

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Las Cruces District Office**

**DECISION RECORD
Talavera Substation and Distribution Project
DOI-BLM-NM-L000-2017-0008-EA**

INTRODUCTION

The Bureau of Land Management (BLM) has reviewed six Applications for Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299) submitted to the Las Cruces District Office for the issuance of new and amended right-of-way (ROW) grants to construct, operate, and maintain a new permanent substation (Talavera Substation) and associated transmission and distribution lines in Doña Ana County, New Mexico (referred to as the Proposed Action, or project).

The BLM has prepared an environmental assessment (EA) to analyze the impacts associated with the proposed project. Refer to **DOI-BLM-NM-L000-2017-0008-EA**.

Decision

It is my decision to grant the right-of-way (ROW) to El Paso Electric Company (EPE) to construct the Talavera Substation, as proposed under Alternative Site #3A with the distribution Option 3A-T, and the distribution components common to all alternatives. The authorization will include a 3.7-acre (400 × 400-foot) permanent ROW and 50-foot temporary work area on all sides of the substation parcel. The new permanent substation would convert 115-kilovolt (kV) electricity to 24-kV electricity for distribution into the power grid that supports the city of Las Cruces and surrounding communities. This alternative site would include a pre-fabricated textured concrete wall around the perimeter of the substation, to be painted, integrally colored during construction, or otherwise maintained as Beetle in color (from the Scofield Systems Naturescapes Chart A-92014NS) and having a minimum height of 8 feet. In addition to the 3.7-acre substation parcel, this site would require a 500-foot-long substation connection corridor to connect the substation to the existing Salopek-to-Arroyo 115-kilovolt (kV) transmission line. Access to Site 3A would also require a new, approximately 0.3-mile-long permanent access road from Achenbach Canyon Road near the Talavera Fire Station that would be designed with a 50-foot-wide ROW to accommodate a 25-foot-wide travel surface (see Figure 2-5 in the attached EA).

Option 3A-T under Alternative Site #3A would include the construction of approximately 1 mile of 24-kV overhead, double-circuit distribution line that would be routed through the existing transmission line corridor (see Figure 2-5 in the attached EA). No distribution line would be constructed along Dripping Springs or Soledad Canyon Roads under this option.

In addition to the permanent substation, the project would also include rebuilding of approximately 10.5 miles of existing 24-kV distribution line to replace and/or add infrastructure to upgrade these lines, and to construct approximately 2.2 miles of new 24-kV distribution line to connect existing distribution circuits (see Figure 2-1 in the attached EA).

The project also includes removal of the temporary substation currently located south of Dripping Springs Road, and reclamation and termination of the current existing temporary substation ROW. At present, the temporary substation consists of an approximately 291 × 150-foot (<1.0-acre) area with associated facilities. Once the new permanent substation is completed and in operation, EPE would move the

existing load from the temporary substation to the new Talavera Substation. EPE would then remove the temporary substation infrastructure and revegetate the ROW following the approved reclamation plan developed in accordance with BLM ROW guidelines. Once the ROW is reclaimed, it would be terminated, and the BLM will close the ROW case file (NMNM 130056).

Land Use Plan Conformance

The project conforms to the lands and realty program guidance in the Mimbres Resource Management Plan (RMP), approved in December 1993. As described under Section 1.4.1 of the attached EA, the Mimbres RMP clearly establishes goals to provide land use authorizations in support of utility corridors as an appropriate use of public lands through its issuance of ROWs, leases, and permits to individuals, businesses, and government entities for the use of public land (see pages 2–14 of the Mimbres RMP). The Mimbres RMP provides management direction for the designation of ROW corridors, encouraging applicants to locate new facilities near existing sites or within existing ROW corridors. Most land actions within the Mimbres Resource Area are compatible and overlapping ROWs are issued whenever possible (see pages 2–14 of the Mimbres RMP).

Rationale for Decision

By authorizing this action, the BLM fulfills its responsibility under the Federal Lands Policy and Management Act of 1976, which provides for land use authorizations to accommodate systems for generation, transmission, and distribution of electric energy.

Upon analyzing the impacts of Alternative Site #3A: Options 3A-T, 3A-O, and 3A-U, and following the availability of the EA for public review and comment, I have determined that implementing Alternative Site #3A in conjunction with Option 3A-T will not have a significant impact to the human environment and that an environmental impact statement (EIS) is not required as set forth in the attached Finding of No Significant Impact document.

My decision meets the purpose and need for taking action to respond to the EPE's ROW request for legal use of, and access across, public lands managed by the BLM, as described under Section 1.2 of the attached EA. The decision also addresses the specific objectives of EPE; the area of the substation location was selected from an engineering standpoint to ensure continued system reliability and resiliency as the load grows (described in the Section 1.1 of the attached EA). This decision also provides for the protection of important resource values, including highly scenic landscapes, natural and cultural resources, and quality of life of local residents.

In addition to Alternative Site #3A (Options 3A-T, 3A-O, 3A-U), the EA analyzed the No Action alternative and five other action alternatives (Alternatives #1, 2, 3 [Options 3-T, 3-O, 3-U], 7, and 11) that would have met the agency's purpose and need. Relative to Alternative Site #3A, the other action alternatives were found to have higher potential impacts to the quality of life of the Talavera community (e.g., Alternative Sites #1, 2, and 3, due to closer proximity to dwellings), have higher potential impacts to the environment (e.g., Alternative Sites #7 and 11, due to disturbance required for access, and impacts to water resources), or were incompatible with the VRM class objectives (e.g., the Proposed Action, as outlined in Table 3-1 in the attached EA). Under the No Action alternative, the existing, temporary substation would continue to operate, and the additional capacity sought by the proponent would not be met. The No Action alternative was not selected because it would not have addressed EPE's objective of providing additional distribution capacity to the local electrical grid and may have resulted in longer-term adverse impacts to the community. The EA also carefully considered nine other alternatives (see Appendix B in the attached EA) which were ultimately dismissed from detailed analysis in accordance with BLM NEPA Handbook (H-1790-1) guidance.

PUBLIC INVOLVMENT

The attached EA, which serves as the basis for this decision, was prepared with adequate public involvement. The BLM solicited input from the public on the proposed project to assist in identifying key issues and defining the scope of the project and environmental analysis. The BLM administered two separate scoping periods for the project, the first of which was held from February 3 to March 3, 2017.

Project information was sent to 98 recipients from the BLM's interested party mailing list. This scoping period resulted in 45 comment letter submissions. The letters primarily focused on objections to the proposed Talavera Substation location and suggested multiple other potential locations for the substation. After the first scoping period, the BLM reviewed the public's input and suggested alternatives, and identified several other substation locations for consideration.

As a result of the public comments received during the first scoping period, the BLM initiated a second scoping period to identify issues related to EPE's proposed site, as well as 14 additional alternatives under consideration. This scoping period lasted 60 days and was held from June 17 to August 17, 2017. Sixty-three comment letters were received during this scoping period. The scoping report addresses all aspects of the scoping process, including all comments received during scoping, and is available on the BLM's website (BLM 2017).

The BLM released the EA for public comment from March 26, 2018 to April 30, 2018 (a total of 36 calendar days). Copies of the EA were made available at the BLM Las Cruces District Office and on www.eplanning.blm.gov. Copies of the EA were also made available at a public meeting held at the New Mexico Farm and Ranch Heritage Museum in Las Cruces on April 5, 2018. The BLM accepted public comments via email, the U.S. Postal Service, through the BLM's ePlanning website, and in person at the public meeting.

The BLM received 157 individual comment letter submissions, including submissions received after the close of the comment period. These were also accepted. All comments were reviewed by the BLM and resolutions to comments were developed including whether the comment resulted in a revision or modification to the EA.

AUTHORITY

The Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 United States Code [USC] 1761–1771), establishes the BLM's mandate for multiple uses of public lands, which includes development of energy resources and utilities in a manner that conserves the multitude of other resources found on public lands. As such, the BLM is required to respond to applications for right-of-way grants submitted by proponents pursuant to 43 Code of Federal Regulations (CFR) 2804.12. The BLM shall respond by evaluating the applications in accordance with the aforementioned regulations and the Energy Policy Act of 2005 (Public Law 109–58) to issue, issue with modifications, or deny new right-of-way grants.

Appeals

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR) Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the BLM Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005, within 30 days from receipt or issuance of this decision. The appeal must be in writing and delivered in person, via the U.S. Postal Service, or other common carrier, to the Las Cruces District Office or as noted above. *The BLM does not accept appeals by facsimile, email,*

or other electronic means. The appellant has the burden of showing that the decision being appealed is in error.

If you wish to file a petition for a stay of effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413); Office of the Regional Solicitor, Southwest Region, U.S. Department of the Interior, 505 Marquette Avenue NW, Suite 1800, Albuquerque, New Mexico 87102; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied;
- 2) The likelihood of the appellant's success on the merits;
- 3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- 4) Whether or not the public interest favors granting the stay.

<u>/s/Bill Childress</u>	<u>08/27/2018</u>
Name	Date
District Manager/Assistant District Manager	
Las Cruces District Office	