM customers."

In its motion to withdraw the plan, the utility said it would use market purchases to meet any energy needs in 2018 and 2019 that go beyond its current resources. The motion was unopposed by any of the intervening parties in the case.

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PNM's gas plan met the fiercest resistance from the advocacy organization New Energy Economy, which accused the utility of proposing an unnecessary project to justify increasing customer rates and the company's profits.

"We are thrilled that PNM is dismissing their gas plant and gas pipeline case," said Mariel Nanasi, New Energy Economy's executive director, in a statement. "Consumer demand is actually going down, but despite this, PNM thought they could get away with even more bloat: $100 million for a superfluous gas plant and gas pipeline just to line the pockets of PNM's senior management off the misery of the poor."

Shipley declined to comment on Nanasi's comments.

Though none of the intervening parties opposed PNM's motion to withdraw the application, New Energy Economy opposed the utility's request to halt the collection of additional documents and information from PNM as part of the legal process known as discovery.

PNM has reported a 16 percent net earnings drop to $40.9 million in the third quarter compared to the same time a year ago. The drop was due in part to decreased electric demand at Intel's Rio Rancho plant, as well as a recent rate case decision that approved a customer rate hike far smaller than the one PNM had requested. The company's third quarter earnings reflected $11.3 million in pre-tax regulatory disallowances and restructuring costs as a result of that decision.

PNM has said it will file a new rate case in December.

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http://www.riograndesun.com/opinion/letters_to_editor/hunt-group-go-home/article_bda9952c-b1c9-11e6-bdb7-4f253dd69cd9.html

Hunt Group, Go Home

By Amy Glick Nov 24, 2016

In regard to the Verde power line meeting this past week in Hernandez, some additional thoughts surfaced the next day, like strikes of lightening.

The Hunt Group has already started its havoc to rain down upon us with their officials' malicious intent, clandestine meetings with the pueblos over the past seven years and overlooking officials at Rio Arriba County.

The opening of this investigation into the possibility of running power lines through private properties has had an immediate impact on the real estate market in affected areas. It has been taken down to a dead halt. Part of the real estate intent to sell agreement includes wording to the effect "does seller have any knowledge of plans or intentions to change or build something that could have any impact on said property?"

There you go. There's the bomb. Thank you, Hunt Group. Damage is already here.

I'd like them to drop their request to pursue their evil deeds here. Hunt is worth about $3 billion. Go home, Hunt people.

Amy Glick

Española

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http://www.riograndesun.com/news/verde-power-line-has-residents-charged-up/article_fe95fbee-b1b9-11e6-b9b9-3f8d3927e962.html

FEATURED

Verde Power Line Has Residents Charged up

By Barron Jones SUN Staff Writer Nov 24, 2016

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(SUNfoto by Barron Jones)

Northern New Mexico Resident Gail Hodyke listens to Hunt Powers's Gabriela Canales explain why her organization couldn't renovate existing poles for the 345kV transmission line project. Canales explained the lines didn't belong to Hunt.

Seven-year-old Maizie Kostrubala, a Northern Santa Fe County resident, enjoys watching the sandhill cranes and other migratory birds that hang out on the farms and in the wetlands near her house.

Since learning about the Verde Transmission Project, she said she is worried the project will ruin the birds' habitat and make the neighborhood a little less pleasant for her and her neighbors.

Kostrubala isn't the only one.

Kostrubala and her mother Mattie Allan were two of the approximately 100 people who gathered, Nov. 16, at Rio Arriba County's Hernandez Community Center for a meeting to voice concern and listen to what the federal Bureau of Land Management and Dallas-based Hunt Power had to say about 33-mile 345 kV transmission line project.

The project, if it gains approval from the plethora of local, state and federal agencies, will connect high-power voltage line between the Norton Substation in Santa Fe County, to the Ojo Substation in Rio Arriba County, northwest of Chamita, in Chili. The line will run parallel to a less powerful 115kV transmission line strung between the two substations.

Many, if not the majority of those in attendance, believe the project is another example of big business upsetting the lives of the majority, to benefit the few, according to Rio Arriba County propert owner Joel Duran.

Duran, who owns property in both Hernandez and El Rancho, said while Pojoaque, Santa Clara and Ohkay Owingeh may benefit financially from the lease agreements they would sign with the company, he doesn't see any benefits for the general public.

"In the past, when we deal with the pueblos, it is always, 'What's in it for us?'" Duran said. "After they get the transmission lines, we won't get any benefit."

Bureau of Land Management Taos Office Field Manager Sarah Slanger and Planning and Environment Coordinator Brad Higdon assured those in attendance, that the project is in its early stages and has several more steps before the application process is complete for the 33-mile Verde project.

The application process is a multi-step procedure meant to ensure any action the federal government takes complies with the National Environment Policy Act. In this instance, allowing Hunt Power to run the transmission lines across federal lands constitutes such an action.

The Act requires the Bureau to compile a report that will help federal regulators determine how we the project fits into existing communities.

"Any environmental actions the federal government takes, in this case, the rights of way for Verde,

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we are required to write a detailed impact statement to identify and assess the potential harmful consequences," Higdon said.

Many of those in attendance expressed concerns ranging from how the project looks, to whether it poses a health and safety risk for those that live near it.

Higdon attempted to assure the attendees, that if the residents truly had something to worry about it will arise via the impact statement.

He lauded the Act as a efficient mechanism for both addressing residents' concerns and protecting the environment.

"It is all about making informed decisions with NEPA (National Environment Policy Act)," he said. " is really a progressive law. It is progressive to the fact that it allows you all to participate."

Most of those in attendance asked questions regarding the scope of the project. Some common questions were: "Why Northern New Mexico?" and "How will it benefit the residents?"

County resident Gail Hodyke wanted to know why the company couldn't renovate or upgrade the existing structures.

Gabriela Canales, a spokeswoman for the power company, said they can't modify those power lines because they belong to Public Service Company of New Mexico (PNM).

If the project gains approval, PNM and its other wholesale customers would repay the estimated $60 to $80 million up-front cost Hunt will incur, building the project.

Canales said the project is needed because it would bring stability to the existing system and create economic development opportunities.

She said not only will the tribes earn money from the right-of-way agreements, the project will create temporary jobs. It could also create a stable revenue source if the transmission line is used to produce renewable energy.

"These funds would go to help develop their communities, like the Boys and Girls Club," Canales said as she explained how the line would benefit the Native American communities. "They have

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senior centers that is (sic) used by the entire community."

However, Pojoaque Pueblo's Gabriel Montoya spoke at the meeting and insisted communities outside of the pueblo's boundaries would also benefit.

Like Montoya, Santa Clara Pueblo Gov. Michael Chavarria attempted to assuage the crowd's concerns by assuring them that everyone in the communities through which the transmission line passes, will have something to gain.

Rio Arriba County Commissioner Alex Naranjo asked Canales why company officials have not reached out to the County, for their input, especially since the project has been in the planning stage for the past six years.

Canales said her company didn't reach out to the County until they were sure they would be able t secure the easements with the various pueblos.

The Bureau's Verde Project Manager, Adrian Garcia, informed Naranjo that the County signed on as a participatory agency in April.

County Manager Tomas Campos acknowledges that former Planning and Zoning director Lucia Sanchez intended to participate, but after the document was signed, neither of them heard from the Bureau again until an Oct. 24 meeting at Northern New Mexico College.

"Just because we signed on as a participatory agency, doesn't mean we participated," Campos said.

Public comment will continue until the end of the 90-day scoping period, which started Oct. 6, with the Notice of Intent.

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3 Remaining

Northern New Mexico power line plan meets resistance

Posted: Wednesday, November 16, 2016 11:15 pm | *Updated: 10:30 am, Thu Nov 17, 2016.*

By Staci Matlock and Henry M. Lopez
The New Mexican

HERNANDEZ — A Dallas-based company's proposal to build an electric transmission line across northern Santa Fe County and part of southern Rio Arriba County is drawing opposition from area residents worried about visual and health impacts along the 33-mile route.

The overhead line planned by Hunt Power would connect two substations owned by the state's largest electric utility, one located northwest of Santa Fe and the other northwest of Española. The company says the 345-kilovolt Verde Transmission Line will strengthen Public Service Company of New Mexico's electric grid and expand capacity to transport power from both renewable and traditional coal-fired or natural gas sources.

However, some of the 100 people who attended a public meeting Wednesday in Hernandez groaned over the size of towers associated with the project. Opponents of the project, which has been in the works since 2010, said that in addition to presenting a health risk, it will destroy views in the Española and

How to comment

• Comments about the proposed Verde Transmission Line can be sent before Jan. 5 by email to BLM_NM_Verde@blm.gov or by mail to Bureau of Land Management, Verde Transmission Line Project, P.O. Box 27115, Santa Fe, NM, 87502-0115.

NEWS VIDEO

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Pojoaque valleys.

The gathering was part of an ongoing a review of how the power line would affect cultural, environmental and social resources where it crosses federal, tribal and local lands. Representatives of the federal Bureau of Land Management said a draft of an environmental impact statement could be ready for public review in fall of 2017 and a final statement released in fall of 2018.

Pojoaque resident Dan Valdez, part of the group opposing the power line, told a reporter the proposed route will put the high-voltage line along County Road 101, right across the street from his parents' house, where he was born and raised. "That's concerning to me," he said. "I've always been suspicious of the link between leukemia and high-voltage lines. And I'm concerned the property value of those homes will drop."

Speakers during Wednesday's meeting said they were grappling with myriad concerns, including potential detrimental impacts on film projects that are drawn by the area's natural beauty.

The project could include as many as five to seven towers per mile, said Gabriela Canales of Hunt Power. The line would be carried on single steel poles or H-shaped steel structures similar to those on existing transmission lines, rising 90 to 120 feet.

The project is being developed by Hunt Power and its subsidiary Hunt Transmission Services, which develops and buys electric transmission and distribution systems around the Southwest and Mexico. The company is owned by the Ray L. Hunt family, which deals in oil production and refining, real estate, liquid natural gas, ranching and utility lines. The senior Hunt, who served on former President George W. Bush's intelligence advisory committee, was listed Wednesday by *Forbes* magazine as having a net worth of $4.7 billion.

Half the proposed Verde line follows an existing PNM 115-kilovolt transmission line, crossing Ohkay Owingeh and Santa Clara Pueblo lands. But the proposed Verde route leaves the existing transmission line at the boundary of San Ildefonso Pueblo and loops around, crossing Pojoaque Pueblo instead near Jaconita.

Gov. James Mountain of San Ildefonso Pueblo said that while he was not in office when negotiations took place, the pueblo did not want the transmission towers to affect their sacred site at Black Mesa or their neighbors in El Rancho.

Officials from the other three pueblos did not respond to messages seeking comment.

The estimated cost of the transmission line is between $60 million and $80 million, according to the company, which will bear the upfront cost of building the line and then charge a fee to PNM and other entities that use the line.

Besides the Verde Transmission Line, Hunt is developing two other projects. The Nogales power interconnection line will connect northwestern Mexico to southern Arizona. The Southline transmission project will collect power and carry it both east and west across Southern New Mexico and southern Arizona. The Southline project was approved by the Bureau of Land Management and the Western Area Power Administration in May.

Contact Staci Matlock at 505-986-3055 or smatlock@sfnewmexican.com.

Contact Henry M. Lopez at 505-986-3054 or hlopez@sfnewmexican.com.

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Proposed power line would run through three pueblos

Proposed power line would run through three pueblos

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KOB

Caleb James

November 17, 2016 03:42 PM

In northern New Mexico, a power struggle rages over big power lines.

Texas-based company Hunt Power is proposing a transmission line project through Indian pueblos. Despite the pueblos' approval of the project, it's not popular.

The history and scenic beauty have launched a movement in Hernandez to stop Hunt from building several 100-foot-tall power towers across three pueblos and wild country. The company says it is about bringing economic development and about setting up small communities for success. Others disagree.

"Such a horrible, horrible idea," said Beth Abey, who represents the feelings of most of her northern New Mexico neighbors who showed up to a meeting in Hernandez Wednesday.

"The anger is pretty complex," one resident said.

"The state of New Mexico depends heavily on cultural tourism, and specifically rural cultural tourism," said another.

Hunt's proposal involves building a 33-mile transmission line to complete an existing power grid called the Verde Transmission Line. The company says a stronger grid means attracting big business and development.

The line would cross the Ohkay Owingeh, Santa Clara and Pojoaque pueblos. There's fear it will deface Black Mesa, a towering fixture on the rural horizon.

All three pueblo governments are unopposed to the project. Tribal leaders have been working privately on agreements with the company for six years, leaving some non-tribal neighbors stunned.

"I am dismayed that the pueblo community would essentially capitulate to something so obscene," a resident said.

The room took a collective gasp during the meeting at Hunt's estimation it will build five to seven towers per mile across 33 miles, or 165 towers on the low end.

A change.org petition has gathered nearly 2,000 signatures opposing the project, but Pojoaque Councilman Gabriel Montoya defended the decision to approve the project.

"The Pueblo of Pojoaque stands in support of this project," he said. "This project is going to bring some economic development to our area and a reliable power source to help insure the future growth of all of our communities."

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Hunt spokesman Paul Shulze said the next two years will be packed with these public negotiations.

"We want the feedback," he said. "We want to engage the public and we hope people show up and let us know their thoughts."

All parties estimate they will be in the middle of an environmental impact study for the next two years. The City of Santa Fe's sustainability commission is already drafting an opposition to the project.

Credits

(http://www.kob.com/article/stories/S3401615.shtml) Caleb James

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Northern NM power line debate splits pueblos, non-Indian residents

By Mark Oswald / Journal Staff Writer

Published: Friday, November 18th, 2016 at 12:02am
Updated: Friday, November 18th, 2016 at 7:46am

Proposed power line

HERNANDEZ – A proposed 33-mile, high-voltage power line through parts of southern Rio Arriba County and northern Santa Fe County is the latest issue to create a split between the area's Indian pueblos and non-pueblo residents.

Texas' Hunt Power says its planned 345-kilovolt Verde Transmission Line will plug a gap in the existing regional transmission system, increase capacity and improve reliability. It would run from a PNM substation near the Rio Arriba community of Chili, close to where U.S. 84/285 splits into two highways, south to an existing substation roughly 12 miles west of Tesuque.

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A Chihuahua wanders around a public meeting on a proposed power line through southern Rio Arriba County and northern Santa Fe Countyin Hernandez Wednesday night. The large photo at left was used by opponents to show the scale of the power line towers. (Eddie Moore/Albuquerque Journal)

About one-third of the route is on federal Bureau of Land Management land and most of the rest goes through three area pueblos.

At a BLM hearing in Hernandez north of Española on Wednesday night, many non-pueblo speakers expressed sadness or anger over Pojoaque, Santa Clara and Ohkay Owingeh taking unspecified payments from Hunt to allow the line to cross their lands.

Keith King of nearby La Mesilla, who signed, as well as spoke, to the crowd of about 125, drew loud applause when he asked his Indian neighbors to "learn from your brothers and sisters who are fighting for Mother Earth at Standing Rock, North Dakota," referring to ongoing Indian protests against an oil pipeline, and to reject Hunt's proposal.

He said the transmission line and its towers 90 to 120 feet tall – there would be five to seven per mile through a 150-foot right of way – would destroy views and landscapes that attract tourists and film crews to northern New Mexico.

Jan Brooks of Santa Fe said, "I'm dismayed that the pueblo community would capitulate to something so obscene" in return for money for rights of way or leases from Hunt. "This is a corridor to Bandelier (National Monument)" and the route runs near San Ildefonso Pueblo's landmark and sacred Black Mesa, she said, although it would not cross San Ildefonso land.

Santa Clara Pueblo Gov. J. Michael Chavarria, speaking late in the evening, noted what he called "the negative energy" in the room at Hernandez Community Center.

He said the Santa Clara tribal council has supported the project for five years and that it was important for his pueblo to engage in economic development to benefit social services, education for its children and elder programs.

"We understand that there will be visual consequences," he said, to some gasps among the crowd. But he asked, "How much have we (the pueblo) lost? Who has been here first? What have we given up? Talk about fences – we only have 55,000 acres that we can call home."

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"We respect the land," he said. He said the pueblo has had a good working relationship with Hunt Power and "we're very satisfied with the project," adding, "This is an important opportunity to help all of us, it's not just the tribes and pueblos. …

"I want to work together on this," he told the crowd. "Now's your chance."

People shouted back, "Bury the line" and "Bury it," meaning to put the wires underground.

"That's what I mean, negative energy," Chavarria responded.

Gabriel Montoya, speaking for Pojoaque Pueblo, said the project would bring economic development and "provide a power source to help ensure the future growth of all of our communities."

Proposed in May

Hunt filed its application to cross BLM land – a few short sections of the route cross non-pueblo private property, as well – in May and there were two prior public hearings. But it was only this week that residents opposed to the project sent out alerts to news organizations and others. They say they have gathered 2,000 signatures on a petition against the transmission line.

Hunt's Gabriela Canales said the 33-mile stretch of proposed 345kV line is the last uncompleted section of a high-capacity transmission loop running roughly from the Four Corners area to Albuquerque, and back through north-central and northwest New Mexico.

When the loop hits a smaller 115kV line that already exists along much of the proposed route, "it's like a four-lane highway going down to two lanes," creating congestion, said the company's Paul Schulze.

He said that "when you improve the system, the whole region benefits" from increased capacity and reliability.

Canales told the crowd Wednesday night that new section could help avoid outages like one caused by a brush fire in 2000 that affected 1 million power customers and provide infrastructure for economic development by users such as data centers. Hunt would recover its investment – estimated at between $60 million and $90 million – from power wholesalers.

Canales responded to questions about health impacts from high voltage lines by saying Hunt would be required to follow government guidelines on height and right of way width, and that studies have found "no significant impact" from electromagnetic fields (EMFs) in residential areas, but opponents said experts have found EMFs from high-voltage lines are a carcinogen.

A 'green' project?

Hunt is also touting the line as a boost for renewable energy by providing more capacity for moving around power from solar or wind farms in New Mexico.

Opponents, though, lambasted the idea that the Verde Transmission Line is ecologically "green." Seven-year-old Mazie Kostrubala, to huge applause, read a statement that said: "Verde means green in Spanish. Green projects are supposed to help the Earth, not hurt it. Green projects are not supposed to harm animals, birds, water, plants or people. Green projects should not harm sacred land. But this project would do all of that harm and more. … If Hunt Power was green, you would put the wires underground (beneath) roads already built." Mazie said the proposed line should be called "The Very Bad Project That Will Hurt Everyone."

On the other side, Margaret Campos asked the crowd to remember when opposition blocked plans for a regional landfill in the area 20 years ago. She said the lack of waste disposal capacity has blocked industry. "Educate yourself," she said.

Elena Guardincerri, a Los Alamos National Laboratory physicist who lives in Jacona west of Pojoaque, said the new power lines would be 200 feet from her house. She was among those who questioned any direct benefit for area residents from a line used to move power around the grid.

Guardincerri said the high-voltage line being so close to her home is a health concern, would ruin the landscape

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and drive down property values, making the house impossible to sell.

San Ildefonso off path

The line route appears to run through the populated Jacona section of northern Santa Fe County where Guardincerri lives because Hunt doesn't have an agreement for using the most direct path between the two existing PNM substations, through San Ildefonso Pueblo.

South from Chili in Rio Arriba County, the line would parallel an existing 115kV line that, according to Hunt's application to cross BLM land, has 55-foot towers. That path takes the proposed route through Ohkay Owingeh and Santa Clara land north and west of Española, and then to the Santa Clara Pueblo-San Ildefonso Pueblo line.

To avoid crossing San Ildefonso, the route takes a sharp jag east instead of continuing due south and, when it turns back south and west, it crosses through the Jacona-Jaconita area. Efforts to reach San Ildefonso officials for comment Thursday were unsuccessful.

The BLM will continue taking public comment on the project through Jan. 5. Officials said it will probably be two years before a final decision is made to approve any version of the transmission line's sections on public land or to go with a "no build" option, in effect rejecting Hunt's application.

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http://www.riograndesun.com/opinion/letters_to_editor/stop-power-line/article_e620bedc-a778-11e6-aa81-77171e6e62d9.html

Stop Power Line

By Mattie Allen Nov 10, 2016

The proposed 33-mile 345kV transmission line project by Hunt Power, of Dallas, is a travesty and should be opposed. It will not benefit anyone in New Mexico, instead it will lower our home values, dramatic and wild landscapes, rural communities and natural and cultural heritages. It will also negatively impact tourism and movie industries.

The added electrical capacity is not needed here any time in the near future and the power is set t be sold out-of-state to the financial gain of Hunt Power, while we lose everything. Our homes and properties are at stake. We could lose from 15 to 50 percent of our homes' values and possibly render our properties unsellable.

The lines will go near a school, which is not only dangerous but may increase childhood leukemia rates two-fold. The route will cut a 150-foot right of way road though wild lands, with 130-foot double towers every 800 feet right through migratory bird routes and affect sensitive species. This is a socia and environmental justice issue.

Our low income and rural communities have been targeted, and Hunt Power has done nothing in its seven years of sneaking around, making closed door deals, to inform anyone who will be negatively impacted by this. Come to the public meeting from 5 to 8:30 p.m., Nov. 16 at the Hernandez Community Center. Make your voice heard. E-mail your comments to Bureau of Land Management by Dec. 5 at BLM_NM_Verde@blm.gov

Mattie Allen

Española

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Statement of Michael McDowell, 36 Estambre Road, Santa Fe

Proposed Verde Transmission Project

June 13, 2017

For reasons summarized below, I believe this project provides no definitive public benefit to electric consumers in Santa Fe County, as well as those along and nearby the proposed route.

My examination of this proposed project is based on four decades of electric industry experience. A brief bio is attached to this statement.

The current proposed Verde Transmission Project would build about 30 miles of 345 kilovolt ("kV") transmission line that will interconnect the existing Public Service Company of New Mexico (PNM) Ojo substation in southern Rio Arriba County to the existing PNM Norton substation in Santa Fe County. The project sponsors say it will complete a critical transmission loop in the Northern New Mexico transmission system. The project sponsors further say it would strengthen import and export capabilities system-wide, help relieve congestion, strengthen the reliability of the existing electrical system, and improve transmission access for local renewable and other energy sources.

The proposed project's justifications are based on, at present, speculative assumptions about future use and operation of the proposed line. The proposed project sponsor has provided no evidence that it was subjected to a rigorous review of state and regional grid impacts, benefits, costs and public need such as used by the Southwest Power Pool (SPP). SPP operates in part of New Mexico. I have attached a map showing the SPP operating area, as well as a description of SPP. The project sponsor's transmission subsidiary is a member of SPP and is thus aware of the SPP rigorous review processes required to establish need, cost allocations and benefits. Conceding the proposed project is outside the current operating area of SPP does not reduce the need for a rigorous review in order to protect energy consumers.

The proposed project, in fact, is the latest variation of a transmission path dating back several decades. There should be no confusion as to why a project was never built in this path. The current proposed project, like those before it, seems to lack any concrete defined benefit and demonstration of public need. Speculative assumptions of benefit and public need looking for an acceptable reason to build transmission infrastructure do not justify spending the millions of dollars required for its construction. It is also not clear who would assess the costs of proposed project. Electric infrastructure is expensive and is built only after careful analysis of benefits, costs, need, and regional power pool impacts. The proposed project does not pass these tests.

In conclusion, there is no demonstrable public benefit and need to build this project. Thank you for your time.

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Brief Career Bio

Michael L. McDowell

I hold two degrees from the University of Kansas, a BS degree and Master of Public Administration degree. My course work included advanced organizational management, public policy, and electrical engineering.

My career in the electric industry began managing a small public power community. Industry experience includes serving as CEO of both state and regional industry trade associations as well as operating utilities. I served on the Board of Directors of the American Public Power Association (APPA) and chaired committees of the National Rural Electric Cooperative Association (NRECA) responsible for federal energy issues.

I was CEO and later Board member as well as President of Western States Power Corporation, organized by customers of the U.S. DOE Western Area Power Administration (WAPA) to provide oversight and funding of approved generation and transmission projects at facilities owned by WAPA, U.S. Bureau of Reclamation, and U.S. Army Corps of Engineers in 15 Western states.

I was CEO of Heartland Consumers Power District nearly 10 years prior to retirement December 31, 2013. Heartland provides wholesale power and energy, energy services, and customer support to municipal and cooperative utilities in South Dakota, Minnesota, and Iowa. Heartland resources included the then largest wind farm in South Dakota, Federal hydropower, baseload coal and nuclear units, and solar PV. Heartland was a partner in a 13,000 mile multistate HV transmission system prior to the owners joining Southwest Power Pool (SPP) as individual members. SPP operates members' generation and transmission resources across 14 states from the Canadian border to Southwest Texas and Eastern New Mexico. I serve on a SPP review panel for competitive proposed new transmission projects.

I have provided testimony before Congressional and state legislative committees as well as federal and state regulatory agencies.

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Southwest Power Pool Executive Summary

Submitted by Michael McDowell

The **Southwest Power Pool (SPP)** is the founding member of the North American Electric Reliability Corporation (NERC). SPP's story began in the early days of World War 2 when America was rapidly ramping up production of weapons and military supplies. After entering the War, the USA had an immediate and crucial need to produce aluminum for military aircraft. Alcoa and Reynolds Metals Company established themselves in Arkansas, which had the largest commercially exploitable bauxite deposit at that time. In 1941, the federal Defense Plant Corporation opened a plant in Jones Mill, Ark., with the intent of operating 24/7 to supply the war effort. The government leased the plant to Alcoa for operations. The Jones Mill Plant alone required 120,000 kilowatts (kW) of capacity to operate; this exceeded the state's entire generation (100,000 kW at peak, excluding outages). Due to the war effort, there was not enough manpower nor raw materials to build further electric generation. Executives of Southwest power utilities decided to pool their generation resources together to ensure the region's reliability and dependability during the wartime. The existence of Southwest Power Pool was out of necessity and scarcity. After the war, these companies recognized the expertise and efficiency that had been created and decided to remain a power pool.

Southwest Power Pool was formed Dec. 14, 1941, with 11 regional electric utilities entering into an inter-company agreement.

SPP was incorporated as a nonprofit corporation in 1994, and was approved as a Regional Transmission Organization (RTO) by the Federal Energy Regulatory Commission (FERC) in 2004. SPP is one of nine regional electric reliability councils under North American Electric Reliability Corporation (NERC) authority. NERC and the regional reliability councils were formed following the Northeast Blackout of 1965. SPP is headquartered in Little Rock, Ark.

As a FERC-designated Regional Transmission Organization, one of SPP's responsibilities is to create regional transmission expansion plans. With its members, regulators and stakeholders, SPP creates planning models and studies that determine what new transmission is needed to meet our region's long- and near-term needs and create a cost-effective, flexible and robust transmission network. SPP does not own or build transmission, though its Open Access Transmission Tariff contains rules that govern transmission planning.

SPP is responsible for developing regional transmission expansion plans; directing and monitoring construction of approved transmission-expansion projects; administering SPP's generator interconnection and long-term transmission services; and performing the Planning Coordinator function in accordance with North American Electric Reliability Corporation reliability standards.

SPP manages a Generation Interconnection Queue process that provides a means for generation planners and developers to submit new generation interconnection projects into the Queue for validation, study, analysis and, ultimately, execution of a Generation Interconnection Agreement.

The SPP region lies within the Eastern Interconnection, in the central United States, serving all of the states of Kansas and Oklahoma, and portions of New Mexico, Texas, Arkansas, Iowa, Louisiana, Missouri, Minnesota Mississippi, Nebraska, North Dakota, South Dakota, and Wyoming. SPP members include

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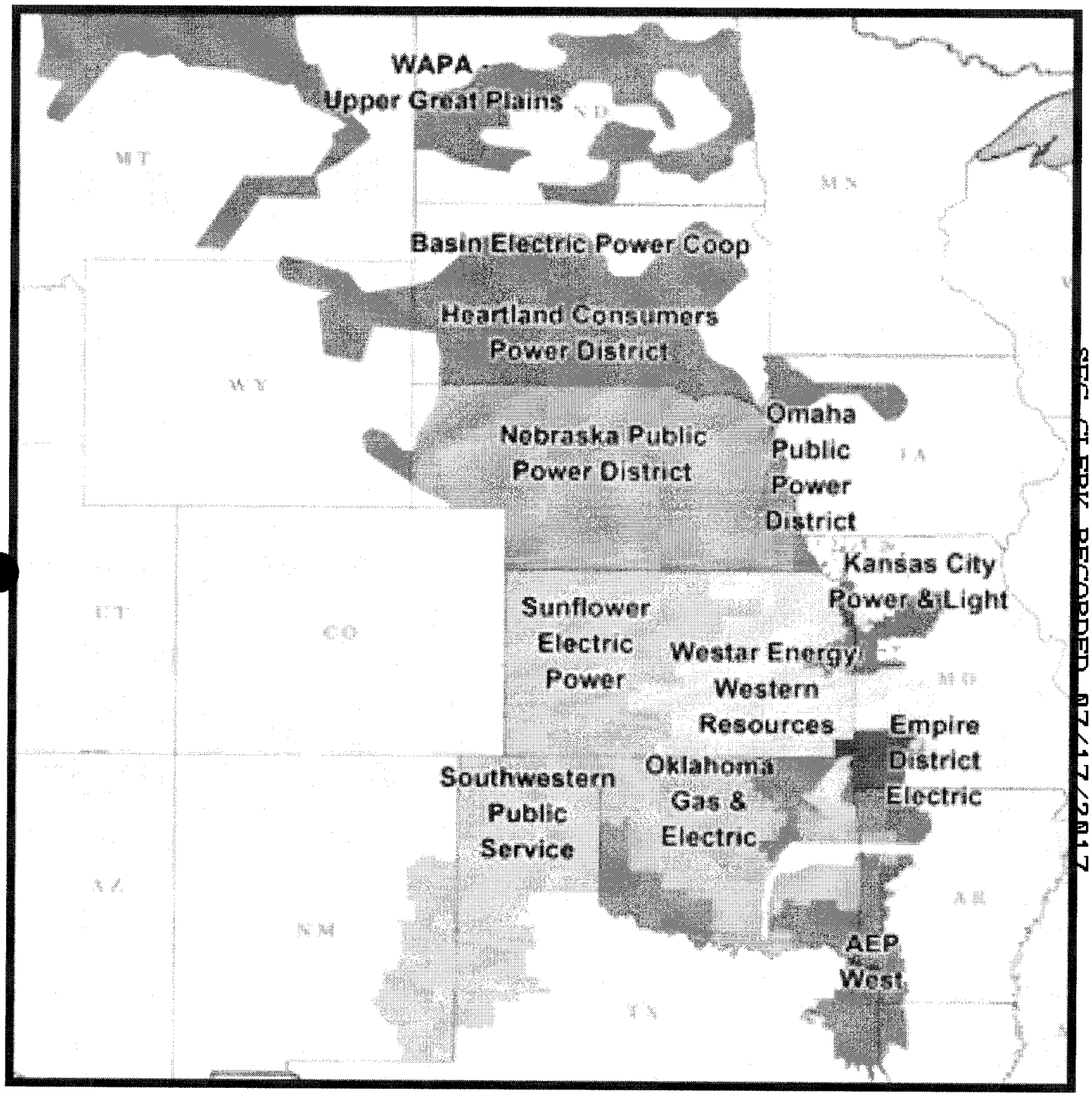
investor-owned utilities, municipal systems, generation and transmission cooperatives, state authorities, independent power producers, and power marketers. SPP has many of the high voltage direct current (DC) ties which connect the Eastern interconnection to the Western Interconnection and both of the DC ties to the ERCOT Texas Interconnection.

SPP operates a day ahead energy market on behalf of its members which seeks to manage generation and transmission resources and provide least cost energy to end users. SPP generation mix includes significant and growing renewable resources. SPP is currently studying on how best to accommodate distributed.

Larger wind penetration than available on individual systems is made possible by the large multi-state integrated transmission system with a regional ability to provide transmission stability.

Map of Southwest Power Pool



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My name is Rob Heineman. I am a retired electrical contractor licensed in the states of Colorado and New Mexico. I served on the New Mexico State Electrical Technical Advisory Committee under Governors Johnson and Richardson for 16 years, and am a past president of the National Independent Electrical Contractors' Association, a New Mexico resident of 37 years and live on Arroyo Jacona.

I request that the BLM consider the no build option when preparing their Environmental Impact Statement for the Verde Transmission Line. I do not believe that the Hunt Group has adequately made the case for the need for the power line, and as such, their application should be rejected, in accordance with EIS development guidelines.

- Hunt has repeatedly stated at the previous scoping meetings that they have not identified customers for the line, and further, have had no negotiations with PNM concerning the future use of the line. These statements standing on their own merit indicate that Hunt has either not adequately researched the need for the line, or at best, have promoted the line to various entities but have yet to secure a paying customer. At worst I could speculate that they are withholding information concerning the their true motivation to build the line.

- As they have provided no information concerning who may use the line, I can again only speculate, as both the Ojo and Norton substations are owned by PNM, and the only other power utilities in Northern New Mexico are Co-Op's, the only two possible candidates to utilize the system would be PNM and TriState Generation & Transmission.

- PNM powers a large portion of New Mexico from Santa Fe Southward. Most of PNM's customer base is in the Albuquerque metropolitan area. Most of their power generation comes from the four corners or westward.

- Jemez Co-Op,'s electrical load in the valley is supplied by Tri-State Generation and Transmission, and is derived from the Hernandez 115KV substation. This substation is connected via 115kV circuits to both the Norton and the Ojo substations. In turn, these two substations receive power through 345 kV lines.

- The 115KV transmission line capacity between Ojo, Hernandez and Norton is capable of supplying around 120MW of power. Jemez uses around 40-50MW This means that JMEC could draw an additional 70-80MW from Hernandez via any combination of the Norton or OJO substations, or to put it another way, could draw their total current load from either direction with 200% extended service capability; easily handling their power requirements for at least 15 to 20 years.

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- The proposed Verde line runs from Norton to Ojo point to point, without an intermediate stop in Hernandez. Should the Verde line be constructed, Jemez Co-Op will still rely solely on the Ojo-Hernandez-Norton 115kV line for supply, adding no capacity or economic value to the valley.

- This leaves PNM as the only plausible candidate to use the proposed Hunt line, even though Hunt stated PUBLICLY at the meeting of the Santa Fe Board of County Commissioners on November 29, 2016 that they deny PNM's involvement and declared that the proposed line has no users yet and there are no contracts in place for the transmission of renewables.

- If the proposed 345Kv line were needed for anticipated growth or for the benefit of the public, would it not be PNM's responsibility and duty to undertake the project on its own and not have a 3rd party investment firm (Hunt) doing the project?

- The OLE project, virtually the same transmission line, connecting the same substations, routed through the Jemez Mountains was proposed by PNM in the 1990s and it was not approved by the PRC. At the time need for the line was argued by the US Department of Energy as being required to further experimentation at Los Alamos National Laboaratory. The PRC ruled that PNM had not made the case for additional capacity requirements.

- PNM mentioned the Ojo to Norton transmission line in their 2007, 2011, and 2014 Integrated Resource Plan using nearly the same words (the following taken from the 2007 IRP): "During the 1990's PNM pursued the Ojo Line Extension ("OLE") project to further reinforce the 345 kV backbone transmission system and increase import capability into northern New Mexico. The OLE project was not approved and since then PNM has focused its efforts on pursuing smaller, interim transmission reinforcement projects that maximized the import capability of the existing northern New Mexico transmission lines."

- Nowhere in the PNM planning documents does PNM propose building a 345 kV line, which they would have and should have proposed if it were critical.

- Furthermore, PNM's load is currently decreasing and it is forecasted to continue in decline in the next years due to:
    - The Overall economy (people are using less energy)

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- Increased efficiency of appliances and lighting
- PNM lost some of their wholesale customers for a total of about 100 MW. Examples are the city of Aztec, the city of Gallup, the Navapache Co-Op
- Citizens switching to solar causes a reduction of about 13 MW/year in PNM's load
- Intel is reducing operations in New Mexico

- PNM is also scaling back its generation capability:
  - PNM just announced, the CANCELLATION of a $100M upgrade at the San Juan Generating Station due to lower power demand. This was reported in the November 1st edition of the Albuquerque Journal (see Figure 2)
  - PNM owns the Algodones generation station, and this station has not been on-line in the last 25 years.
  - PNM owns real estate and water rights in Algodones, enough to install an additional large 50MW PV solar array system there, and this has never been done
  - PNM upgraded the 115kV power line from Ojo to Norton, increasing its power capacity by 30% 7-8 years ago. An additional 30% power capacity could be gained by rewiring the same line using a new kind of conductor wires (ACSS/TW – Aluminum Conductor, Steel Supported, Trapezoidal Wire).
  - Further energy demand in the Albuquerque area can be absorbed by the Sun Zia line and distributed generation.
  - PNM is retiring 286 MW of coal capacity at San Juan, and no longer needs to import that energy into Albuquerque from the Four Corners area. Any future generation capacity needs can be located closer to the load.

- Regarding the ***reliability*** of the system, there is no proof that the existing electrical grid is unreliable. The system runs quite well with the existing 115 kV line closing the loop. When questioned about system reliability at the Espanola scoping meeting, Hunt admitted that there have only been two major outages in thirty years.

- At a previous BLM scoping meeting, Hunt cited the 2000 outage caused by a grass fire as an example of a problem that could be mitigated by the proposed "Verde" line. However, the North American Electric Reliability Council's "Review of Selected Electric System Disturbances in North America", highlights this specific outage. As it turns out, during the outage, caused by a wildfire, the 345 kV line from San Juan Generating Station to Ojo was out of service due to maintenance so the transmission line could not carry any power from San Juan

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to the main load in Albuquerque through the Ojo station. The presence of the Hunt line would not have prevented the outage.

I pose a few questions for the powers that be to answer:

- Should we spoil our land, ruin our health and our properties so that utilities and private for-profit companies can turn a profit at our expense? I think NOT.

- Will Hunt circumvent the Public Regulatory Commission and its review of utility rate structures just because it is a private company, as opposed to a utility company? This is what their spokesperson stated at the meeting of the board of the Santa Fe County Commissioners.

- Will Hunt ultimately sell the line to PNM, who would have had to otherwise place the project before the PRC for scrutiny?

- Will the health risks to our children, destruction of our vistas, devaluation of our properties, damage to other species and their habitats, and reduction of County property tax rolls be the only "economic benefit" of the line if it does not provide power or increase reliability to the local grid?

- To close, I reiterate that Hunt has not made a case for the need of the line, nor have they shown that the current system's reliability is in question. Although they state that the line will bring economic development to the area, the fact is that the line is like a railroad track, servicing points north and points south, but failing to serve the area of construction as there is no intermediate train stop. In the 1800's towns along the tracks that did not have a stop are now referred to as ghost towns.

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Dr. Kirk Veirs

This document raises issues related to the Right-of-Way Plan of Development Verde Transmission Project (ROW Application NM-114507) and the BLM's response Notice of Intent to Prepare and Environmental Impact Statement and Resource Management Plan Amendment for the Verde Transmission Project in New Mexico published in the Federal Register Vol. 81, No. 194, Thursday, October 6, 2016 and accompanying implementation document BLM Seeks Input on Proposed Verde Transmission Project published by the Taos Field Office (no date).

1. Is the BLM's proposed EIS legal, i.e. does it conform to all of the requirements for an EIS? The proposed EIS is managed by BLM with input from the BIA and other affected agencies. The length of ROW requested by Verde on BLM administered property is ~10 mi and the length of ROW on BIA administered property seems to exceed 20 mi. The majority of environmental impact, especially visual, economic, and social impact, is associated with the land administered by the BIA. Verde has reached **final** agreements with each Pueblo and the agreements have been submitted to the BIA. The EIS process must include evaluation of reasonable alternatives to the proposed project. But, Verde's ROW Plan only includes alternatives to the section of the transmission line that is on BLM administered land and these alternatives were arrived at through collaboration with the BLM. According to Verde's ROW Plan, "the BIA must comply with the National Environmental Policy Act (NEPA) and will use the EIS prepared for the Project to satisfy those requirements." There is no mention of alternatives for the more important BIA administered land. This is counter to the requirements for an EIS. Verde's ROW Plan and its submission to the BLM rather than the BIA is a cynical attempt to not have serious review of the project on BIA land. The public is invited to submit comments during the BLM's scoping period from which they will develop alternatives. The public has only a few months to understand the issues and suggest alternatives whereas Verde had 7 years. It appears that Verde, the BLM, and the BIA are in collusion to subvert the EIS process. Has the BIA responded in any way to Verde or the Pueblos concerning the ROW agreements it has received and if so what was the response? (Has the BIA in any way indicated it will approve the agreements?) The BLM should halt the EIS process and request Verde to include serious alternatives to the project on BIA administered land.

2. The need for the transmission line has not been stated clearly by Verde. Consideration of (1) the significant environmental impact of the project on the Espanola Valley, (2) the proposed route essentially establishing a new industrial corridor in the Espanola Valley, (3) the applicant not being a public utility and information is not available through the usual reporting requirements, and (4) BLM's consideration to rewrite its Resource Management Plan to accommodate the project demands a more detailed justification for the proposed transmission line. Verde's text in the ROW Plan under Purpose and Need includes high-level policy statements about the need for energy and renewables across the US and does not address the specifics of why this particular transmission line is needed. Verde does state that the Project is needed to complete a critical transmission loop in the Northern New Mexico transmission system. The Northern New Mexico transmission system is path 48 in the WECC jargon according to PNM and WECC documents. The "loop" Verde refers to is

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completed by a 345 kV transmission line from PNM's Ojo substation to PNM's Norton substation. PNM mentioned the Ojo to Norton transmission line in their 2007, 2011, and 2014 Integrated Resource Plan using nearly the same words (the following taken from the 2007 IRP): "During the 1990's PNM pursued the Ojo Line Extension ("OLE") project to further reinforce the 345 kV backbone transmission system and increase import capability into northern New Mexico. The OLE project was not approved and since then PNM has focused its efforts on pursuing smaller, interim transmission reinforcement projects that maximized the import capability of the existing northern New Mexico transmission lines.." Nowhere in these PNM planning documents does PNM propose building a 345 kV line, which they would have if it was critical. Instead they have focused on increased generation nearer the load (Albuquerque) consisting of photovoltaics, wind, and gas fired generation. Verde mentioned at the Hernandez public meeting that an outage that would have been solved by their Project occurred March 18, 2000. In the North American Electric Reliability Council's "Review of Selected Electric System Disturbances in North America", this outage was discussed. During the outage, the 345 kV line from San Juan Generating Station to Ojo was out of service due to maintenance so the transmission line could not carry any power from San Juan to the main load in Albuquerque, i.e. the transmission line could not have prevented the outage. The report mentions that delayed restoration of the 345 kV line from San Juan to Ojo did not affect the PNM restoration of customer service. And PNM spokesman Don Brown told the Amarillo Globe News on March 21, 2000 that PNM won't seek to renew the Ojo Line Extension project. PNM does not seem to need the project in the ~30 years since it was initially rejected. So, is the need to move power from San Juan or Four Corners to Albuquerque or to move power from wind generation in the eastern plains to Four Corners for distribution west to AZ and CA? If it is the latter, then how does this project integrate with the other New Mexico projects to move power west identified by PNM – Centennial West (500 kV dc), Sun Zia (500 kV), Southline (345 kV), and Lucky Corridor (345 kV)?

3. The case for reliability, which is defined as adequacy and security, is confusing. From PNM's 2014 IRP "Adequacy addresses the basic ability of the system to transmit power as it is needed. Security addresses the ability of the system to withstand a sudden disturbance or contingency while continuing to provide service." A new transmission line will increase the basic ability of the system to transmit power, but the increase in reliability for PNM is not as great as it may seem due to the presence of other sources of power within PNM's load area and the transmission of wind generated power through Albuquerque to Four Corners. Verde may mean reliability for the Espanola Valley which is served by JMEC. This transmission line does nothing to increase reliability for JMEC because JMEC power does not come from the south. It seems like some individuals involved in the approval believe that the reliability that Verde mentions involves the local transmission to individual customers within the Espanola Valley. Local outages are due to JMEC infrastructure and will not/cannot be impacted by this transmission line.
4. Verde's claim to facilitate renewable energy may be false. There is a tremendous need for transmission of wind generated power from the eastern part of the state to Four Corners. The New Mexico Finance Authority prepared a handout to brief NM legislatures in 2008 entitled Overview of Transmission in New Mexico. In this

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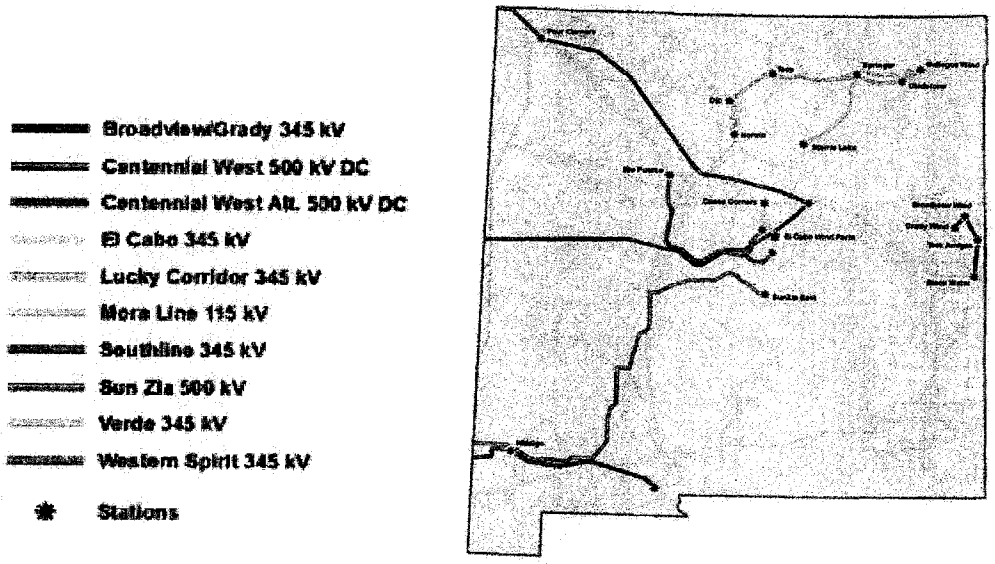
handout they noted that PNM had requests for 8,545 MW from the east to Four Corners.

Queue Positions	Customer	MW	Notes
1 and 2	Cargill	375	125 MW and 200 MW (BW to FC)
3 and 4	Arabella Wind	300	170 MW and 130 MW (Guad to FC)
5	Cargill	100	BW to FC
6 and 7	Arabella Wind	300	170 MW and 130 MW (Guad to FC)
8 to 18	Berrendo Wind	1,100	11 requests for 100 MW each (ABQ to FC)
19	INVM	70	Storie Lake to San Juan
20 to 24	Iberdrola	500	5 requests for 100 MW each
25 to 28	EnXco	800	4 requests for 200 MW each (Ojo to FC)
29 to 36	EnXco	1,600	8 requests for 200 MW each (ABQ to FC)
37	EnXco	200	Storie Lake to Four Corners
38	EnXco	200	Willard to Four Corners
39 to 40	EnXco	400	2 requests for 200 MW each (ABQ to FC)
41 to 44	EnXco	800	4 requests for 200 MW each (Guad to FC)
45	Terra Gen	300	Blackwater to Four Corners
46 to 60	Power Network New Mexico	1,500	15 requests for 100 MW each (ABQ to FC)
	Total	8,545	

There are currently plans for new transmission lines to handle these requests as outlined in PNM's initial white papers in preparation for their 2017 IRP (PNM 2017-2036 Integrated Resource Plan – September 1, 2016 Transmission, Energy Efficiency & Renewables.



In particular, the Lucky Corridor is planned to connect the Gallegos Wind generation to Ojo and then to Four Corners. If the Verde line is built and brings wind energy from the middle of the state to Ojo and then to Four Corners, then the 345 kV line from Ojo to Four Corners will be subscribed and the power from Gallegos would have nowhere to go. It makes more sense for the power from the middle of the state to go west on the Centennial and Sun Zia lines and use the 345 kV line from Ojo to Four Corners for the Gallegos Wind power. It may be that the Verde line actually harms the logical development of wind power for western markets in New Mexico. More information is needed to evaluate their claim.

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Verde has plans for Operation and Maintenance and for Termination and Restoration which includes removal of the line including towers after 30 years over BLM land. Verde is a LLC subsidiary of Hunt. Hunt has a lot of money, but Verde's money is limited. What happens if the line is not as profitable as Hunt would like and Verde declares bankruptcy? Who is responsible to maintain and operate the line or remove it and restore the land? Verde falls outside the normal regulatory environment and the infrastructure it builds could be orphaned. Also, Verde's ROW Plan addresses Termination and Restoration on BLM land but is silent on BIA land. Are there documents already in place with the Pueblos and BIA that address the same topics?

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Health Risks caused by High Voltage power lines.

Hello, my name is Fred Cosandey; I am a resident of the Pojoaque Valley. I am also a scientist and emeritus professor.

I would like to take a few minutes of your time to present a few facts concerning health risks caused by High Voltage power lines with one recommendation of caution.

Public concern about the Electro-Magnetic field (EMF) generated by high voltage power lines and cancer was stimulated by a 1979 study in Denver, Colo., that found that a group of children who had died from leukemia and other cancers were two to three times more likely to have lived within 130 feet of a high current, high voltage transmission line [1].
In 1998, an international panel of experts convened by the National Institute of Environmental Health Sciences reported that electric and magnetic fields like those surrounding electric power lines should be regarded as a possible **human carcinogen.** Since then, there has been additional studies linking childhood leukemia with electromagnetic radiation confirming the Denver study [2,3]. The current 2016 website of the American Cancer society also report a small increase in risk for childhood leukemia.
Even the elderly are at risks as revealed by a 2009 study linking a threefold increase in the incidence of Alzheimer's disease (ALS) with exposure to electromagnetic radiation [4].

At the present time, there are over 200 publications covering humans as well as birds, livestock and other animals that clearly show a correlation between diseases and electro-magnetic radiation. Other reported diseases beside childhood leukemia and Alzheimer's disease include reproductive problems and birth defects, fatigue, depression, neuro-degenerative diseases, sleeping disorder and so on[5].
Therefore, the only question that we should be asking our self is not whether there are risks involved but how close is too close and these combined studies reveal that health risks associated with high voltage power lines (300 to 400 kV) extend beyond the center position of the line, up to 700 feet or more [2-4,6]. It is therefore extremely important to extend the right of way (ROW) normally set at 150 feet for a high voltage power line, like the proposed 345 kV Verde powerline, to a safe "exclusion zone" distance based on health risks which should be set at a minimum of 1400 feet[6]. This distance could potentially affect a large number of the population living in proximity of the proposed Verde line.

In its present configuration, the Verde line has zero consideration for the people living in proximity of the line and passes even very close to many schools!
For instance, if a safe exclusion zone of 1600 ft wide that is 800 ft wide on both side of the line is adopted, there will be at least 540 properties directly affected adopted in Rio Arriba.

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Additionally:

Communities living in La Mesilla will be affected by the proposed high voltage power line.
Communities living in Hernandez (along Rt 285) including the Pablo Roybal elementary school will be affected by the high voltage power line.
Communities living along the Jacona - Jaconita border and along Jaconita (Rt 502) including the Pojoaque high school and Pojoaque elementary school will be affected by the proposed high voltage power line.

It is important to note that there are also contradictory scientific results and some people or companies like Hunt will claim that a scientific consensus has not yet been reached and therefore health risks do not exists. But for sure, the 200 scientific publications that I refer to early on cannot be all wrong! There are reported health risks caused by electromagnetic radiations and please let's not wait another 30 years with more illnesses and death before making the right decision.

In view of the irreparable damage that electromagnetic radiation might inflict, I am urging all parties involved here, residents, school boards, county commissioners, BLM, Pueblos and as well as Hunt to adopt the **Precautionary Principle** or that of **Prudence Avoidance** as adopted by the Colorado Public Utility Commission which states that when a reasonable doubt exist, the decision should be that of caution and therefore to avoid placing high voltage power lines in proximity of where people live.

For more information: http://www.stopverdeprojectnm.org/
fred.cosandey@gmail.com

References

1. N. Wertheimer and E. Leeper, Electrical wiring configurations and childhood cancer, (1979) *American Journal of Epidemiology* 109:273-284
2. G. Draper, T. Vincent, M.E. Kroll and J. Swanson, 2005. Childhood cancer in relation to distance from high voltage power lines in England and Wales: a case-control study. *Br. Med. J.*, 330, 1290
3. R.M. Lowenthal, D.M. Tuck, I.C. Bray, 2007. Residential exposure to electric power transmission lines and risk of lymphoproliferative and myeloproliferative disorders: a case control study. *Internal. Medicine Journal*, 37, 614-619
4. A. Huss, A. Spoerri, M. Egger and M. Roosli, 2009. Residence near power lines and mortality from neurodegenerative diseases: longitudinal study of the Swiss population. *American Journal of Epidemiology*, 169, 167-175
5. http://emwatch.com/power-line-emf/
6. http://www.emfinfo.org/guidelines-distance.html

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Health:

Comment forRio Arriba County Council 12-15-2016

Melvin C. Chaney

17 Vereda Romero

Santa Fe, NM 87506

Phone 505-455-3493

chaney.mel@gmail.com

The literature pertaining to the effects on a person's wellbeing and health run the range of conclusions from no effect to yes, there appears to be a relationship with the incidence of leukemia in children. The incidence of leukemia in a control group of children exposed to magnetic field strength less than 1 milligauss* (deemed to be harmless) follows.

Acute lymphoblastic leukemia (ALL) is the **most common form** in children and represents **78% of cases of leukemia** (2). (ALL is also called acute lymphocytic leukemia.) From 1991 to 1994, the incidence rate was 6 cases per 100,000 children under five. ALL reaches its greatest frequency in children between 2 and 6, with a peak of more than 8 cases per 100,000 children per year at ages 3 to 4 (2). Rates then decline to age 20. Scientists believe that this pattern means that two genetic changes are needed to cause the disease and that one occurs before a child is born.[1]

Childhood leukaemia is continuing to increase. Thanks to better treatment, most children are surviving this illness into adulthood. The treatment is very difficult for the children and it disrupts many families even to breaking point. It would be much better to avoid the causes of leukaemia.[2]

Statistical analysis becomes very iffy with such small numbers per 100,000. It is not surprising that duplicate studies could have results ranging from say, 0 to 10 per100,000. If a number of studies are pooled to improve statistics the result is that the incidence is higher among children who live in an environment where magnetic field strengths are higher.

There are about 2000 students attending schools on the campus located in the Jacona Grant immediately south of Hwy 502 and west of Pojoaque Pueblo's west boundary. These students range in age from pre-school through high school. Hunt/Verde in their information sheets shows their transmission line running north/south immediately east of the Jacona Grant East boundary. Off setting the line further to the east to allow for the width of the right of way I find, using Google Earth, that every one of these 2000 students will be within 2000 feet of the line.

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Now let's consider the Hernandez Elementary students numbering about 170 students ranging from Kindergarten to 6th Grade. From scaling on Google Earth it is apparent that all of these students will be within 700 feet of the Verde Line. In fact they would be almost right under it when they are on the playground.

Here is a table of "safe distances" from high voltage lines carried on metal towers[3]

Safety Distances from Various EMF Sources: ***Possible EMF Safety Distances To Consider for Common EMF Sources***	**ELF Magnetic Fields**	**ELF Electric Fields**	**Radio Frequency (RF) & Microwaves**
"General Public Precautionary Levels" → *(See Note 1)*	***Distance to 0.5 Milligauss (mG) or less*** *(See Notes 2, 3, 4)*	***Distance to 0.5 AC Volts on skin (VAC)*** *(See Notes 2, 3, 4)*	***Distance to 0.010 Microwatts/cm² (μW/cm²)*** *(See Notes 2, 3, 4)*
Power Lines			
High voltage power lines (on metal towers)	700 feet	1000 feet	

Note the safe distances of 700 and 1000 feet !

Now I call your attention to studies made in Colorado Springs, Colorado. Quote:

POSSIBLE HEALTH EFFECTS FROM ELECTRIC AND MAGNETIC FIELDS:

The Committee formed a subcommittee to review the available data, and to make a presentation to the full group. After much review and discussion, the Committee concluded that this issue has no definitive answer. In the face of this uncertainty, the group endorses the concept of prudent avoidance as adopted by the Colorado Public Utility Commission, and believes the recommendations of this report are in compliance with a policy of prudent avoidance[4].

Think of it, our Pojoaque Valley students will be exposed to these electro-magnetic fields for 5 to 6 hours a day for 240 days a year for 14 years of their lives. Fact: The student body at the Pojoaque Valley campus comprises non-Indian children from pre school through high school and the youths of San Ildefonso, Pojoaque and Nambe through the four years of high school. I wonder if Pueblo parents have thought about this. Hernandez students will be exposed for a shorter time but at an age when they seem to be more sensitive.

Leukemia is not the only villain in this picture; the incidences of lymphoma, central nervous system disease, brain tumors in children and autism have been tied, again marginally, to electromagnetic exposure, both at low and higher wireless frequencies.

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4. Take the evidence as a call to action.[5]

Both EMF and RFR exposures are already classified as IARC 2B Possible Human Carcinogens. The substantial scientific literature on EMF and RFR effects on DNA, on immune and blood-brain barrier disruption, on stress proteins, on circadian rhythms and hormone disregulation, and on cognition, sleep, disruption of neural control and altered brainwave activity all argue for reduction of exposures now, and better coordinated research in these areas.

And I should mention that there are other health effects related both physically and emotionally to power lines striding across the country side and close to our homes.

Health Risks and Power Lines.[6]

According to research and publications put out by the World Health Organization (WHO), EMF such as those from power lines, can cause:

- Headaches
- Fatigue
- Anxiety
- Insomnia
- Prickling and/or burning skin
- Rashes
- Muscle pain

I conclude with the following from my own personal experience, not to elicit sympathy, but to show that the above are real and of consequence.

1975, Jean, my wife, came home from shopping one day and found a small crew of men on our property.

"What are you doing?"

"We are surveying for a small power line."

" We did not give you permission to do this here."

"We work for a utility, PNM, and we can go where we need to go without permission." And they continued their work.

Jean was fighting mad. By that time I had learned that you don't make Jean fighting mad. That was the beginning of a struggle that finally ended around 2000 when PNM abandoned the effort. Anger, sleepless nights, meetings, fatigue, anxiety, we had them all.

I thought it had ended, Now comes $Verde$ and I see people suffering in the same way. These are real and debilitating illnesses to be seriously considered. And if $Verde$ should succeed I'm certain these symptoms would continue at some level.

Thank you for your attention and consideration of these issues.

*Milligauss: Among the men who early mapped out electricity and magnetism were Volta, Ampere ,Ohm and Gauss. They have been honored by attaching their names to the unit of

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Electrical potential, Volts; of current, Amperes; of Resistance to current flow, Ohms; and of magnetic field strength, Gauss. Intuitively, a milligauss is a thousandth of a Gauss. For example, the Earth's magnetic field is less than 650 milligauss. Since it is constant it is harmless. When a magnetic field changes in strength a voltage is produced and currents will be induced in conducting mediums, think in a child's body for instance.. Our electrical grid operates at 60 cycles per second. The magnetic field is changing in strength and direction 60 times a second. Voila, current, there is the rub.

1. www.envirohealthpolicy.net/kidstest/Cancer%20Pages/Individual%20Cancers/Leukemia.htm
2. http://www.powerwatch.org.uk/health/leukaemia.asp
3. http://www.emfinfo.org/guidelines-distance.html
4. See attached sheet: TK 3251 US 1993. Colorado Springs, Colo.
   Undergrounding Policy Electric undergrounding policy recommendation Pg. 9
5. http://www.bioinitiative.org/report/wp-content/uploads/pdfs/sec20_2012_Findings_in_Autism.pdf
6. www.safespaceprotection.com/emf-health-risks/emf-health-effects/power-

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Proposed Verde Powerline Safety Considerations

by
Dr. Kurt R. Moore
KurtMoore38@gmail.com

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Executive Summary:

I have estimated the electric and magnetic fields expected from the proposed Verde transmission line project and find:

1. The right--of--way seems insufficient to protect against tower failure.
2. This line increases the chance of major power outages and equipment damage from space weather events.
3. The resultant magnetic fields are above current safety limits for humans within the right--of--way and along NM 84 between El Duende and Hernandez.
4. A magnetically safe distance is 1200--2000 feet.
5. I am unable to determine if the electric fields are safe for humans within the right--of--way or along NM 84.

Introduction:

My friend Joel Duran asked me to supply him with technical information about the safety of the proposed Verde high voltage (HV) transmission line. I am a retired Los Alamos Lab Space Physicist. I am not associated with Hunt Power, the Sierra Club, or any of the other groups involved in the process. I am attempting to be impartial, unbiased, and technically correct in the following. I welcome comments and questions regarding the technical details given.

The online Hunt Power information states that the proposed 33 miles of transmission line will be 345 kV and rated at up to 600 MW. Their map indicates that this section from Ojo to Norton will complete a third major 345 KV transmission line from San Juan to B---A/Rio Puerco and that it will pass within 1/8 mile (660 feet) of NM 84 by El Duende and Hernandez.

The Sierra Club online information states the poles will be 120 feet high, spaces every 800 feet, and will have a 150 foot easement.

Technical and biological safety issues:

1. Not being directly familiar with HV transmission line mechanical failures, it just seems to make sense that the easement should be a minimum of 240 feet and not the proposed 150feet, in order to guarantee that if any of the 120 foot towers were to fall over, it would not cross the easement.

2. Space weather (the cause of the Northern Lights) affects electrical utilities. Although such effects are not common at these latitudes, they do occur and can induce voltage and current surges that cause equipment damage such as exploding transformers. The magnitude of the effects and associated dangers increase with increasing transmission line length. Thus, **the proposed transmission line will increase the risk and damage from space weather events.**

2. Electrical transmission lines transmit electrical power using voltage and current. They are designed to leak a minimum of electrical power to the surroundings but practical limitations result in some leakage. Voltages produce electric fields while currents produce magnetic fields. The leaked power and induced voltages and currents have been measured and agree with calculations.

We live in an electrical world and are constantly exposed to suchfields, but the question is: How much is tolerable? The biological effects on living things, especially human infants, of 60 Hz alternating currents/voltages/powers produced by transmission lines is complicated and actively debated [refs. 2]. Given this uncertainty, I err on the safe side by assuming detrimental biological effects do exist and using the lowest limits associated with these effects.

The magnetic field from transmission lines has been the primary quantity used in biological effects studies. It takes 1740 Amps of current to produce 600 MW at 345 kV. This would be doubled if the Verde line is a double circuit line, but this is not disclosed in the plans so I will assume a single circuit. The details of the transmission line power pole construction are not given and effect any calculations [ref. 1] but the rough values are reasonably consistent.

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The Earth magnetic field at these latitudes is steady and roughly 500 mG. A space storm can cause deviations of a few mG. The magnetic fields from the 345 kV lines considered in ref. 1 corrected to 1740 A and 120 feet height range from 200---250 mG directly below the poles (half the Earth field) to 3---8 mG at 200 feet. The average home level is 0.5---1 mG, the minimum magnetic field associated with cancer in young humans is about 1 mG, the general safety limit is 0.5 mG, and the hypersensitivity recommended safe level is 0.1 mG [ref. 3]. **The proposed transmission line exceeds magnetic field safety guidelines within the right--of--way and along NM 84 between El Duende and Hernandez. A minimum safety distance is 1200 -- 2000 feet.**

The Earth has a fair weather electric field of roughly 100 V/m. The electric field estimated for the Verde 345 kV line from ref. 1 (rescaled for 120 foot towers) are about 80 V/m at 120 feet. The OSHA safety limits are 5000 V/m in general and 10,000 V/m for powerlines. The latter is getting close to the field observed to produce lightning. Recommended safe levels [ref. 3] are given in AC Volts on skin and I do not know how to convert from V/m to those units. **I am unable to determine if the proposed transmission line exceeds electric field safety guidelines within the right--of--way or along NM 84 between El Duende and Hernandez.**

References:

1. Electric Power High---Voltage Transmission Lines: Design Options, Cost, and Electric and magnetic Field Levels by J.B. Stoffelet. al., Argonne National Lab, ANL/EAD/TM31, Nov. 1994, http://www.osti.gov/servlets/purl/10196786/
2. Human disease resulting from exposure to electromagnetic fields, David O. Carpenter, Rev. Environ. Health, 2013, 28(4), 159---172 and references therein.
3. Information about EMFs and Safety Levels, M.R. Nuert, 2014, http://www.emfinfo.org/PDFs/Information%20about%20EMFs%20&%20Safety%20Levels%20D%202--25--14.pdf

Joel Duran contact: joeljelly@hotmail.com

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Title: Affidavit of Albert M. Manville, II, Ph.D. and Certified Wildlife Biologist (CWB) in the Matter of the Likely "Take" of Migratory Birds, Other Wildlife and Loss of Bird Habitat, as well as Other Concerns, due to the Construction and Operation of the Proposed Hunt Power Verde Transmission Line Project, Santa Fe, Los Alamos, and Arriba Counties, New Mexico. Comments Submitted Electronically to the Bureau of Land Management (BLM) on behalf of the StopVerdeProjectNM.org Group Requesting BLM Reject Hunt Power's Right-of-Way (ROW) Application Request

Prepared by: Albert M. Manville, II, Ph.D, CWB
Wildlife and Habitat Conservation Solutions, LLC; and
Adjunct Professor, Advanced Academic Programs
Krieger School of Arts and Sciences, Graduate Evening Programs
Johns Hopkins University, 1717 Massachusetts Ave., NW, Washington, DC 20036

c/o 2124 Greenwich St., Falls Church, VA 22043

Major Sections: Summary of Training and Experience;
Background Regarding the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Endangered Species Act, "Take," and Culpability;
Likely Additional Impacts to Avifauna from Collisions and Radiation from the Verde Transmission Line;
Human Health and Safety Issues;
Inadequacies in Hunt Power's ROW Plan of Development Application for Verde Project;
Conclusions and Recommendations;
Literature Cited

Length of report: 15 pages including literature citations

I certify that this is solely my statement. References are cited to substantiate my points and provide background information.

Albert M. Manville, II

1/3/2017

Signed before me this 3rd day of January, 2017

MOHAMMED HASAN

Name and Seal of Notary Public

MOHAMMED FERDAUS HASAN
Notary Public
Commonwealth of Virginia
My Commission Expires 09 30 20
Commission ID# 7223178

My license or Commission as Notary Public expires on 09/30/2020

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I, Albert M. Manville, II, am over 18 years of age and competent to testify and provide the following affidavit on the matters set forth below, based upon personal knowledge, training and experience.

2. **Title:** Affidavit of Albert M. Manville, II, Ph.D. and Certified Wildlife Biologist (CWB) in the Matter of the Likely "Take" of Migratory Birds, Impacts to Other Wildlife and Loss of Bird Habitat, as well as Other Concerns, due to the Construction and Operation of the Proposed Hunt Power Verde Transmission Line Project, Santa Fe, Los Alamos, and Arriba Counties, New Mexico. Comments Submitted Electronically to the Bureau of Land Management (BLM) on behalf of the StopVerdeProjectNM.org Group Requesting BLM Reject Hunt Power's Right-of-Way (ROW) Application Request.

3. **Prepared by:** Albert M. Manville, II, Ph.D, CWB
Wildlife and Habitat Conservation Solutions, LLC; and
Adjunct Professor, Advanced Academic Programs
Krieger School of Arts and Sciences, Graduate Evening Programs
Johns Hopkins University, 1717 Massachusetts Ave., NW, Washington, DC 20036

c/o 2124 Greenwich St., Falls Church, VA 22043

4. **Submitted to:** BLM_NM_Verde@blm.gov; attn: Brad Higdon, BLM; Sarah Schlanger, BLM; and Priscilla Avila, BIA. Please include this affidavit in its entirety for the record.

5. **Major sections:** Summary of Training and Experience; Background Regarding the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Endangered Species Act, "Take," and Culpability;
Likely Additional Impacts to Avifauna from Collisions and Radiation from the Verde Transmission Line; Human Health and Safety Issues; Inadequacies in Hunt Power's ROW Application; Conclusions and Recommendations; Literature Cited

Length of report: 15 pages including references.

6. I certify that in my considered opinion the following statement reflects an accurate and timely assessment of the available scientific information and analysis on the subjects addressed in this affidavit. References are cited to substantiate my points and to provide background information.

7. **Title:** Report to the Bureau of Land Management (BLM) in the Matter of the Likely "Take" of Migratory Birds, Impacts to Other Wildlife and Loss of Bird Habitat, as well as Other Concerns, due to the Construction and Operation of the Proposed Hunt Power Verde Transmission Line Project, ROW Application No. NM-114507, Santa Fe, Los Alamos, and Arriba Counties, New Mexico. Comments Submitted Electronically to the BLM on behalf of the StopVerdeProjectNM.org Group Requesting BLM Reject Hunt Power's Right-of-Way (ROW) Application Request.

8. By Albert M. Manville, II, Ph.D., CWB. January 3, 2017.

Summary of Training and Experience

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9. I am a wildlife biologist by training. Most recently, I served as the U.S. Fish and Wildlife Service (hereafter, Service or USFWS), Division of Migratory Bird Management's national agency lead on avian-structural impacts including from collisions, electrocutions and habitat fragmentation affecting avifauna caused by transmission and distribution wires and their infrastructures. I was the Service's lead representative on the Avian Power Line Interaction Committee (APLIC) for 17 years, I recently worked closely with the APLIC Chair from PacifiCorp, and I co-authored chapters in both APLIC's electrocution avoidance manual (APLIC 2006) and its collision avoidance best practices manual (APLIC 2012). I also was actively involved in research related to the effects of non-ionizing radiation, primarily at the time from communication towers. Those efforts continue. I retired from USFWS in late June 2014 after 17 years in my Division, and have since created a limited liability company certified by the Commonwealth of Virginia State Corporation Commission. The LLC is named, Wildlife and Habitat Conservation Solutions, LLC. I currently am representing the StopVerdeProjectNM.org group.

10. I earned a B.S. in zoology from Allegheny College, Meadville, PA. Following a 4-year stint in the U.S. Navy where I was trained by the Department of State as a Mandarin Chinese linguist and interpreter working at the National Security Agency (including training on the use of communication devices, electronics and equipment), I completed an M.S. in natural resources and wildlife management from the University of Wisconsin, Stevens Point, and earned a Ph.D. at Michigan State University in wildlife ecology and management. More recently, I was designated as a "Certified Wildlife Biologist" (C.W.B.) by The Wildlife Society.

11. I have served on the Board of Managers of the Washington Biologists' Field Club, and was nominated for membership in the Cosmos Club. I also am a member of numerous professional societies. Additionally, I served on the Steering Committee of the Endangered Species Coalition before being offered a branch chief's position in 1997 with the Division of Migratory Bird Management, USFWS. In 1999, I received the Conservation Service Award from the Secretary of Interior for bird conservation efforts with the electric utility industry. In July 2016, I was awarded the Morley Nelson Conservation Award by the Avian Power Line Interaction Committee for my conservation efforts as a Federal wildlife biologist with the electric utility industry.

12. I have testified over 40 times before Congress and other governmental bodies in regard to environmental issues and conducted numerous research efforts globally. I have published more than 175 professional and popular papers, chapters (including my current chapter in Problematic Wildlife: a Cross-Disciplinary Approach; Springer 2016 [Manville 2016a]), and book reviews, and given more than 160 invited public presentations. I served on the Editorial Advisory Board of the Nature Conservancy Magazine, was the wildlife consultant for the Walt Disney/Touchstone Pictures production of the movie White Fang (based on Jack London's book), and I have conducted hundreds of radio and television interviews (most recently with Ray Brown, TalkinBirds.com, radio program #561, online audio available for 2/7/16) and been extensively quoted in the print and electronic media. I have held teaching positions at Michigan State University, George Mason University, and the USDA Graduate School Evening Programs, and I currently (since 2000) am an Adjunct Professor for Johns Hopkins University's Krieger School of Arts and Sciences, Advanced Academic Programs, DC campus, teaching graduate classes in wildlife ecology, conservation biology and wildlife management, terrestrial and marine conservation biology, and mentoring graduate student research projects.

BACKGROUND Regarding the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), Endangered Species Act (ESA), "Take," and Culpability

13. By approving the Hunt Power application for a ROW permit, BLM needs to be made aware of the ramifications and potential consequences of issues such as "take" (a legal term for the un-permitted injury

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or death of a protected migratory bird) which otherwise could have been avoided should BLM decide to reject the Hunt Power permit application. One such issue involves the **Migratory Bird Treaty Act** of 1918, as amended (MBTA; 16 U.S.C. 703-712). The Act is a domestic statue that affirms and implements 4 bilateral treaties between the U.S. and Canada, Mexico, Japan, and Russia, respectively, regarding the shared migratory bird resources of the U.S. and our treaty partners. These include all the Federally protected migratory birds along the proposed Verde Project corridor, and any protected migratory birds that may be injured, crippled or die from collisions and electrocutions. MBTA has a special focus on Birds of Conservation Concern (USFWS 2008) of which 27 and 18 species in 2 Bird Conservation Regions BCR 16 and BCR 18), respectively, are found in the project area (discussed in greater detail beyond) — species in decline, some precipitously, but not yet ready for listing under the Endangered Species Act (ESA) — species already in peril such as the ESA-Endangered Southwestern Willow Flycatcher, and common bird species that will likely be negatively impacted by this transmission line were it to be built. The latter include Greater Sandhill Cranes and Canada Geese, among others.

Note: hereafter, italics are used where there is a direct link to the proposed Verde Transmission Project, the Right-of-Way corridor, and the BLM's review process.

14. **Migratory birds** — i.e., those that migrate across U.S., Canadian and/or Mexican borders, of which 1,027 species are currently protected in the United States (**50 C.F.R. 10.13 list**), are a public trust resource, meaning they belong to everyone — including to all residents of New Mexico. Almost all North American continental birds are protected by the MBTA including most found in the Verde corridor (e.g., Roadrunners and Wild Turkeys are State-protected, but European Starlings, English Sparrows, Monk Parakeets, and Common Pigeons are introduced, invasive species, not afforded protection). National Audubon Society verified the presence of 542 species of migratory birds representing 67 families of avifauna present in New Mexico (New Mexico Audubon 2015 website, Birds of New Mexico). MBTA is a strict liability statute; proof of criminal intent in the injury, crippling loss, or killing of birds is not required by authorities for cases to be made. This includes " incidental or accidental take" from collisions, electrocutions and impacts from radiation during otherwise, normal legal business practices such as Hunter Power building and operating this Verde Project transmission line [should that happen], and upgrades to the Norton and Ojo power substations, subsequently resulting in " take" which could have been avoided or minimized. Since 2001, USFWS had been attempting to permit "incidental take" under a new regulation of MBTA with which I was involved. Progress in that effort was recently terminated. A Federal permit is required to possess a migratory bird and its parts, but the MBTA currently provides no provision for the accidental or incidental "take" (recapping: causing injury, crippling loss, or death) of a protected migratory bird, even when otherwise normal, legal business practices or personal activities are involved, <u>such as the operation of a Hunt Power 345 kV power transmission line, the transmission towers between Norton and Ojo and the substations themselves that result in bird injuries and/or deaths and " disturbance" to eagles resulting in nest abandonment and/or chick failure.</u>

The U.S. Congress noted the "take" of even one protected migratory bird to be a violation of the Statute, with fines and criminal penalties that can be extensive. For example, PacifiCorp was fined $10,500,000 for electrocuting birds in 2009 (the final 2014 settlement agreement included $400,000 in fines, $200,000 restitution to the State of Wyoming, and $1,900,000 to the National Fish and Wildlife Foundation for eagle conservation). In this and other recent criminal prosecutions against power and wind energy companies for "take" of protected birds, all the cases involved several years probation for the company executives and all required significant improvements and upgrades to facilities.

15. Regarding potential MBTA "take" of protected migratory birds by Hunt Power, to understand how agents with the USFWS's Office of Law Enforcement and prosecuting environmental attorneys with the Department of Justice make and prosecute cases respectively, I quote from a power line manual

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(APLIC 2006) — which I coauthored — an explanation of how prosecution generally works. As the USFWS has previously stated (e.g., APLIC 2006:21), "although the MBTA ha[s] no provision for allowing take, the USFWS realizes that some birds will be killed even if all reasonable measures to avoid it are used. The USFWS Office of Law Enforcement [OLE] carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships with individuals, companies, and industries that have programs to minimize their impacts on migratory birds. Since a take cannot be authorized, it is not possible to absolve individuals, companies, or agencies from liability even if they implement avian mortality avoidance or similar conservation measures. However, the OLE does have enforcement discretion and focuses on those individuals, companies, or agencies that take migratory birds without regard for their actions and the law, especially when conservation measures had been developed but had not been implemented."

By implementing steps to " avoid or minimize take" such as by not building the Hunt Power Verde Transmission Project, " take" can be avoided. By finding a far more environmentally friendly, reasonable and safe alternate location, " take" can be minimized.

16. Bald and Golden Eagles are also protected by the **Bald and Golden Eagle Protection Act** (BGEPA; 16 U.S.C. 668-668c), another strict liability statute. "Take" under BGEPA is more expansive than under MBTA, and includes pursuit, shooting, poisoning, capturing, killing, trapping, collecting, molesting and disturbing (emphasis added) both species (50 C.F.R. 22.3). It is important to note that eagles do not simply need to be killed or injured to be in violation of the Eagle Act. Un-permitted disturbance such as noise and dust from Hunt Power's construction and maintenance of the transmission lines, activities such as tree trimming along the power line corridor, and use of helicopters and all-terrain vehicles which can occur during the nesting season have the potential to cause nests to fail or adults to abandon nesting sites. " Disturbance take" could result in reduced survivorship of adults, juveniles and chicks, affecting their population viability. These are potential criminal offenses. While USFWS does not generally require that companies such as Hunt Power possess eagle "take" permits, but without them, "disturbance take" and "take resulting in mortality" (50 C.F.R. 22.26), and the "take of nests" (50 C.F.R. 22.27) are potential criminal offenses.

17. The **Endangered Species Act** of 1973 as amended (ESA; 16 U.S.C. 1531-1544) is a statute designed to protect fish, wildlife, and plants listed as endangered or threatened, and their critical habitats (50 C.F.R. 17.11 and 17.12). Depending on designated species and/or critical habitat, the statute is administered by USFWS (generally terrestrial and freshwater species) and the National Marine Fisheries Service (most marine species). Certain ESA-listed bird species are at risk of electrocution or wire collision, including especially the Whooping Crane, California Condor, and other listed species which should be considered during line siting (e.g., the **Lesser Prairie-chicken**, an ESA candidate species, and the Endangered Southwestern Willow Flycatcher). In addition to a number of other prohibitions under ESA, it is unlawful for any person subject to the jurisdiction of the United States to "take" a protected bird. " Take" is defined as to "harass, harm, pursue, hunt, shoot, would, kill, trap, capture, collect, or attempt to engage in any such conduct." " Harass" is further defined as "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such extent as to significantly disrupt normal behavioral patterns, which include breeding, feeding, or sheltering." " Harm" is defined as "an act that actually kills or injures wildlife including significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering."

All these impacts directly apply to the Southwestern Willow Flycatcher, found in wetlands affected by the Verde Transmission Project — discussed beyond — potentially in addition to other listed species. These include lands administered by the BLM (Figs. 3, 4 and 5, Hunt Power Plan of Development). Unlike MBTA, but similar to BGEPA, ESA allows USFWS to issue "incidental take" permits for take that results

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from otherwise legal activities such as constructing and operating a power transmission line. Such an incidental take permit must include a Habitat Conservation Plan (HCP). Further, an HCP must ensure that adequate conservation measures are in place to protect species in question, and development of an HCP requires NEPA review — including by the public. Whether Hunt Power has even considered developing an HCP is unclear based on their May 2016 Right of Way Plan of Development for the Verde Transmission Project submitted to BLM.

What is clear: Consultation for a Biological Assessment under Section 7 of the ESA is required between BLM and USFWS; USFWS will release a Biological Opinion to BLM regarding effects to the Southwestern Willow Flycatcher — which might include terms for an Incidental Take Permit to BLM. BLM is also required under the Fish and Wildlife Coordination Act to assess Hunt Power's recommendations on how they propose to prevent loss or damage to wildlife resources, including the Southwestern Willow Flycatcher. The Bureau of Indian Affairs must approve the ROW on Tribal lands. Considerable involvement with other Federal agencies is also required, including with the Department of Defense, Army Corps of Engineers, representatives of the Advisory Council for Historic Preservation, US EPA, and the Tribal Historic Preservation Officer, not to mention various State and local county agencies. This results in considerable taxpayer expense and extensive agency involvement for all aspects of this coordination — which in my opinion is money and effort that could better be spent elsewhere.

Specific Health, Safety and Survivorship Issues Affecting Humans and Wildlife Which BLM Needs to Address Under their NEPA Review including "Quality of the Human Environment"

18. **Bird Collisions and Electrocutions.** Under BLM's NEPA review process, the Bureau must address wildlife impacts from power lines, including impacts from **"connected actions"** of the proposed power line on other Federal, State, Tribal and county properties and affected wildlife resources. For a nationwide comparison and a look at the significance of different types of mortality, the estimated impacts to migratory birds from **power line collisions** in the U.S. range from 8 to 57 million bird deaths annually based on sensitivity analysis and a meta-review of studies (Loss et al. 2014, Manville 2016a). Wire collisions are by far the greatest threat to hundreds of species of migratory birds (APLIC 2012), especially collisions with the static wires which are a component of the Verde transmission project. Collisions will likely be a very significant issue, requiring BLM's careful review and assessment. Collision vulnerability will vary considerably depending on bird size, weight, maneuverability, wing span and aspect, line detection, and related issues — all which BLM should carefully assess. **Electrocutions**, meanwhile, may kill from 0.9 to 11.6 million birds annually in the U.S. (Loss et al. 2014, Manville 2016a). Electrocutions occur primarily at distribution lines and their infrastructures although flashovers (contact between 2 energized wires or an energized wire and grounded structure) have occasionally been documented from raptor "streamers" (streams of liquid fecal waste) which contact energized transmission wires, generally lethal to birds (APLIC 2006, Manville 2016a). Streamer flashovers could be a problem at the Verde project due to the presence of a number of raptor species, but the overall risk is probably low. However, risk of electrocutions from contact between phased wires, phase-to-ground wires, cut-outs, unshielded wires (e.g., onswitches, conductors, and transformers) and related infrastructure to many different types of birds (e.g., passerines, raptors, waterbirds, and others) at the existing and upgraded Ojo and Norton power substations must be assessed in BLM's NEPA review since " take" could be significant. As previously discussed, collectively these "takes" can have significant consequences to migratory birds, including cumulative effects analyses which BLM must perform, and can represent criminal violations of MBTA and BGEPA where permits are not in force or unavailable.

19. **Birds of Conservation Concern (USFWS 2008) and Endangered Southwestern Willow Flycatchers.** BLM has an important responsibility and must perform its due diligence in effectively evaluating impacts to migratory birds from the proposed Verde Transmission Project through their NEPA

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review. This must include evaluating Hunt Power's attempts — or the lack thereof — to address MBTA " take" in their " Right-of-Way Plan of Development." The proposed Verde Project area is located within 2 Bird Conservation Regions (BCRs) designated by the USFWS (2008: pp.18, 32, 34). These BCRs almost certainly designate habitats where some Birds of Conservation Concern (BCCs) will be injured and/or killed by wire collisions and electrocutions at the Verde Transmission lines — some in disproportionate ways if construction is allowed to proceed through a ROW approval by BLM. These BCRs are home (i.e., breeding, rearing, fledging, feeding, staging, overwintering, migrating, or as stopovers) to various designed BCCs. Recapping, BCCs are those species designated by USFWS, with assistance from Partners in Flight and the North American Bird Conservation Initiative as birds in decline — some precipitously — but not yet ready for designation as Endangered or Threatened under ESA. They provide an early warning system to managers such as BLM. USFWS tends to focus on doing all that can reasonably be undertaken by developers, managers, landowners and others to "avoid or minimize" impacts to these species. In addition to Federally listed species under ESA, BCCs are a priority.

In BCR 16 (Southern Rockies/Colorado Plateau, USFWS 2008, p. 32, just west of the Rio Grande River corridor) there are 27 BCC species found within the Region. These include the Gunnison Sage Grouse, American Bittern, Bald Eagle, Ferruginous Hawk, Golden Eagle, Peregrine Falcon, Prairie Falcon, Snowy Plover, Mountain Plover, Long-billed Curlew, Yellow-Billed Cuckoo, Flammulated Owl, Burrowing Owl, Lewis's Woodpecker, Willow Flycatcher, Gray Vireo, Pinyon Jay, Juniper Titmouse, Veery, Bendire's Thrasher, Grace's Warbler, Brewer's Sparrow, Grasshopper Sparrow, Chestnut-colored Longspur, Black Rosy-Finch, Brown-capped Rosy-Finch, and Cassin's Finch. Hunt Power has the responsibly to document that the construction and operation of the Verde Transmission Project will not negatively impact any of these species — most especially those which have been documented to be most sensitive to collisions (e.g., APLIC 2012) and electrocutions (e.g., APLIC 2006) including Bald Eagles, Golden Eagles, Ferruginous Hawks, Peregrine Falcons, Burrowing Owls, several of the passerines and other birds from this BCR. Their " Right-of-Way Plan of Development" (discussed beyond) completely fails to address these specific concerns. It is not the responsibility of BLM nor groups such as StopVerdeProjectNM.org to document impacts. This is solely the responsibility of the developer whose documentation can then be challenged if it turns out to be scientifically indefensible.

In BCR 18 (Shortgrass Prairie, USFWS 2008, p. 34, beginning just east of the Rio Grande River) there are 16 BCC species found within this Region. They include the Lesser Prairie-Chicken, Bald Eagle, Golden Eagle, Prairie Falcon, Snowy Plover, Mountain Plover, Upland Sandpiper, Long-billed Curlew, Burrowing Owl, Lewis's Woodpecker, Willow Flycatcher (the Southwestern Willow Flycatcher [Empidonax trailii extimus] was listed as an Endangered Species under ESA since 1995, and its critical habitat revised in 2013), Bell's Vireo, Sprague's Pipit, Lark Bunting, McCown's Longspur, and Chestnut-sided Longspur. As in BCR 16, Hunt Power has the responsibly to document that the construction and operation of the Verde Transmission Project will not negatively impact any of these species — most especially those which have been documented to be most sensitive to collisions (e.g., APLIC 2012) and electrocutions (e.g., APLIC 2006) as discussed above. Their " Right-of-Way Plan of Development" (discussed beyond) completely fails to address these specific concerns. It is not the responsibility of BLM nor groups such as StopVerdeProjectNM.org to document impacts. This is solely the responsibility of the developer whose documentation can then be challenged by affected parties under NEPA.

It is worth noting that some birds on these BCRs are also on National Audubon Society's (NAS) Audubon Watchlist — being carefully documented by NAS due to their declining status. These include the Flammulated Owl, Lewis's Woodpecker, and Grace's Warbler. Additionally, the Bald Eagle is a BLM Bureau Sensitive species, as is the Peregrine Falcon, and Lewis' Woodpecker.

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The **Southwestern Willow Flycatcher**, a Federally Endangered bird, is dependent on cool and shady stream site habitats especially along willow and cottonwood bottoms which continue to be impacted by cattle grazing, from nest parasitism by the Brown-headed Cowbird, and by continuing loss of habitat (USFWS 2015 website). This subspecies breeds and nests in trees and thickets in late May to early June in New Mexico and elsewhere in the Southwest. It usually only fledges one brood per year, then overwinters in the rainforests of Latin America.

Southwestern Willow Flycatchers are species important to desert riparian ecosystems since they have been shown to consume prodigious quantities of insects, improving the health of trees and forests. Listed as Endangered in 1995, the final rule designating critical habitat for the Southwestern Willow Flycatcher was published in January 2013 by USFWS, designating 1,227-some stream miles of habitat, including Critical Habitat component #23 just north of Espanola, running along the Rio Grande River corridor. Because this Critical Habitat component is so close to the existing power line and proposed line expansion — up to 125 feet above ground level in height if constructed — and upgrade to the Ojo substation, the vulnerability of this songbird and its likely " take" (both under ESA and MBTA) from collisions and electrocutions are of considerable concern. These issues must be addressed by Hunt Power, which has pretty much dismissed any discussion of them in their " Right-of-Way Plan of Development."

20. **Health and Safety Issues Affecting Humans and Wildlife.** The proposed Verde 345 kV transmission project — triple the voltage of the existing 115 kV transmission line — could have some potentially dangerous effects to humans, their livestock and pets, and resident wildlife. While Hunt Power is requesting a ROW permit from BLM, it again is incumbent on BLM to consider all the consequences of issuing such a permit, including effects on the " quality of the human environment" and any " connected actions" with other agencies which BLM must assess under their NEPA regulations.

Studies of extremely low frequency (ELF) radiation from power lines and power infrastructures on both humans and migratory birds (the latter discussed below) — including, for example, honeybees which are in serious decline and important pollinators in northern New Mexico — are extensive, some results of which are very troubling.

To demonstrate the strength of a high-voltage transmission line, and illustrate the incredible electromagnetic forces (EMFs) surrounding an energized power line, Lee et al. (1996: Fig. 1-7, p. 1-6) photo-documented the effects on a human underneath a 500 kV transmission line by having a volunteer hold up 2 hand-held fluorescent light tubes under the wires, having them both light up without being plugged in. In addition to powerful electromagnetic forces affecting humans, concerns were also raised about effects to wildlife including deer, small mammals, honeybees, raptors and other migratory birds (Lee et al. 1996). More recently findings about electromagnetic forces and advisories to humans regarding transmission lines released by the Oregon Department of Energy (Cornett 2013) are troubling, discussed below.

Based on the proposed route of the Verde Project transmission lines, portions of this route appear to be too close to human habitation, including members of four Tribes of the Pueblo Nation, the Pueblo of Ohkay Owingeh, Santa Clara, Pojoaque, and San Ildefonso (in the latter, along its border). This includes families living around/near the proposed site with small children, pets, horses and cattle. The residents will have to contend with intense magnetic fields, periodic static charges, stray currents from capacitive and inductive coupling (Cornett 2013, Ross 2014), a constant humming noise, and the likelihood of health issues based on the longstanding and continuing scientific evidence.

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These health issues include robust links to childhood leukemias, and associations with adult leukemias, brain tumors, and Alzheimer's, among other diseases from power line ELF, as well as issues of electrohypersensitivity and multiple chemical sensitivities, among others (e.g., see Liorni et al. 2015, de Groot et al. 2015, Belpomme et al. 2015, Akdag et al. 2013, Corbett 2013, Ulku et al. 2010, ICNIRP 2010, Yokus et al. 2008, IEEE 2002, and Levitt 1995, among numerous other refereed, peer-reviewed scientific publications). Pathological effects can begin to exhibit at the very low 2 milligauss (mG) magnetic field level; at distances of 200 ft from high voltage transmission towers, milligauss levels will be far above 2 mG (Levitt 1995, Lee et al. 1996, Cornett 2013, B. Levitt 2015 pers. comm.).

As a scientist, I have been involved in field and laboratory research since 2000 on low-level, non-thermal non-ionizing radiation impacting migratory birds. While microwave radiation used in cellular telephones and towers are of different frequencies than those used in electric power generation, their effects on the electric and magnetic fields in the human body and bodies of wild animals can have profound similar effects (Levitt 1995). Based on comparable research and findings, field effects in the wild and laboratory effects to test birds from microwave radiation from cellular communication towers and similar devices in Europe where wild birds are being injured and killed ostensibly from effects of the radiation are being further documented (DiCarlo et al. 2002, Balmori and Hallberg 2007, Everaert and Bauwens 2007, Manville 2007, 2009 and 2015, 2016a, 2016b). These findings are giving us a better picture of the known and suspected effects of EMFs from power lines.

The evidence base and scientific documentation of ELF effects from EMFs continues to grow exponentially, with excellent and timely sources of current scientific information that are made public almost on a weekly basis. One in particular is "Electromagnetic Radiation Safety" (http://www.saferemr.com) published by the School of Public Health, Center for Family and Community Health, University of California, Berkeley, from its Director Dr. Joel M. Moskowitz. To argue as the electric utility industry has done for years that there are no negative effects from power line radiation is ludicrous.

At the very least, all residents located between Norton and Ojo who will be impacted by this project should be provided an independent report paid for by industry but performed by an independent forensic electrical engineer. The report should address the specific exposures — both electrical (kV/m/day) and magnetic (mG/m/day) — each resident, their pets, cattle, horses, other domestic animals and wildlife will face at specified distances from the proposed power transmission lines, based on a 24-hour period of exposure. The report should explain in detail the consequences of each of these electromagnetic forces (EMFs).

Wild fires remain a serious concern, further raising health and safety issues. Given the ongoing drought and unpredictable changes being correlated to climate change; high fire class designations; and potential fire damage from lightning strikes on nesting materials on transmission towers, tower collapse from wildfires, and line fire damage causing further fire damage, wildfire is a huge risk which will only be exacerbated by expanding the voltage and increasing the existing line area should this project be approved. Additionally, all-terrain-vehicle and dirt bike users may be involved in arson and vandalism as has been documented elsewhere in the country. Hunt Power must address these issues which they have not.

Inadequacies in Hunt Power's ROW Application

21. **My Critique of the Right-of-Way Plan of Development (POD), Verde Transmission Project.** Hunt Power's ROW Application # NM-114507 for their proposed Verde Transmission Project is sorely inadequate — including details which BLM will need if the agency is going to require an Environmental

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Impact Statement (EIS) be developed for this project if it is to proceed. The POD contains out-of-date material, unverified blanket statements, a failure to fully disclose the complexity of issues, misinformation, critical information completely lacking, and the presumption that the project will benefit the local residents and northern New Mexico.

Briefly summarizing from comments I provided in the sections above and concerns of the local residents, the issues with the Project and POD come down to:

visual pollution that the Project will cause for an iconic landscape;
impacts to migratory birds not the least of which is the Endangered Southwestern Willow Flycatcher found in wetland and riparian areas, possible negative impacts to its nearby designated Critical Habitat, impacts to potentially dozens of other Birds of Conservation Concern, Audubon Watchlist and BLM Bureau sensitive species, as well as impacts to other common bird species;
dangers to humans and wildlife from electromagnetic frequencies (EMFs) and extremely low frequency (ELF) effects impacting health and safety;
loss of property values and the "quality of the human environment";
lack of trust by landowners, residents and visitors in the process;
the invalid premise that the Verde Transmission Project will improve the reliability of the power network; and
a failure of the Project to benefit local residents and landowners in any way.

Specific Comments and My Critique of the ROW Plan of Development (POD).

Note: page reference numbers below are based on the total 79-page POD submitted by Hunt Power. My specific page number reference is based on the computer generated page number. I also include parenthetically the Hunt Power POD page number listed in their document.

On computer generated p. 6 (p. 1-2) of the POD, Hunt Power talks about improved reliability of the transmission system, but fails to verify how reliability will be increased given the numerous other issues which will almost certainly create problems for the local residents, their livestock, pets and wildlife — including an increased potential for wildfires, radiation effects, disturbance effects, noise and similar concerns.

On p. 8 (p. 1-4), Hunt Power states that a greater proportion of the power will come from renewable energy. It is my understanding that virtually all the power currently being generated and transmitted by transmission lines in the area — including the existing 115 kV line — comes from coal-fired power plants. Wind and solar-generated power may be planned for the future, but the current reality defies that assumption.

Pp. 13-15 (Fig. 2, Proposed Route Overview; Fig. 3, Norton and Ojo substations; Fig 4, Ojo substation close-up; and Fig. 5, Norton substation close-up) include maps where the power transmission line will cross and/or follow wetlands that would be impacted by the project. However, any discussion of impacts, scale of development, species involved, and related concerns are not included in the discussion. Further, a 150-ft right-of-way is being proposed for these transmission lines. How is this proposed ROW going to further impact wildlife, including in the new ROW being proposed to head north to Jaconita through Pueblo of Pojoaque Indian Lands, then due west along the La Mesilla municipal boundary crossing Route 30? These issues were dismissed.

On p. 27 (p. 3-5), issues with induced currents are raised in regard to buried water and gas pipelines but not thoroughly evaluated. What about all the other issues I raised from above which were unaddressed by Hunt Power? These include pathological effects of ELFs and EMFs, disease onset as a result of radiation

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(e.g., child and adult leukemias, Alzheimer's, brain tumors, electro-hypersensitivity, and other disease and physiological concerns). Ignoring them does not make them go away.

On p. 32 (p. 3-10), Hunt Power acknowledges that the Verde Project will use public lands administered by the BLM, but goes into scant additional detail about what this means and why public lands are important to us all — including Native Americans, residents, visitors, grazing lessees, recreationists, hikers, photographers, bird watchers, hunters, fishers, and many others.

On p. 40 (p. 5-2) of the POD, Hunt Power briefly discusses the various roles of the Federal, State and local agencies. They introduce the need for a Section 7 consultation between BLM and USFWS, but go into no more detail about this process nor the outcome other than a Biological Opinion. No mention is made of the Endangered Southwestern Willow Flycatcher nor its Critical Habitat. It is like Hunt Power is simply performing a perfunctory analysis of what needs to be done, but not detailing the various aspects of each of these NEPA and related analyses.

On p. 46 (p. 6-6), blasting is introduced as an excavation technique which will be used in this Project, but makes no mention of issues pertaining to "disturbance take" of Bald and/or Golden Eagles — both present in the Project area. This represents yet another shortcoming.

On p. 50 (p. 6-10), landscape rehabilitation is very briefly mentioned. While this "tool" can certainly be used in an Habitat Conservation Plan (none appears to be proposed by Hunt Power) under Section 10 of the ESA, under MBTA there is no provision under law or regulations for mitigation of "take." This needs to be clarified and carefully explained by Hunt Power.

On p. 53 (p. 7-2), Hunt Power briefly discusses impacts and mitigation to wildlife, but mentions nothing about the negative effects of the required upgrades to the Norton and Ojo substations that will likely impact migratory birds, other wildlife, and possibly cattle and pets. These must also be evaluated and discussed. They were not.

Under the brief discussion about wildlife on p. 53 (p. 7-2), Hunt Power suggests compensation for habitat modification via coordination with the responsible agency(ies). They also mention seasonal development restrictions and suggest speed limits for construction and maintenance vehicles. Once again, under ESA, compensation can be a technique approved through an HCP issued by USFWS, and speed limits will indeed reduce the likelihood of "disturbance take" of eagles and minimize car/truck-bird collisions as will seasonal development minimize "take" of nesting birds (also mentioned on p. 54 [p. 7-3]). Hunt Power does mention tree and shrub removal, stating that "... areas would be avoided during passerine and raptor nesting seasons (e.g., April 1 — August 31 [this is an inadequate time frame for raptor nesting which is generally much more extensive]), if possible. If avoidance is not possible, nest surveys and clearance would be conducted prior to nesting season." However, the duration of nesting, especially for raptors, needs to be clarified, and MBTA has no provision for compensation of "take" which again needs to be clarified.

Also on p. 54 (p. 7-4), project design is briefly mentioned, but the source referenced by Hunt Power for avoiding bird electrocutions (APLIC 1996) is considerably out of date. Under the brief section on design change, Hunt Power suggests that they "... space conductors and ground wires sufficiently apart so that raptors [no mention is made of other birds which is a significant omission] cannot conduct between two conductors or one conductor and a ground wire to cause electrocutions (APLIC 1996)." Unfortunately, this suggested best practice applies to distribution lines rather than transmission lines since transmission energized wires and static lightning ground wires are already sufficiently separated in order to avoid flash over, line contact, and fires. It is clear that Hunt Power simply cited this recommendation to make it appear like they understood the concept. I co-authored and helped release the considerably updated and

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more current version of the Electrocution Avoidance Suggested Practices Manual (APLIC 2006). It appears that Hunt Power simply didn't bother to check on the current status of best practices for "avoiding or minimizing take" from electrocutions. The reference to the Collision Avoidance Suggested Practices Manual (APLIC 2012 — which I also co-authored) is up to date, but no suggestions were made on how Hunt Power plans to make their Verde Project lines bird-safe from either collisions or electrocutions. There are many options available, none of which were cited. This, in my professional judgement, represents a fatal flaw of this POD.

Overall, this POD was at best minimalist in its overview of the many aspects, concerns and impacts to species and habitats, human impacts were not addressed (other than a mention of induced currents), and it failed to make any kind of a credible case in justifying the need for a 345kV power transmission line. It also is clear that Hunt Power does not understand the complexity of adequately assessing impacts to the "quality of the human environment" under a NEPA review and they clearly do not understand what constitutes "take" under MBTA, BGEPA and ESA. If this were a graduate student thesis I were grading in my role as an adjunct professor, I'd likely give it a failing grade.

Conclusions and Recommendations

22. **Suggested Next Steps.**

Hunt Power may argue that the APLIC 2006 and 2012 guidelines for reducing collision and electrocution bird mortality are voluntary, therefore they don't have to follow them — other than perhaps perfunctorily. That could be problematic for Hunt Power. Since at least the Clinton Administration, USFWS has developed and used voluntary guidance based on the best available science in attempts to "avoid or minimize take" of protected migratory birds and industry has used these guidelines extensively — including the electric utility industry through their Suggested Practices (APLIC 2006, 2012; Manville 2016a). While the electric utility guidelines (APLIC 2006, 2012) are voluntary, they provide the best available and current science and represent the most current "conservation measures" (akin to mitigation measures) available to "avoid or minimize take." Where such guidelines have and are available, an entity refuses to use them or uses them incorrectly — including after they are advised of the issues — and "unintentional (un-permitted) take" results, companies have been criminally prosecuted (as previously discussed). While the affected electric utility guidelines may be voluntary, they can be treated as quasi-regulatory when companies have available "conservation measures" but refuse to use them or use them incorrectly, especially after being advised. Based on their POD, Hunt Power has shown little interest in taking significant steps to "avoid or minimize take" of migratory birds by implementing "conservation measures" (including locating lines in more bird-friendly habitats) and has shown little evidence that they understand the ramifications of "take."

How Hunt Power proposes to address "take" and impacts to designated Critical Habitat for the Southwestern Willow Flycatcher remains unclear since no specific mention of an HCP, no significant avoidance steps, or no alternatives addressing how they intend to deal with this Federally Endangered species were discussed in their POD.

Given the size, complexity and many environmental challenges facing Hunt Power, surprisingly little was discussed in their POD on how they plan to address these issues. The fact that dozens of Birds of Conservation Concern (USFWS 2008) reside in and around the project area suggests the need to do some substantive, recognized and peer-reviewed population assessments — during all 4 seasons. These would be used to document what BCC and other species including Willow Flycatchers are present, when, in what numbers, and performing what specific tasks (e.g., feeding, breeding, nesting, rearing, fledging, staging, migrating and overwintering).

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At the very least, these should include site studies, point counts, Breeding Bird Surveys (including use of acoustical recordings), Christmas Bird Counts, migrating raptor counts (e.g., using the Hawk Mountain protocols), plotted line transect area surveys, distance sampling, and other scientifically recognized assessment protocols. Are Bald Eagles nesting in the Rio Grande River corridor? They overwinter in this area. Are Golden Eagles using surrounding cliffs for nesting, roosting, and feeding? Bottom line: how does Hunt Power propose to significantly "avoid or minimize take" of protected birds and avoid or minimize "take from harassment?" These are questions which essentially remain unanswered.

Hunt Power has failed to justify the need for this massive project, including its expansion to Jaconita. Hunt Power needs to demonstrate the necessity of proposed transmission line and take into account all reasonable alternative locations, designs and heights for the proposed Verde Transmission Project.

Hunt Power needs to justify the need and benefits to the 4 adjoining affected Tribes, given that members of the San Ildefonso Pueblo Nation want nothing to do with this line on their Tribal lands and have rejected it.

Hunt Power has failed to address issues dealing with the effects of radiation (including as I suggested, an independent radiation site survey by a forensic electrical engineer), wildfires, loss of property values, how network reliability will actually be improved, benefits to local residents, the need for increased power capacity (both PNM and Jemez Mountain Electric acknowledged there is **no** need for this project), threats to local tourism, and changes which BLM will need to make in their recent Resource Management Plan (RMP) which currently classifies the land as "Tier 2: wild, and rich in cultural and natural resources." Hunt Power proposes the project be reclassified to "Tier 4: Industrial."

For all the reasons discussed above, based on my best scientific and professional judgement, BLM must in good conscience and based on the scientific record, reject Hunt Power's application for a ROW permit. Thank you for the opportunity to provide these comments on this important issue.

Respectfully submitted,

Albert M. Manville, II, Ph.D., C.W.B.
Wildlife and Habitat Conservation Solutions, LLC

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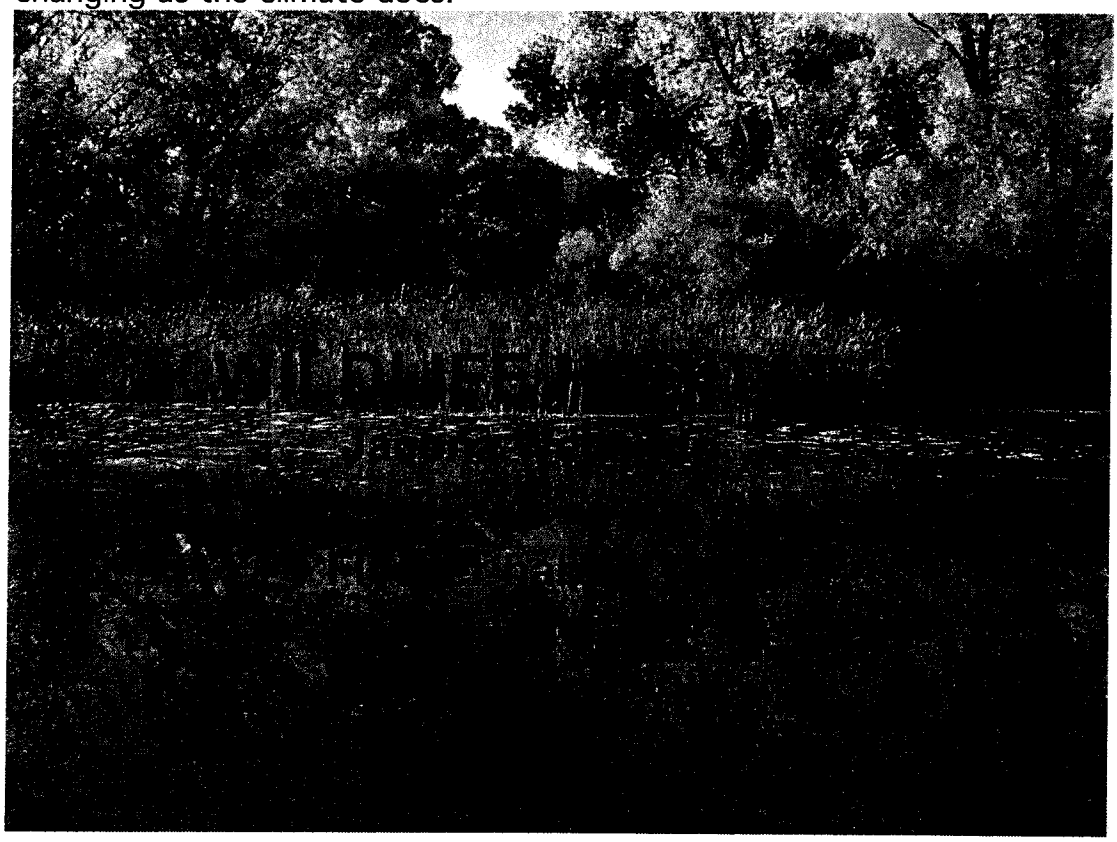
BLM SCOPING MEETING FOR VERDE TRANSMISSION LINE- Dec 2016

My name is Karen Koch. I am a native New Mexican and have been a filmmaker for almost 30 years. For the last 5 years I have traveled worldwide documenting the complex reasons why bees are dying. This lens has allowed me to recognize that a series of small, seemingly innocuous acts for the sake of "progress" have added up to a complex crisis that will for ever effect how humans are able to survive on this planet. No bees. No food.

I bring this background of knowledge to stand in opposition to the proposed Verde Transmission Project. And, I support a No Build Option. Much is understood about adverse health effects from Transmission Lines and humans. Less is known about the effects on wildlife.

In 1996, with the aid of a US Fish and Wildlife Service Stewardship Grant, a constructed wetlands was created by the owners of a Permaculture community in Jacona. That same year it was declared a "WILDLIFE HABITAT, MANAGED BY THE OWNERS." I am fortunate to live there. It is home to an increasingly diverse migrating bird population, rapidly changing as the climate does.



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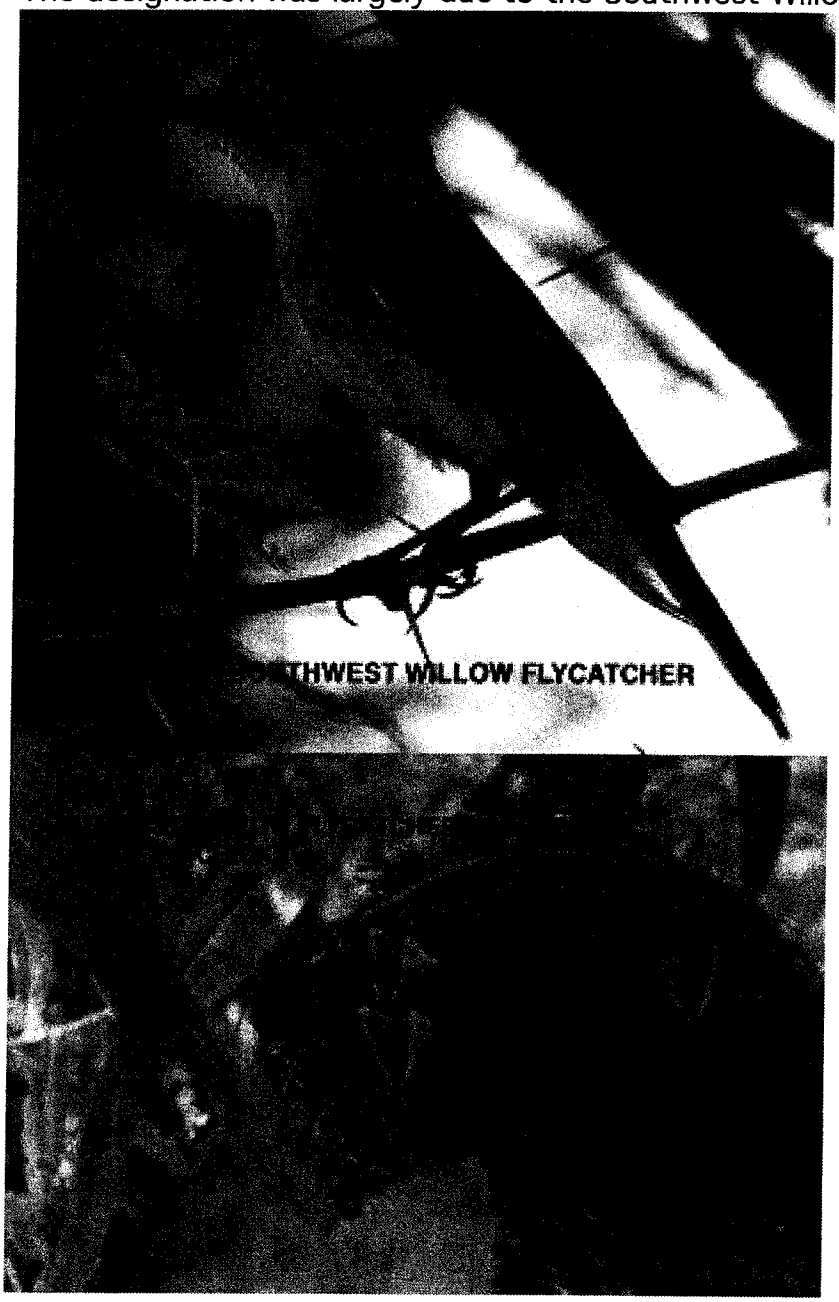
The designation was largely due to the Southwest Willow Flycatcher



The SW Willow Flycatcher was placed on the endangered species list that same year, 1996. The grant for the wetland's construction was given, in part, due to the recognition that the Willow Flycatcher's survival required migratory stopover habitats while heading to its now designated Critical Habitat along the Rio Grande.

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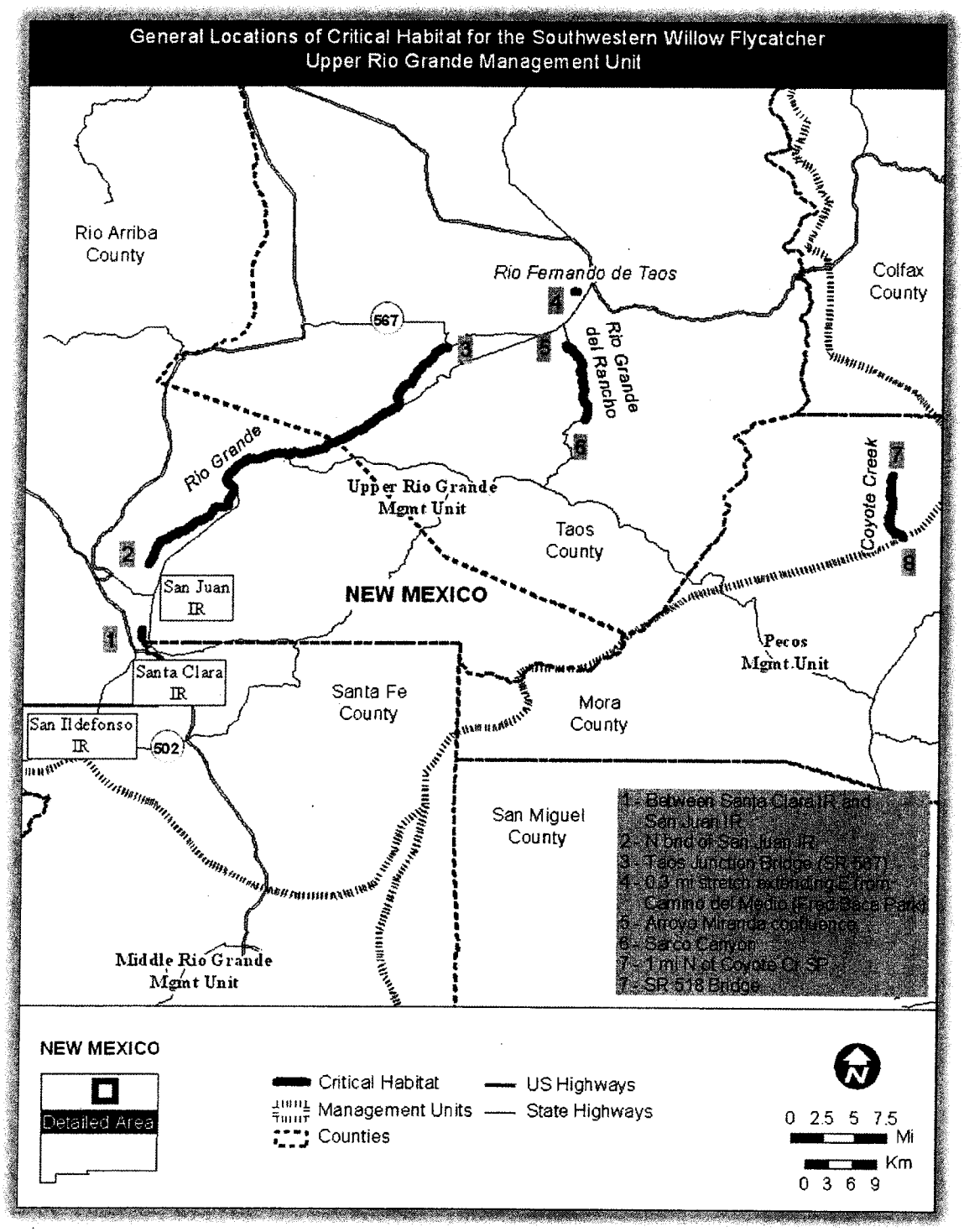
In February of 2014 the U.S. Fish and Wildlife Service designate this Critical Habitat.



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The Critical Habitat is located on a combination of Federal, State, Tribal, and Private lands. "Management Units" have been identified to support movement and migration to the critical habitat.

The designated Wildlife Habitat is on a portion of private land in a designated "Management Unit", less than a half a mile from the proposed transmission line. The Verde Transmission Line will cross Federal, County and Tribal land adjacent to the Critical Habitat and through these recognized "Management Units".

The final designated Critical Habitat included some exclusion but notes that, "Any proposed Tribal land that was recommended from exclusion from this map was mainly because Tribes have either ongoing management plans for flycatchers or exclusions that provided substantial benefits for maintaining a conservation partnerships that benefit the flycatcher and other listed species.

The final designation also states: **"Twice the amount of suitable habitat is needed to support the numerical territory goals because the long-term persistence of flycatcher populations cannot be assured by protecting only those habitats in which flycatchers currently breed (Service 2002, p. 80)."**

The effects of electromagnetic fields (EMF) on bird populations are still under much scrutiny and recognized as woefully under studied. Thus there is insufficient data for strict determination of cause and effect. That being said, most studies agree and or conclude that:

"Despite the limited numbers of studies, much of the research has found that EMF exposure has generally affected birds, and most of the effects have been adverse. EMF exposure, either in the field or at environmentally relevant levels in laboratories, has altered the behavior, physiology, endocrine system, and the immune function of birds, which generally resulted in negative repercussions on their reproduction or development. Such effects were observed in multiple species."

Source: *Journal of Toxicology and Environmental Health, Part B*, 8:127-140, 2005

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https://www.fws.gov/southwest/es/documents/R2ES/LitCited/LPC_2012/Fernie_and_Reynolds_2005.pdf

Section 7 of the Endangered Species act requires Federal agencies to ensure that the actions they authorize will not jeopardize the continued existence of any endangered or threated species or result in the destruction or adverse modification of critical habitat.

I request that the BLM specifically address the collision risks, for all bird species, with transmission lines and provide an Avian Protection Plan and an associated migratory bird conservation strategy as a condition of the ROW application.

I am also aware that approval in FEIS of the SunZia Southwest Transmission line, was contingent upon the following Conservations Measures for the Southwestern Willow Flycatcher and should be implemented for the Verde Transmission Line as well:

Conservation Measures - Southwestern willow flycatcher

• Standard and selective mitigation measures should reduce direct impacts to riparian woodlands, through the minimization of ground disturbance and vegetation management. The following conservation measures provide additional detail on surveys, seasonal considerations, and design measures for the Southwestern willow flycatcher.

Preconstruction surveys for the Southwestern willow flycatcher should occur within the proposed right-of-way (including new or improved access roads). Surveys should be conducted within all suitable habitat and according to a current, approved protocol.

• WF-2: Construction and maintenance in riparian woodlands should take place between September 15 and March 1, to avoid disturbance of Southwestern willow flycatchers.

• WF-3: Unguyed (self-supporting) structures should be used to reduce the width of the right-of-way and associated fragmentation of riparian woodland.

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• WF-4: Helicopters should be used to assist in stringing conductors in Southwestern willow flycatcher designated critical habitat at the Rio Grande, to avoid the need to clear the right-of-way during construction.

• WF-5: Compensatory mitigation, including the acquisition and permanent protection of suitable nesting habitat, should be required to fully offset the loss of PCEs and disturbed ground within designated critical habitat in the appropriate MU, at a compensation ratio approved by the BLM and USFWS.

https://www.blm.gov/style/medialib/blm/nm/programs/more/lands_and_realty/sunzia/sunzia_docs.Par.50175.File.dat/SunZia_ROD_Appendix%20C-Biological%20Opinion%201%20(1).pdf

As has been evident in the conflicting views of political parties on climate change, the U.S. remains far behind the rest of the world in dealing with real issues that will affect the future of our children, grandchildren and all living things.

In 2000 the EU adopted the concept of the Precautionary Principle and it is detailed in Article 191 of the Treaty on the Functioning of the European Union (TFEU). It relates to an approach to risk management whereby if there is the possibility that a given policy or action might cause harm to the public or the environment and if there is still no scientific consensus on the issue, the policy or action in question should not be pursued. Once more scientific information becomes available, the situation should be reviewed.

On behalf of all living things in this valley and else where I recommend the Precautionary Principle be applied and that the BLM decides on a No Build Option.

References:

Summary of the US Fish and Wildlife Designation
AGENCY:
Fish and Wildlife Service, Interior.
ACTION:
Final rule.
SUMMARY:
We, the U.S. Fish and Wildlife Service (Service), designate revised critical

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habitat for the southwestern willow flycatcher (*Empidonax traillii extimus*) (flycatcher) under the Endangered Species Act. In total, approximately 1,975 stream kilometers (1,227 stream miles) are being designated as critical habitat. These areas are designated as stream segments, with the lateral extent including the riparian areas and streams that occur within the 100-year floodplain or flood-prone areas encompassing a total area of approximately 84,569 hectares (208,973 acres). The critical habitat is located on a combination of Federal, State, tribal, and private lands in Inyo, Kern, Los Angeles, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura Counties in California; Clark, Lincoln, and Nye Counties in southern Nevada; Kane, San Juan, and Washington Counties in southern Utah; Alamosa, Conejos, Costilla, and La Plata Counties in southern Colorado; Apache, Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yavapai Counties in Arizona; and Catron, Grant, Hidalgo, Mora, Rio Arriba, Socorro, Taos, and Valencia Counties in New Mexico. The effect of this regulation is to conserve the flycatcher's habitat under the Endangered Species Act.

DATES:

This rule becomes effective on February 4, 2013.

This final rule is available on the Internet at *http://www.regulations.gov*, Docket No. FWS-R2-ES-2011-0053.

Department of the Interior - Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Southwestern Willow Flycatcher; Final Rule

https://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/SWWF/fCH2013/SWWF_FCH_FR_Final.pdf

Map of Upper Rio Grande Designated Critical Habitat for SW WF

https://www.fws.gov/southwest/es/arizona/Documents/SpeciesDocs/SWWF/fCH2013/Upper_Rio_Grande_MU_m27.jpg

THE EFFECTS OF ELECTROMAGNETIC FIELDS FROM POWER LINES ON AVIAN REPRODUCTIVE BIOLOGY AND PHYSIOLOGY: A REVIEW

SFC CLERK RECORDED 07/17/2017

Journal of Toxicology and Environmental Health, Part B, 8:127-140, 2005
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https://www.fws.gov/southwest/es/documents/R2ES/LitCited/LPC_2012/Fernie_and_Reynolds_2005.pdf

Karen Koch
15 Camino Ancon
Jacona, NM
November 20, 2016

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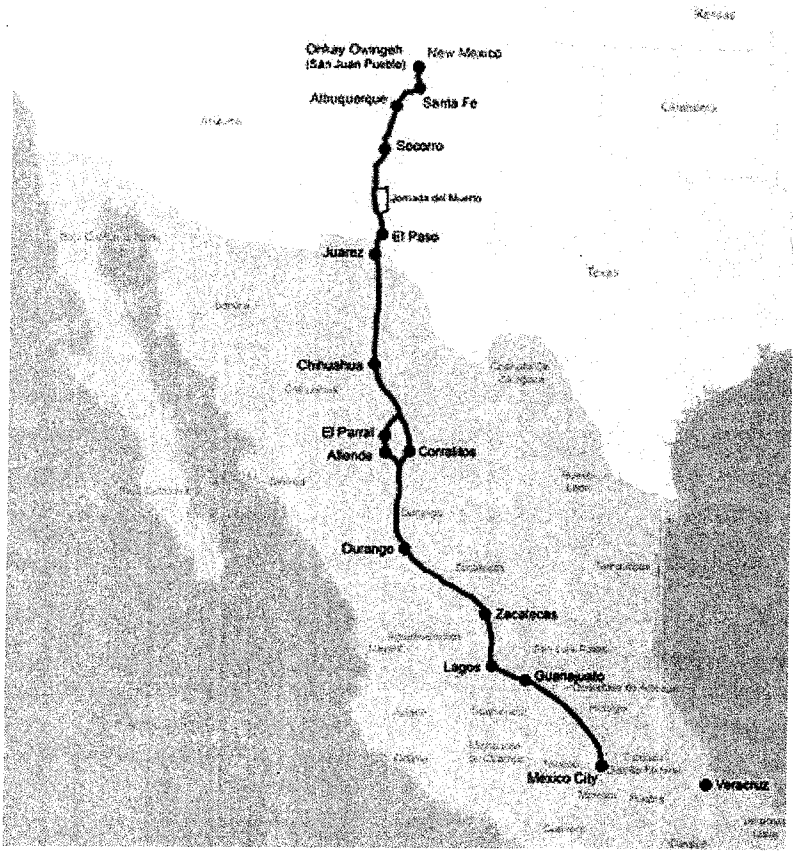
Trails and Towers

El Camino Real and the Verde Power Line in Santa Fe County

Introduction

El Camino Real begins in Mexico City and travels 1600 miles north – entering the US at what is now El Paso. It continues north and passes west of Santa Fe to end at the long-gone town of San Gabriel or the still lively Pueblo of Ohkay Owingeh.



From https://www.nps.gov/elca/planyourvisit/

Today we call this trail El Camino Real, its Spanish name, the Royal Road and date the US portion from 1598. But clearly Native Americans traveled it earlier – much earlier.

There are 1,200 miles of El Camino Real in Mexico. Portions of this are recognized by UNESCO as World Heritage Sites. (UNESCO -- United Nations Educational, Scientific and Cultural Organization)

In the year 2000, Congress voted the 400 miles of El Camino Real in the US as a National Historic Trail. Responsibility for the trail was given to the National Park Service – and – the Bureau of Land Management.

Unhappily, we have built a lot of highways in the last 400 years and most of El Camino Real in the U.S. is paved – it's pavement with an occasional sign that says *El Camino Real*. Let's face it – Interstate 25, for example, does not look much like the trail Native Americans traveled in say 1300.

Part I

But we are lucky in Santa Fe County -- because here the old trail takes off into open country – it heads to the north-northwest roughly following what is today the Old Buckman Road – a dirt road.

Right now --Santa Fe County is about to start building the historic trail – the Buckman Road Segment of El Camino Real along the old Buckman Road. It will be the longest single trail section of El Camino Real in the United States.

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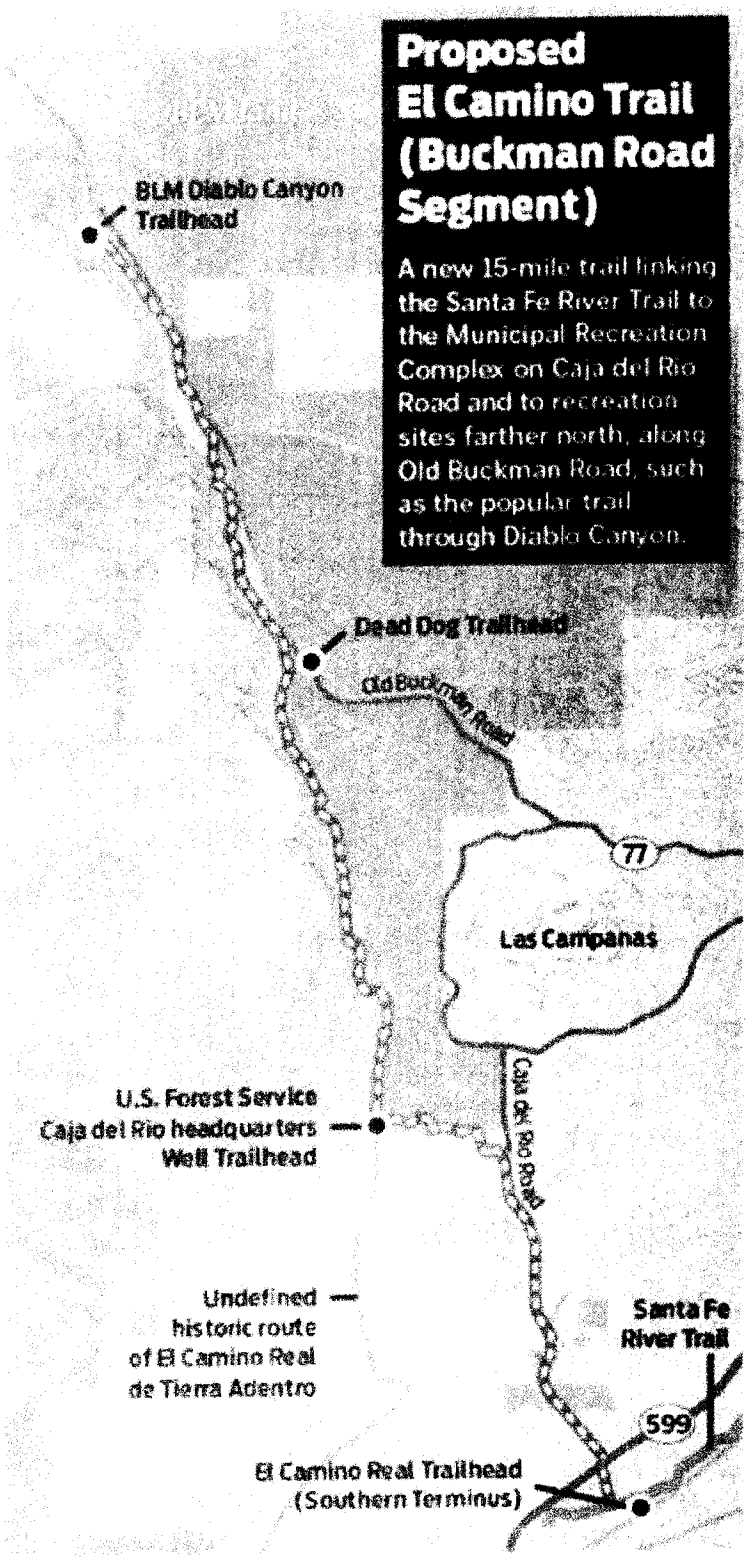
It will be an amazing trail, costing $4 million plus dollars, largely funded by the Federal Highway Administration, through its Federal Lands Access Program (FLAP). It will link to the Santa Fe River Trail, and eventually, residents and tourists will be able to travel by trail from Patrick Smith Park on the far side of Santa Fe Plaza to the historic, recreational, and scenic opportunities in the public lands to our west – trails in the National Forest and on BLM land; Diablo Canyon and rock climbing, the Rio Grande, and Buckman Mesa/Otowi Peak with its spectacular views of White Rock Canyon. 14.7 miles, non-motorized, for pedestrians, bicyclists, and equestrians, it could be a spectacular attraction for our residents and for tourists from around the world.



Santa Fe New Mexican, 2/20/2016

Nov 16, 2016, an environmental assessment of the Buckman Road segment was published by the Federal Highway Administration, the Forest Service, and BLM. (*El Camino Real de Tierra Adentro National Historic Trail, Buckman Road Segment, Retracement Trail Project.)*

To quote:

"The Buckman Road segment of El Camino Real . . . National Historic Trail is an unusually iconic segment of the historic route . . . The fact that this segment of the historic trail route still exists in federal ownership so close to population centers in Santa Fe is a remarkable opportunity for residents and tourists to experience one of the oldest routes of any National Historic Trail in the country.

"The proposed action would provide a unique opportunity to develop a non-motorized trail that serves the intent of Congress in establishing the National Historic Trail for the purpose of providing today's trail users with a similar experience to that of historic trail users."

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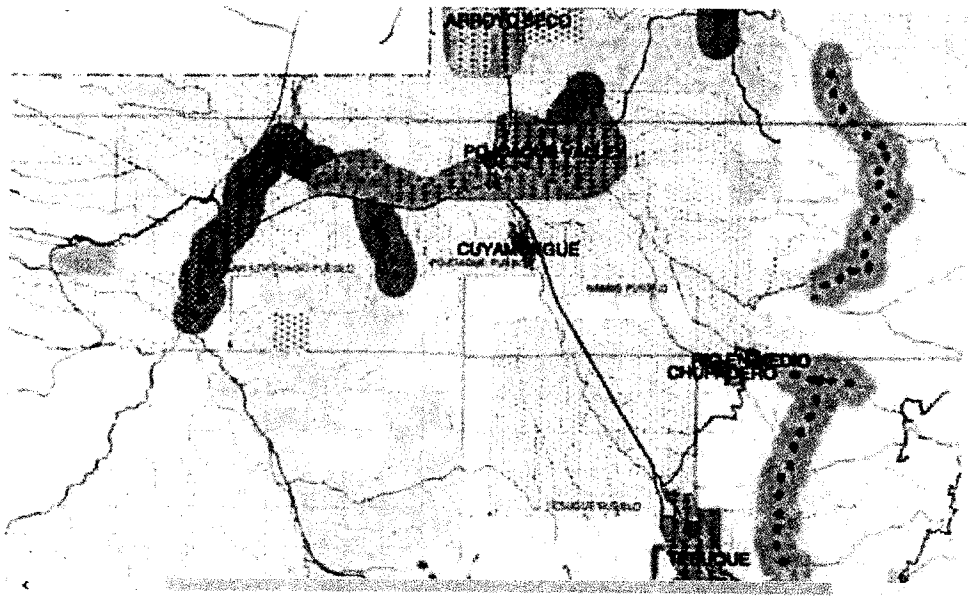
The author hereby submits the November *Environmental Assessment* to BLM as part of the scoping process for the proposed Verde Line. All of the arguments that the *Assessment* makes for the Buckman segment – all of them are equally eloquent in opposing the Verde Line.

PART II

Question then is: What next for this the longest trail segment of El Camino Real? Does it end near Buckman or can we push it further north into what has been identified as the "major block of land" between Santa Fe and Espanola. *(El Camino Real de Tierra Adentro National Historic Trail Comprehensive Management Plan/Final Environmental Impact Statement (National Park Service, 2004).*

In 2000, Santa Fe County published its *Open Land and Trails Plan* with the goal: "to preserve historical trails and protect access to existing trails, trailheads and recreation opportunities on federal lands."



From Open Land and Trails Plan, 2000

They -- or we, actually -- planned a trail along the Rio Grande from San Ildefonso Pueblo south to connect with trails that link to Old Buckman Road. This trail would be a primary trail, segment 1: the top priority in the 2000 plan.

A trail was also planned to come south from the Pojoaque Valley through the Jacona Land Grant, but it stopped well short of Buckman Road.

In 2010, Santa Fe County looked again at this question in *its Sustainable Growth Management Plan* or *SGMP.* Again to quote from the recent *Environmental Assessment,* the *Sustainable Growth Management Plan* states that:

"an expanded and well-maintained trail network would provide a green alternative to motorized transportation and improve the quality of life in the community and attract tourists who are looking for outdoor recreational opportunities."

By 2010 the trail along the Rio Grande was not happening and would not happen anytime soon. So, the SGMP kept the proposed Rio Grande trail in the plan, but also lengthened the planned trail coming through the Jacona Land Grant to reach south to Old Buckman Road. (This map is not shown.) The trail has to go this way –the Jacona Land Grant is the only gap in the Pueblo trust land that allows the trail to connect the privately-owned land in the Pojoaque Valley with the BLM and private lands to the south.

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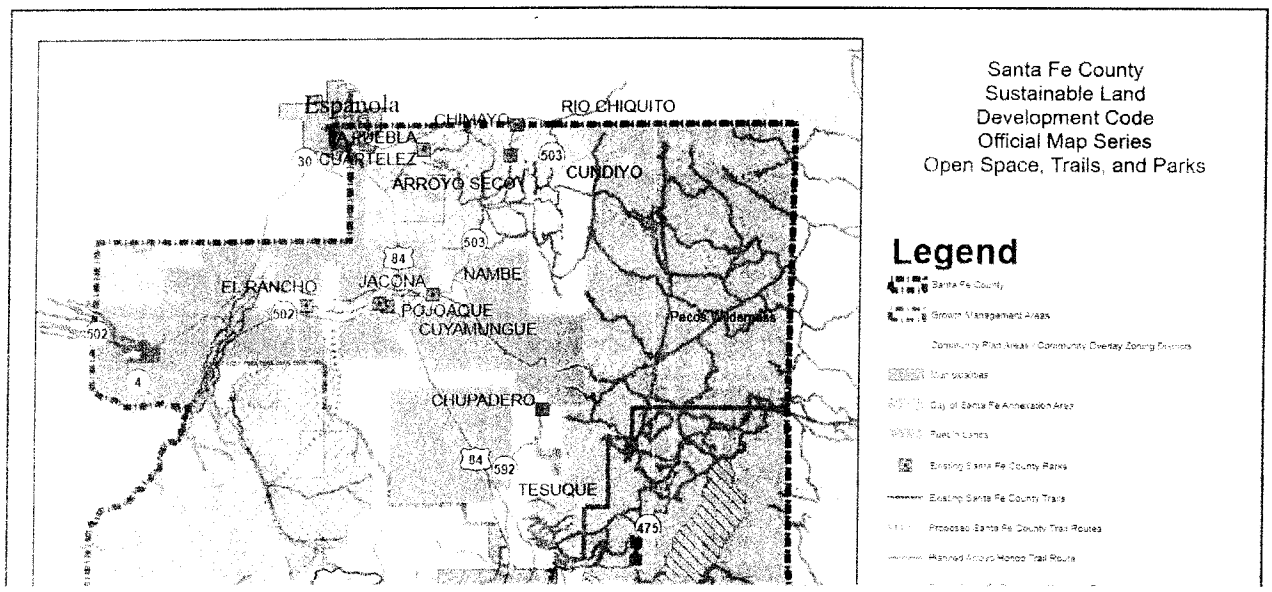
Please note however that the planned trail is an approximation – we don't know exactly where it would go except through the Jacona Land Grant.

In late 2015, about a year ago, it fell to a subcommittee of Santa Fe County's Open Lands, Trails, and Parks Advisory Committee (COLTPAC) to reexamine the County's planned network of trails and propose any necessary revisions as part of the adoption the County's *Sustainable Land Development Code* (SLDC).

The author chaired that subcommittee and at that time we were thinking explicitly about El Camino Real. We kept the planned trail along the Rio Grande. The state of New Mexico had endorsed and begun to implement a state-wide Rio Grande trail with bi-partisan support. (See: http://www.lcsun-news.com/story/news/local/las-cruces/2016/10/20/la-llorona-becomes-latest-segment-rio-grande-trail/92482970/) The local Rio Grande trail will happen someday. But realistically the next segment of an El Camino Real trail is more likely to come through the Jacona Land Grant as indicated by the dotted red line on the map below.



From SLDC, Map 5, Official Map Series

This trail would allow the approximately 8,000 people of the Pojoaque Valley to access the same historical, recreational, and scenic resources of the same federal lands accessed by the Buckman Road segment. In theory, we can reach these areas now: El Rancho, for instance, is quite close to Otowi Peak. In practice, however, it is a long circuitous trip. From the El Rancho Community Center to the Norton Substation on Old Buckman Road is a 45-minute drive.

This proposed trail would also be best way for anyone coming from the north to access the opportunities of the federal lands – coming from Los Alamos, Espanola, Taos, Colorado, etc.

The planned trails map was adopted as Map 5 of the Official Map Series of the SLDC in December 2015 and remains the official trails map today. If a private landowner were to develop part of this land, that developer would be required to set aside land for this trail. If, however, Hunt builds a power line across BLM land, they are required to do absolutely nothing for the trail – instead they will ruin the view.

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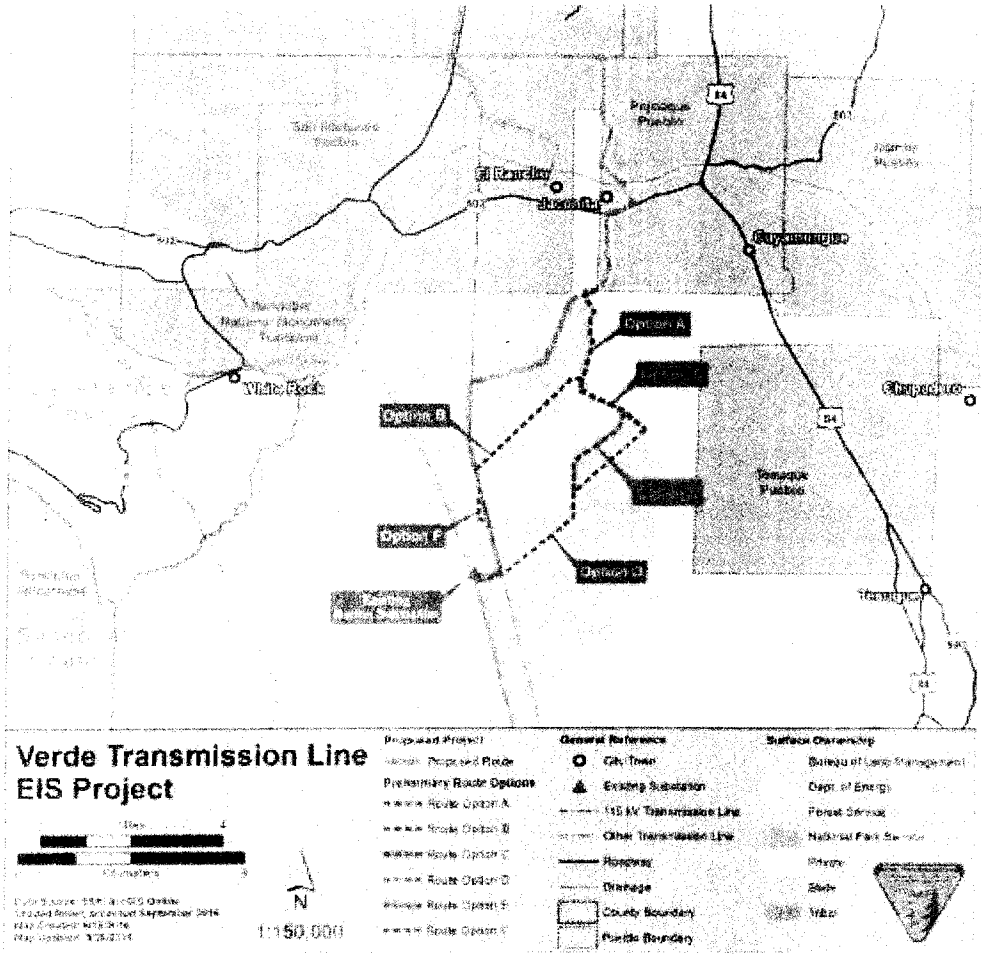
Part III

Problem: this unique area, this priceless resource is already something of a utility corridor. The map below is snipped from a BLM map. Two existing power lines come up along the Old Buckman Road segment of El Camino Real to the Norton substation. A third existing power line parallels them slightly to the east. The Norton substation is quite large -- the author would estimate four acres -- and sits quite close to Old Buckman Road. From the Norton substation, one existing line continues north-northwest along Old Buckman Road. Another existing power line initially parallels it, but then turns due north to cross the Pojoaque Valley and partially wrap around Black Mesa before crossing the Rio Grande.



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Conclusion

So, we have come to a crossroads.

Do we say that the largest trail section of El Camino Real, and the largest block of land between Santa Fe and Espanola, are already junked up, so let us allow Texas oil billionaires to junk them up more? Will we expand that substation – will we put another three acres of industrial steel as high as 130 feet right next to that trail?

And we won't bring the power line in from the rear. It will come around the side with a radical change in direction and then to a halt right on El Camino Real. At least two massive towers would perch right on El Camino Real.

And we'll put in a brand-new power line across previously unspoiled territory, debasing the view from Santa Fe County's planned trail that enters the Pojoaque Valley through the Jacona Land Grant. The power line as drawn is an approximation and shows alternative paths. Nonetheless, it follows approximately the same route as does Santa Fe County's planned trail.

And while we are at it, we'll send this high voltage power line past schools, and close by homes, and before the previously unspoiled north side of Black Mesa. It is amazing how much destruction we can wreak with just one 33-mile power line – how much of our history, our culture, our health, our economic well-being, and our God-given scenery can be despoiled.

And let's be frank. If one more power line is approved, what will stop the next power line, and the next?

But we can take the other direction at the crossroads.

We can say, NO, it is time to stop the Verde high voltage power line and protect these priceless, historic, irreplaceable resources against further desecration. AND some of the existing lines seem like they are getting old. They sag, they sag a lot, and they hum. So perhaps it's time to do more than just put a stop to the Verde line. As these existing power lines age, it is time to take them out – to restore our unique resource to an unspoiled state and create a world class resource right here in Santa Fe.

These trails represent our past, but also the future that we want for Santa Fe County. We are not looking for cloud storage centers or for the revival of manufacturing. We want outdoor recreation, tourism, movie making, and art. We are a post-industrial community: we neither need nor want a lot of electricity. We do need and want our environment, our scenery, our culture, our history. For this, we need these trails in their unspoiled state.

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STOP Hunt Power & the Proposed Verde Transmission Line across wild & scenic northern NM

Mattie Allen Espanola, NM

As of June 17th
4,501
signers

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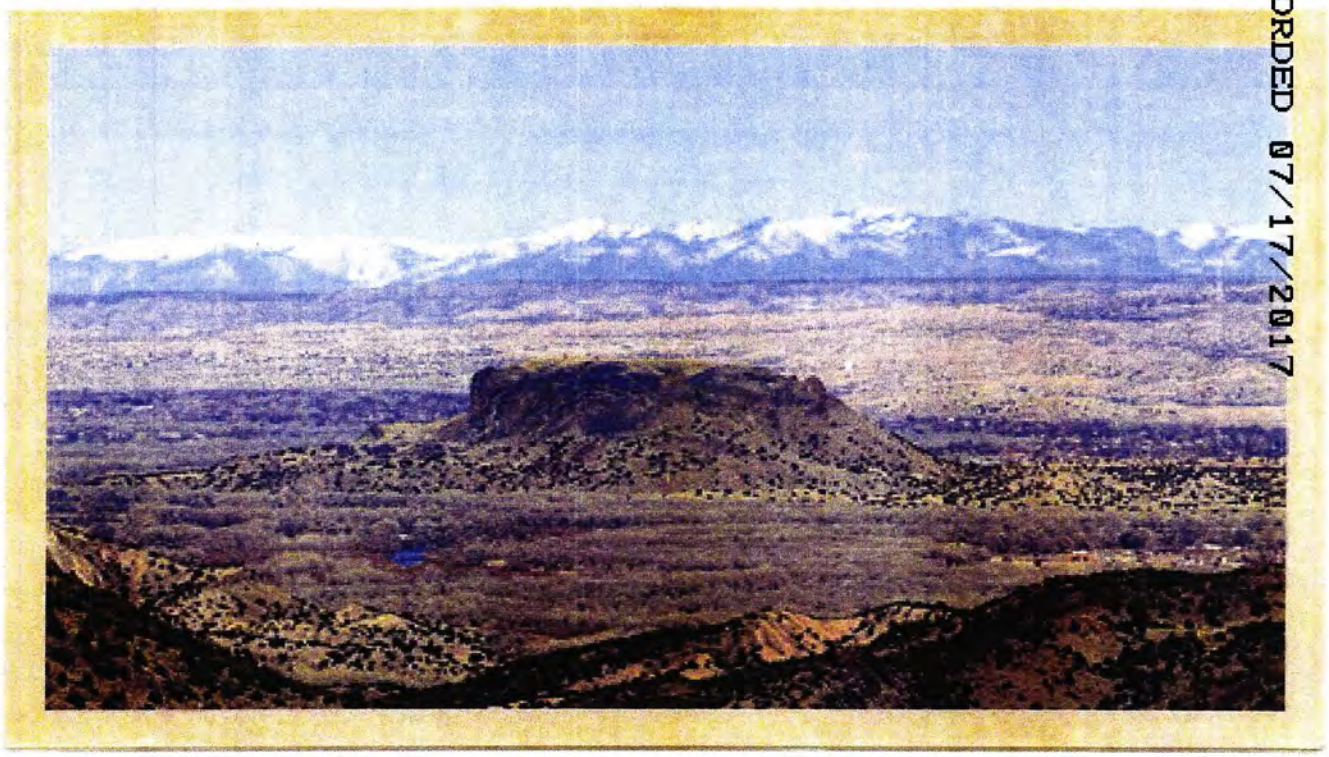

The Bureau of Land Management (BLM) Taos New Mexico Field Office and the Bureau of Indian Affairs (BIA) is seeking input for the preparation of an Environmental Impact Statement (EIS) for the proposed Verde Transmission Line Project, a 33-mile overhead 345-kiloVolt (kV) transmission power line from the Ojo Substation in southern Rio Arriba County to the Norton substation in Santa Fe County. The proposed project would cut a 33-mile swath of 150-foot Right of Way (ROW) easement with giant, ugly, dangerous 120-foot double poles every 800 feet with transmission lines slicing across wild, scenic, biologically rich, and culturally important lands of northern New Mexico. The proposed lines would transect and border sacred land, private properties, schools and cemeteries, public lands administered by the BLM, and three Pueblos (Santa Clara, Ohkay Owingeh, and Pojoaque), and destroy the visual resources and viewsheds of people who live near, recreate in, travel to, and appreciate the majestic, wild beauty and epic vistas of the high desert of northern New Mexico. We will see these massive power lines from the Sangre Mountains to the Jemez, from north to south, and they will irrevocably damage the iconic landscape. The proposal is a recycled project defeated in the 90's, originally called the Ole Line, and should be rejected again. There is no demonstrated need for the project and there is no benefit, only costs.

WE OPPOSE THIS PROJECT.

1) NO NEED FOR PROJECT, and NO BENEFIT TO THE RESIDENTS OF NORTHERN NEW MEXICO. The $3 billion Hunt Corporation out of Dallas TX will benefit from this project at the expense of our natural, visual, and cultural resources as well as our economy. There is no need for increased electric capacity: it has been stated by the existing power companies, PNM and Jemez Electric, that there is NO NEED for larger capacity here in the FORESEEABLE FUTURE. Our grid is stable; when Hunt Power was asked how many major

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outages our region has experienced, the answer was two outages in 30 years, and the longest outage was 4 hours. Grid stability is clearly not the issue.Transmission lines do not directly serve utility customers, but transport power long distances from one substation to another, and the wires are bare and uninsulated. Hunt Power has nothing to do with "green energy" or renewables: the power will come from coal-fired plants in the four corners region. No matter how they package this "verde" project, it's not green. Hunt Power will financially gain at the expense of our low income communities and our land.

2) DESTROYS RESIDENTIAL PROPERTY VALUES: Properties and homes will be hit with a 15-50% loss of value, and depending on where the line is in relation to or on a homeowner's property, there is potential loss of homeowners insurance and loss of mortgage due to the dangers of the line (such as fire, which a very real possibility in our dry and windy area) and the inability to re-sell your property due to real or perceived dangers. Even if a home's or property's viewshed isn't destroyed, property values will still drop due to loss of value of neighbor properties. Additionally, this kind of project would change the character of a community and landscape from "rural" to "industrial" and affect our ability to re-sell our homes. For most in our low income communities, property and homes are the only financial assets we have.

3) THREATENS ECONOMY: Northern New Mexican communities rely heavily on the tourism and the film industries, and these economies are threatened by the proposed transmission lines. Both industries depend upon grand, epic vistas and the majestic, largely untouched, rugged beauty of wild lands. Many movies filmed here could not have been made had these massive transmission lines been marching across the landscape. Photographers, painters, fiber artists and artists of all kinds; birders, bikers, skiers, hikers, horseback riders, climbers,

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kayakers and rafters, runners, hunters and fishers, guides, and recreationists of every type: all would be negatively impacted. Views of one of the most sacred and significant landmarks of northern New Mexico, Black Mesa, will be ruined by 120-foot double poles and lines cutting across the base of Black Mesa.

4) ENVIRONMENTAL and SOCIAL JUSTICE: Hunt Power has preyed upon the low income, poorly organized, older, and rural communities of northern New Mexico through seven years of closed door deals and secret meetings, claiming they have "never heard of" several communities that will be adversely impacted by their proposed project. The proposed route borders many properties and property owners were never contacted in these seven years. The transmission line would go next to an elementary school and next to other schools, and nobody on the school boards were contacted. The communities and families and children that would be adversely affected by this proposal are largely low-income and minority, and most of us had never heard of the project, or how we would be adversely affected by it, until the day of the first scoping meeting. Local agencies and government offices, land commissioners, etc. were not consulted either. We are not second class citizens.

4) FIRES AND FLOODS: Sparking from transmission lines is what caused both the Las Conchas and Thompson's Ridge fires near Los Alamos, the Tres Lagunas fire near Pecos, and the La Cueva fire. The Las Conchas Fire was the largest wildfire in the history of NM at the time it burned, burning over 156,000 acres, destroying homes, pets, and livestock in addition to all of the wildlife that were killed and injured. A jury found the electric companies to be at fault. The Junkins Fire in Pueblo CO was caused by high winds that blew a piece of a metal shed into a nearby high voltage transmission line. A PG&E transmission line sparked the Butte fire, which killed two people and burned 70,000 acres in

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the foothills of the Sierras. Flash flooding post-wildfire has impacted communities all over northern NM.

5) VISUAL RESOURCES: As stated, the viewsheds of homes and properties will be severely adversely impacted. There is well documented case law protecting the viewsheds of homeowners. Additionally, the proposal does not meet the standards for land use management in the the BLM's recently written Resource Management Plan (RMP) for this area. The lands affected are classified as Tier 2, a wild area rich with natural and cultural resources and epic vistas. Hunt Power's proposed project is classified as Tier 4: INDUSTRIAL. This proposed industrial project has no business here. The BLM representatives themselves said in severak public scoping meetings that the RMP would have to be REWRITTEN in order to accommodate this project that benefits nobody in NM and brings only harm. This is a waste of taxpayer money and the BLM's resources, and the legality of it is questionable. Mitigation of the visual impacts of 33 miles of wild land is hardly possible.

6) ADVERSE EFFECTS TO NATURAL RESOURCES: The proposed project would disrupt a major Rio Grande migratory bird route, which is part of the Central Flyway of North America, and the proposed route would also be less than 600ft. from a sanctuary for the endangered Southwestern Willow Flycatcher. Bald eagles and sensitive raptor species winter here. Between 12 and 64 million birds are killed annually by power lines as a result of both collision and electrocution, and evidence of bird mortalities at power lines is under-recorded due to general absence of monitoring and due to scavenging. Transmission lines are now recognized as one of the most important causes of bird mortality internationally, and transmission lines also cause habitat loss and fragmentation, loss of breeding and roosting sites, displacement and loss of feeding areas when certain bird species avoid areas where power lines occur or

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are being constructed. These birds are protected by the Migratory Bird Treaty Act of 1918, which is among the oldest wildlife protection laws we have. This law protects over 1,000 species of birds, including the Sandhill cranes, geese, and ducks we all love to see and hear every spring and fall. The same birds that make the Bosque del Apache National Wildlife Refuge famous fly through here and would be adversely impacted. Water quality and aquatic resources will be negatively affected by erosion and possible flash floods. Sensitive avian species, including hawks, falcons, and owls could be affected as well as sensitive reptile and amphibian species.

7) LANDS WITH WILDERNESS CHARACTERISTICS: Nearly all of the land that would be adversely impacted by the proposed project is practically untouched. It's a huge, grand expanse of land with iconic, wild vistas, rich in natural and cultural resources, that would be ruined by these transmission lines that would never go away. Further, the years of construction noise, dangers of "blasting," the traffic, dust etc. are unacceptable.

8) NEGATIVE HEALTH IMPACTS: Electro Magnetic Fields (EMFs) adversely affect human health, including increasing the risks of life-threatening illnesses such as leukemia, brain cancer, clinical depression, suicide, and Alzheimer's disease. Most studies indicate that EMF exposure also adversely impacts birds by generally changing their behavior, reproductive success, growth and development, physiology and endocrinology, immune system function, and oxidative stress under EMF conditions. In particular, epidemiological studies have found a statistical association of a two-fold increase in childhood leukemia. The proposed route goes over a school and near or over many homes in Rio Arriba County. This is not acceptable and these high voltage lines are dangerous.

WE OPPOSE THE VERDE TRANSMISSION LINE PROJECT.

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