

SunZia – a battleground for residents

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Eric Heinz – El Defensor Chieftain: People who wanted to speak about SunZia raise their hands March 11 at the former National Guard Armory in Socorro.



Eric Heinz – El Defensor Chieftain: Clayton Hale, a resident of the Escondida area, gave a passionate speech against the SunZia transmission line March 11 at the former National Guard Armory in Socorro.

As 60-day halt looms, land commissioner hears issues

Is the \$2 billion SunZia Transmission Line planned to be constructed through more than 300 miles in New Mexico beneficial to the state trust lands?

Is the \$2 billion SunZia Transmission Line planned to be constructed through more than 300 miles in New Mexico beneficial to the state trust lands?

That, and many other questions regarding the massive power line, depends on who you ask.

For proponents, it's a way to create jobs, increase property tax revenue on the state trust lands and other designated plots, as well as increase renewable energy.

But for the opposition, it's a threat to national security, Socorro County infrastructure, possible species' migratory patterns, health and wellness and private land entitlement.

More than 150 people attended a meeting March 11 with State Land Commissioner Aubrey Dunn, SunZia representatives, Bureau of Land Management (BLM) officials, the New Mexico Renewable Transmission Authority (RETA) and more.

Public Regulation Commission (PRC) representatives included Sandy Jones of the fifth district, which represents Socorro.

County commissioners from Socorro, Lincoln and Sierra also were in attendance.

On Jan. 28, Dunn implemented a 60-day right-of-entry delay because he said he and his staff had not had ample time to review the details of the project in regard to the state trust lands. Primarily, Dunn has been concerned as to how this will affect the money generated by those lands for schools and other coffers those lands produce.

Although the right-of-entry delay will end within the month, Dunn has the authority to continue the delay and even prohibit the transmission line from ever being constructed on state lands.

The role of the PRC in regard to the project has jurisdiction to the right-of-way and to observe retail load, but SunZia has subjected the project to a location control permit, issued by PRC.

The BLM signed a new record of decision (ROD) earlier this year to allow SunZia to run the line through those federal lands. The ROD can be found on the New Mexico BLM website. The transmission line is planned to be built along 515 miles, 313 of which are in New Mexico, and is comprised of two 500 kilovolt transmission lines (one direct current and one alternating current). The project, when completed, is expected to be functioning by 2020.

The transmission line connects with markets in Arizona and California.

The idea is to channel wind and solar energy from sprawling areas of high production of both renewable resources throughout eastern New Mexico to customers in Arizona and California.

“The Western Renewable Energy Zone study identified 11,300 (megawatts) of potential wind resources near the eastern terminus of the Project and 10,500 (megawatts) of solar potential in southeast Arizona and southwest New Mexico, but notes that ‘lack of cost effective transmission access was, and remains, the greatest impediment to the rapid development’ of these resources,” according to the SunZia project overview map data from the Western Governors’ Association and Department of Energy in 2009.

Scoping projects began in 2009 to identify as many different routes for the line.

The sponsors of SunZia are Salt River Project, Southwest Power Group, Shell WindEnergy, Tri-State Generation and Transmission Association and Tucson Electric Power.

Dunn’s decision on the transmission line is likely opponents’ last line of defense, barring some kind of legal action.

Because SunZia has already received federal approval and the Department of Defense has agreed to the additional terms and conditions of the project in regard to White Sands Missile Range, the state trust lands are the final hurdle for the project.

If Dunn decides to block the project, opponents will have stymied SunZia significantly.

In addition to state trust lands, the transmission line is planned to cross federal and private land.

The transmission line’s plan of development, the specifics of the transmission line, must be approved by the BLM, and SunZia must obtain the rights of way from New Mexico and Arizona.

SunZia would affect about 89 miles of the state’s trust land.

Robert Ortega, deputy land commissioner, was the meeting’s moderator.

“The purpose of this meeting is for the State Land Office, for the commissioner to get informed about this project,” Ortega said, adding because the new administration has been in office since Jan. 1 they have not had adequate time to review the details of SunZia.

Tom Wray, project manager for SunZia, kicked off the night with a presentation outlining the transmission line.

“These transmission lines are used to move this energy from its production here in New Mexico to customers in the states that want to buy it,” Wray said. “More of this could be developed with more transmission.”

New Mexico can tap into SunZia if the state so chooses. Wray said the SunZia partnership has letters of intent from electric companies to power homes when the transmission line becomes functional.

Soon after the announcement of the right-of-entry delay, Dunn disclosed that he owns land on which SunZia is planned.

According to the SunZia documents, the partnership estimates the construction of the transmission line, for New Mexico, will create:

- More than \$275 million in estimated wages and salaries (including benefits) during construction of SunZia

- More than \$65 million in state and local taxes during construction of SunZia, and

- More than \$2 million per year in wages and salaries during operation

- 34,900 jobs during construction and 500 permanent jobs following construction

- \$214 million in property tax revenue for the state during construction and \$93 million each year during maintenance and operation

- Provide power to more than 1 million homes to the electric buyers

The figures were based on studies commissioned by the University of Arizona and New Mexico State University.

Just hearing the words “eminent domain” causes uproar from all who are in the line of sight. It’s not about the money, for many of them.

Many homeowners and ranchers whose lands abut or are marked to be used for the transmission line have taken umbrage.

The amount of eminent domain money that would be needed for the project could inflate the cost of the already \$2 billion planned for the project.

RETA executive director Jeremy Turner said during the meeting they would avoid any aspect of eminent domain if possible. An appraisal would have to be completed before the process begins. RETA is a “quasi governmental entity,” Turner said, that was established by the New Mexico Legislature to facilitate and finance transmission and energy projects that use 30 percent renewable energy.

“We’ve got several (memorandums of understanding), some of those have been in place since 2010,” Turner said at the meeting. Some of those memorandums are with prior transmission projects. The legislature did grant RETA the power of eminent domain, but the entity has never used that power.

Turner also said RETA would not be able to control negotiations between the companies and the landholders, such as purchasing the land or annual lease payments, and like every entity RETA is bound by state statute in the eminent domain process.

The project is slated to have a 400 foot corridor to buffer land around the project.

Residents of Corona and representatives of the Corona Landowners Association, a 35-member entity, want to see the project come to fruition because they said it would bolster their economy as well as the state's. The SunZia East Substation is located next near the village.

Mack Bell spoke on behalf of the project and the association and has supported SunZia since the beginning. Bell said about 2,000 lots in the area are state and federal land.

"We live in the area where the abundant wind is, and it became obvious as oil prices went up that the need for renewable energy went up about eight or nine years ago," Bell said. "We had developers come in to want to harness it, but we had no way to market it. SunZia has provided that."

Bell said the association also wants to see what this could provide to the lands.

"This would benefit the schools and universities in New Mexico," he said.

Walter Armijo, a former Sierra County commissioner, also said he would like to see the project benefit the state lands. The transmission line is planned to be constructed through Sierra.

Curt Boyd of Mountainair said his land is part of the private areas that would be scheduled for eminent domain if the project continues. Boyd said the line would be placed 1,300 feet north of his house.

"I believe this ought to have gone through an existing right of way," Boyd said. "I would say these people don't care about the environmental impact, the property values, the view-shed or your health one bit."

Clayton Hale of Escondida gave a passionate speech in opposition to the transmission line in that he believes SunZia was sending out premature eminent domain letters.

"Everybody in this community is involved," Hale said. "How is SunZia sending out easement letters to private landowners to try to take their land? That's just wrong; I don't care what you do. There's plenty of easement ... they can go north. We have a right to have this federally inspected."

The effect on grazing lessees has been scrutinized by the State Land Office, as it is a major industry that contributes to the trust. Many of the ranchers who are involved with the industry are fighting SunZia tooth and nail to prohibit potentially losing their agreement with the state or, as they have said at meetings, cause adverse effects to the land.

U.S. Rep. Steve Pearce, R-New Mexico, has been adamant in his opposition to the project also because of the looming national security impacts. A member of Pearce's office spoke on his behalf via a letter the congressman sent.

"This issue is far from over," the member read off his phone.

Last month, Socorro County Commission voted in opposition of an ordinance that would have required companies using large commercial vehicles to pay a permit fee to utilize the county's roads multiple times a day.

This was constructed after the ROD that allows SunZia to bury portions of the line would require massive amounts of material, requiring heavy use of the county's roads.

The ordinance, that included various local exemptions, was shot down after many residents said it would hinder their own use for business. A few said they would prefer to have the county come to individual agreements with the companies instead of an overarching law. The county is currently looking for a way to fund road maintenance after projects that require heavy vehicles wear the roads down.

Oliver Lee, a rancher whose land would be right next to the transmission line, has spoken at Socorro County Commission meetings in regard to the impending condition of the roads. At last Wednesday's meeting he used the restrictions of the WSMR as his talking point.

"You would think the BLM was an advertising agent for SunZia," Lee said. "This thing is the most biased. I would submit that the commissioner has the duty to the trust and protection to state land but also an obligation to the people and their safety."

Critics of the ROD said during the meeting that it did not include enough information in regard to economic impact.

Another point of contention has been the size of the transmission towers, about 135 feet to 160 feet, according to project documents. A portion of the line in Socorro County would travel near Escondida Lake, and in addition to the tourism draw opponents have said they want to see more evidence of an economic impact analysis.

Eric Kivi, a member of the Military Base Planning and Support Commission for New Mexico, said the project has been incongruent with the intention of the use of state lands.

"The airspace at White Sands Missile Range is what makes it such a national treasure and so important to our national security," Kivi said. "Our ability to test low-level weapons of our own and test counter measures against our enemies of low-level weapons is critical. This project absolutely will negatively impact our ability to test against those weapons." Kivi said Gov. Susana Martinez has been in opposition to the project because it is not planned to follow protocol of the use of state lands.

"Mr. Commissioner, I urge you to take a look at that," Kivi said. "There's a way state land can be used to create a win-win situation for all those involved."

During the meeting, Dave Goodman, BLM coordinator, said the bureau and SunZia have agreed to establish a migratory bird conservation plan during the project.

"One thing the applicant has committed to is to provide funding to rehabilitate grazing pastures along the length of the route on BLM grazing allotments and going further to state and private lands," Goodman said.

Socorro County Commissioner District II Martha Salas has been outspoken in her opposition to SunZia.

Salas questioned representatives of SunZia at a commission meeting in August to the point of if they cared about the safety of the United States because of the hindrance the line could put on the missile range. She also spoke about infrastructure concerns.

"There is no independent analysis of the increased liability, maintenance cost or whether or not the rights-of-way are compatible with or even allow for construction traffic," Salas said during last Wednesday's meeting. "Some of us are for, some of us are against, and I as a commissioner am against SunZia."

A hold harmless clause in the agreement between SunZia and DoD would not hold the government responsible to any damage to the line from testing procedures.

President Barack Obama designated the transmission line as a fast-track project to supporting renewable energy in the United States, part of seven transmission lines primarily in the western United States.

There may, in fact, be a compromise to all this. An initial route that would push the transmission line north of the Sevilleta Wildlife Refuge, WSMR and the areas of contention does exist, but it hasn't been authorized through the National Environmental Protection Act process or the individual powers that hold the land. It may

not be an option in the foreseeable future, but that will all depend on the outcome of the decisions between the state and SunZia.