

1 BEFORE THE ARIZONA POWER PLANT AND
 2 TRANSMISSION LINE SITING COMMITTEE

3
 4 IN THE MATTER OF THE)
 APPLICATION OF UNS ELECTRIC,) DOCKET NO.
 5 INC. AND ITS ASSIGNEES, IN) L-00000F-21-0050-00188
 CONFORMANCE WITH THE)
 6 REQUIREMENTS OF A.R.S.) LS CASE NO. 188
 § 40-360, et seq., FOR A)
 7 CERTIFICATE OF ENVIRONMENTAL)
 COMPATIBILITY AUTHORIZING)
 8 THE GOLDEN VALLEY 230 KILOVOLT))
 (KV) TRANSMISSION LINE)
 9 PROJECT, WHICH INCLUDES THE)
 CONSTRUCTION OF A NEW 230 KV)
 10 TRANSMISSION LINE ORIGINATING)
 NEAR THE INTERSECTION OF)
 11 INTERSTATE 40 AND SHINARUMP)
 DRIVE (TOWNSHIP 20 NORTH,)
 12 RANGE 17 WEST, SECTION 4) AND)
 TERMINATING NEAR U.S. HIGHWAY)
 13 93 AND MINERAL PARK ROAD AT)
 THE PLANNED MINERAL PARK)
 14 SUBSTATION (TOWNSHIP 22 NORTH,))
 RANGE 18 WEST, SECTION 3),)
 15 MOHAVE COUNTY, ARIZONA)
 _____)

16
 17 At: Kingman, Arizona
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18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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1 BE IT REMEMBERED that the above-entitled and
2 numbered matter came on regularly to be heard before
3 the Arizona Power Plant and Transmission Line Siting
4 Committee at Hampton Inn & Suites, 1791 Sycamore
5 Avenue, Kingman, Arizona, commencing at 9:20 a.m. on
6 the 29th of April, 2021.

7

8

BEFORE: THOMAS K. CHENAL, Chairman

9

MARY HAMWAY, Cities and Towns
10 JACK HAENICHEN, Public Member
JIM PALMER, Agriculture
11 PATRICIA NOLAND, Public Member
RICK GRINNELL, Counties
12 LEONARD DRAGO, Department of Environmental Quality
JOHN RIGGINS, Arizona Department of Water Resources
13 (Videoconference)
KARL GENTLES, Public Member (Videoconference)
14 ZACHARY BRANUM, Arizona Corporation Commission
(Videoconference)

15

16

APPEARANCES:

17

For the Applicant:

18

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19 Mr. J. Matthew Derstine
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21

22

23

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25

1 CHMN. CHENAL: Good morning. This is the
2 time set to begin the morning continuation of the
3 hearing, the morning session. I see the Committee
4 Members are here live and by Zoom.

5 Are there any procedural matters we need to
6 discuss, Mr. Derstine? Off the record I know we
7 discussed that there are a number of people that would
8 like to provide public comment, and they will appear at
9 10:00 by Zoom. But there are at least one -- there's
10 at least one person who's here who might have some
11 public comment materials to provide, and we can take
12 that person now, if that's the appropriate time to do
13 it, so they don't have to wait. And I think -- is
14 there anything else?

15 MR. DERSTINE: No, I think that's a good
16 place to start. I do have some housekeeping things or
17 homework items that I want to cover, but we'll do that
18 after.

19 CHMN. CHENAL: Maybe we hear the person's
20 public comment first.

21 So where's the person going to -- is the
22 person outside?

23 MR. DERSTINE: They are in the lobby, and I
24 think we can patch them in.

25 MR. MOELLER: Yes. You'll see it on the TVs

1 in front of you.

2 MR. DERSTINE: So it will be handled in the
3 same way we did public comment the first evening. I
4 think you'll be able to talk with the folks who are
5 here.

6 MR. MOELLER: Correct.

7 CHMN. CHENAL: Good morning. There's a
8 couple people in the lobby who would like to provide
9 public comment. If I could ask you to approach the
10 microphone and camera and provide your name and contact
11 information, and we will be happy to listen to your
12 public comment.

13 MS. O'BRIEN: Yes. My name is Andrea
14 O'Brien, and I live at the Canyon West Trailer Park at
15 2325 South Highway 66, Kingman, Arizona.

16 And I have here -- well, there's eight in the
17 list who are in favor of the west side and we're
18 opposing the eastern route. I understand that our park
19 is within 300 feet or at about the 300-foot line -- for
20 these lines to be there at 300 feet, so I'm concerned
21 about the accumulation of the EMFs in relation to
22 leukemia in any one individual. Who knows what the
23 tipping point is. That was one concern.

24 And then the fact that it's Route 66, that's
25 Kingman's namesake. I don't know why anyone would want

1 to mar it up more. When you find any house that's
2 deemed a historical preservation, you can't change the
3 architecture, you can't degrade it in any way, and
4 that's how I feel about this stretch of highway in
5 front of our trailer park. It should be deemed a
6 historical landmark not only because of Route 66, but I
7 think of all the people in that story of The Grapes of
8 Wrath where thousands of people had to flee the Dust
9 Bowl with their broken dreams, came through that area.

10 The third one is -- do you want to mention
11 about the problems with your electronic devices? Oh,
12 and then also they're worried about their TV. Our
13 reception has a lot to be desired as it is. We all
14 have television reception, so we're concerned about us
15 getting less clarity on our television with it and
16 WiFi.

17 This concludes my concerns and the people at
18 the park, and I thank you for listening to me.

19 CHMN. CHENAL: Thank you very much, ma'am.

20 Is there anyone else who would like to
21 provide public comment? I see another gentleman out
22 there. I don't know if he intends to provide comment
23 at this time. If he does, please step up to the
24 microphone. If not, just let us know and we'll resume
25 with our hearing and thank you both for coming down.

1 (No response.)

2 CHMN. CHENAL: Okay. Thank you very much for
3 your comments.

4 MR. DERSTINE: And Mr. Chairman, I'm told
5 that she had this writing. We'll submit that as the
6 written public comment record, along with the other
7 items that were submitted from day one of the hearing.

8 CHMN. CHENAL: Very good. Thank you very
9 much.

10 Let's go with the housekeeping items,
11 Mr. Derstine. And again, at 10:00 we'll -- is it at
12 10:00?

13 MR. DERSTINE: I think it's 10:00. We have
14 other folks who are going to appear by Zoom and who
15 want to provide public comment, so we've coordinated
16 with them to join us at that time.

17 The public comment table, the reformatting of
18 that, is now on your iPads. It is -- Ms. Odisho is
19 going to correct me if I say it wrong -- it's
20 searchable --

21 MS. ODISHO: Sortable.

22 MR. DERSTINE: -- sortable, but not editable.
23 But you should have that on your iPad, you should be
24 able to expand it if you're having difficulty reading
25 it. It's done in the manner in which we discussed,

1 chronologically, but you do have some functionality on
2 your iPad for sorting if you choose to.

3 CHMN. CHENAL: Great. Compliments to the
4 crew that put all that together.

5 MR. DERSTINE: The court reporter,
6 Ms. Blackwelder, chastised me, and rightly so, a little
7 bit because I lost track of some of my exhibits. So
8 let me make sure I'm tracking them and that they track
9 in the record.

10 I had identified an exhibit which is the --
11 on the beginning of day two Mr. Warner put up a screen
12 that showed the genesis of the mailing lists, the
13 source for the public outreach that went out, the
14 addresses. We had testimony that the folks who
15 appeared at public comment, many of who said they
16 hadn't received notice, were indeed on our list. Why
17 they didn't receive notice, I can't speak to. But we
18 wanted to make sure that those folks indeed showed up
19 on their mailing list; they did. And we had some
20 testimony about how the mailing list was updated over
21 time. The spreadsheet that we showed on the screen I
22 said was going to be 50. It's not 50. That table is
23 now 54.

24 Going backwards a bit, we have the --

25 CHMN. CHENAL: Mr. Derstine, are those loaded

1 in yet?

2 MR. DERSTINE: They should be in -- 54 is
3 not. Everything else is. So we'll update at a break
4 or hand out 54. But again, that was the screenshot.
5 Are we able to pull that up?

6 CHMN. CHENAL: I have up to 52 and then I
7 have the two Chairman's. So I have up to 52 in my
8 iPad.

9 MR. DERSTINE: Yes. And 53 we've marked as
10 that Excel table. That has now been loaded on the
11 iPad. So we have a paper version of that that will be
12 part of the record. That's 53, just so folks are
13 tracking.

14 CHMN. CHENAL: Is there a way to put 54 up on
15 the screen just for a moment so we know which one it
16 is?

17 MR. DERSTINE: Yeah. Can we go back to that?

18 MR. MOELLER: Searching for that right now.
19 It will be up in a moment.

20 MR. DERSTINE: That was the day two table. I
21 think Stacey knows what we're looking for.

22 And while we're pulling 54, let me backtrack
23 a bit. You should have as 51 -- well, 49 is the
24 portion of the Resource Management Plan concerning --
25 Management Concern: Utility Corridors and

1 Communication Sites. Mr. Beck referred to that.
2 That was a slide that was put up. You should have that
3 in your binder as Exhibit 49 or on your iPad as Exhibit
4 49.

5 MR. WARNER: Mr. Derstine, we've got it up on
6 the screen now.

7 MR. DERSTINE: Okay. So we're showing what I
8 had indicated on day two would become Exhibit 50. We
9 didn't get that marked until now. But what we're
10 showing on both screens, it's headed "Mailing Summary."
11 The first column is "Commenter," and then "Postcard
12 Sent March 2021 for CEC hearing" at the top. Those are
13 the names.

14 But actually, Stacey, what I'm looking for is
15 that. Thank you.

16 MR. WARNER: It's part of the same.

17 MR. DERSTINE: So I guess it will be a
18 two-page exhibit. This is the other page that shows
19 the source and when the mailing list was created or
20 updated. So those two slides will be combined as
21 Exhibit 54. And those are not in your exhibit book
22 iPads yet, but will be overnight. But we had a fair
23 amount of testimony from Mr. Warner on that on day two
24 concerning the notice issues.

25 Going back, 49 was this excerpt that Mr. Beck

1 spoke to when we dug into the corridor discussions.

2 Exhibit 50 is the purple and green map
3 showing the Cunningham's property and the other
4 adjacent private landowner broken down with the parcel
5 numbers. That's Exhibit 50.

6 Exhibit 51 is the new slide we prepared to
7 kind of help -- well, to help explain to the Committee
8 the portions of the differing routes that are and are
9 not within the BLM corridor. That's Exhibit 51. The
10 shading areas in blue show within the BLM designated
11 corridor. The shading areas in the tan color show
12 portions of the line or the alternatives not within the
13 BLM designated corridor.

14 Exhibit 52 is the excerpt from the Resource
15 Management Plan, talks about the linear rights-of-way
16 and corridors that Mr. Warner used to identify the two
17 BLM corridors that are a part of this project. I think
18 it was 3 and 7. Do I have that right?

19 MR. WARNER: Yes.

20 MR. DERSTINE: That was Exhibit 52.

21 As I mentioned, 53 is the revised public
22 comment table.

23 54, again, is the mailing list notice slides
24 that were just up on the screen, two-page exhibit.

25 And I think that brings us up to date on

1 exhibits at the moment, new exhibits that we've created
2 as we've proceeded through the case. And we've got a
3 few more to come, so we'll continue to update your
4 iPads and your exhibit binders.

5 All right. I think that's all the
6 housekeeping I had at the moment. I'm ready to proceed
7 with Mr. Warner where we left off yesterday, unless
8 there's other issues the Committee would like us to
9 address.

10 CHMN. CHENAL: I don't know. I think we're
11 ready to begin with Mr. Warner.

12

13 ERIC RAATZ, ED BECK, AND MIKE WARNER,
14 called as witnesses on behalf of the Applicant, having
15 been previously sworn en masse by the Chairman to speak
16 the truth and nothing but the truth, were examined and
17 testified as follows:

18

19 CONTINUED DIRECT EXAMINATION

20 BY MR. DERSTINE:

21 Q. Mr. Warner, when we ended the day
22 yesterday -- yesterday was Wednesday, today is
23 Thursday, sometimes I lose track -- we were talking
24 about a table that broke out -- it was Table H-7 that
25 broke out permanent residential structures adjacent to

1 transmission line alternatives. It had some confusing
2 numbers. And so what we've done -- what your team did
3 overnight was to create a new table that we think
4 conveys the same information, but in a way that may be
5 more readily understandable. So why don't you tell us
6 what your -- you're showing a table on the screen. Is
7 this the new table that we've created using the
8 information in H-7, but presents it in a different way?

9 A. (BY MR. WARNER) Yes. So I've been
10 practicing, so we'll see how this goes. The thrust of
11 this table is really to show the total number of houses
12 in close proximity to the existing line and to the
13 proposed line that doesn't have an existing
14 infrastructure on it.

15 So within a hundred feet, on the left-hand
16 side you'll see a number that represents the total
17 number of homes that are found along the alignment,
18 whether there's a line or whether there isn't a line.
19 And then on the next line over, you'll see the
20 number of homes that are adjacent to an existing line.

21 Q. So if I stop you there, if I'm looking at
22 what you just described for within a hundred feet, take
23 E1, alternative E1, for example, there are eight homes
24 within a hundred feet of alternative E1. Eight of
25 those homes within the hundred feet are adjacent to an

1 existing line?

2 A. (BY MR. WARNER) That's correct.

3 So the other columns reflect the same
4 technique of evaluating the distances from the
5 alignment at 500 feet and a thousand feet.

6 So let me let you digest that for a moment
7 and ask questions, if there are any, from the
8 Committee.

9 Q. And there may be some questions to come, but
10 let me jump in with the question that I had yesterday.
11 I had indicated that Mr. Cunningham has pointed out in
12 his limited appearance papers that, using the
13 within-a-thousand-feet test for these six alternatives,
14 that the western routes are better than the eastern
15 routes because at a thousand feet the eastern route, E2
16 in particular, has 93 homes within a thousand feet of
17 that E2 alternative -- or, E1 alternative, I'm sorry --
18 the preferred route, E1, compared to any of the western
19 routes. E1 has 93; W1 has 66; W2, 66; W3, 79; W4, 72.
20 So 93 to 72.

21 Based on that screen, it appears that the
22 western routes, any of them, have less residential
23 impacts. Am I looking at that correctly?

24 A. (BY MR. WARNER) That's correct.

25 Q. And then my next question was, what would I

1 see at a thousand feet? If I'm trying to test the
2 impacts -- and I assume the greatest impact on any of
3 these is seeing a transmission line outside of my
4 house. Putting aside concerns over EMF, it would be
5 the -- visual impacts would be the biggest concern from
6 a resident, is that a fair statement?

7 A. (BY MR. WARNER) Yes.

8 Q. Do you have anything that would show the
9 Committee what a resident would see at these different
10 distances from the transmission line?

11 A. (BY MR. WARNER) Yes.

12 Q. Why don't you show that to us, please.

13 CHMN. CHENAL: Member Noland.

14 MEMBER NOLAND: Just a quick question. On
15 your categories where it says the number of homes
16 adjacent to an existing line, is that a 69 kV line or
17 is it a local carrier?

18 MR. WARNER: A 69 line.

19 MEMBER NOLAND: Thank you.

20 MR. WARNER: So I wonder if we could put that
21 image on both screens so that people can have a view on
22 it if they're more closely on this one here. Is that
23 possible, Jason?

24 MR. MOELLER: Yeah. It will take a moment.

25 MR. WARNER: Okay. Let's do that. I think

1 this is an important piece that we want to make sure.

2 BY MR. DERSTINE:

3 Q. While our crack AV team is working to get the
4 same photo slide on both screens, lay a little
5 foundation about what we're seeing here. These are
6 photos. Who took them? When were they taken? What
7 locations? Give us a little background on them,
8 please.

9 A. (BY MR. WARNER) We asked Osmer Beck, who's
10 sitting behind me, last night to postpone his dinner
11 and run out and take some photographs of some existing
12 lines. He has a technique and some equipment that
13 allows him to identify the distance, spatially that he
14 is, from the line. So we asked him to identify a
15 prominent line in the landscape nearby and then measure
16 the distance. So we've got some measurements from a
17 hundred feet, 200 feet, different distances going out
18 to about 1,200 feet so that we can see what it might
19 look like on a steel pole line that's out in the
20 landscape.

21 Q. And is Mr. Beck just a guy with an iPhone who
22 went out and paced distances off from a transmission
23 line? How did he -- give us a little more about
24 Mr. Beck's experience and education in dealing with
25 visual -- issues of visual impact.

1 A. (BY MR. WARNER) I think it's fair to say
2 that Mr. Beck is one of the best landscape architects
3 operating in this field in the country. He's been
4 doing this for a long time. He's been doing it on
5 behalf of the BLM, for them. So he's a landscape
6 architect. He did the simulations in the study and the
7 analysis in the study.

8 Q. And the equipment that you mentioned, he has
9 specialized equipment. That's more than a camera or
10 what's involved?

11 A. (BY MR. WARNER) So he has a camera, a
12 conventional digital camera, of course, it's a high-end
13 camera, and then he also has what they call a data
14 collector that allows him to record the information of
15 where that photo is being taken. It's an ArcInfo
16 product, a GIS product, that allows us to collect
17 information in the field and accurately pinpoint where
18 the information is taken from.

19 Q. It looks like we've got the same photo on the
20 left and the right screen here in the hearing room. I
21 assume the Members who are appearing virtually can see
22 that as well. So this is -- well, tell us what we're
23 looking at.

24 A. (BY MR. WARNER) So you can see the large
25 steel pole structure in the foreground, and that's --

1 Let me also add some more foundation, if
2 you'll allow me. There's some pieces of paper on the
3 ground, on the floor, that are, I guess, the most
4 appropriate place to stand and capture the image in
5 terms of the distance from the screen and to get what
6 it would actually look like. So there are some
7 mathematical calculations that make a determination
8 about what the visual -- the ability to approximate an
9 actual understanding of what it is visually in the
10 field.

11 Q. So are you saying you want the Committee to
12 come away from their seats and stand on this piece of
13 paper in order to gain a real understanding of what it
14 looks like to see a structure a hundred feet away?

15 A. (BY MR. WARNER) They can if they choose to
16 do so. I've marked them there in case they wanted to
17 do that.

18 Q. But sitting in their seats, are they still
19 able to gain an understanding of the difference in
20 terms of how significant the structure will appear on
21 the horizon at this distance?

22 A. (BY MR. WARNER) Yes.

23 MEMBER HAMWAY: Mr. Chairman.

24 CHMN. CHENAL: Yes, Member Hamway.

25 MEMBER HAMWAY: What is the most -- furthest

1 one? I can't read how many feet away that is.

2 MR. WARNER: So that one is, let's zoom in,
3 610 feet. So we've got another slide that we can show
4 some other distances. Let's zoom back out.

5 Let's see the next slide.

6 So this one is at 500 feet.

7 CHMN. CHENAL: Let me ask a question. Are
8 these 69 kV lines that we're looking at in these
9 photos?

10 MR. WARNER: Yes.

11 CHMN. CHENAL: And do you know the
12 approximate height of the poles?

13 MR. WARNER: They'd be between probably 50
14 and 70 feet.

15 CHMN. CHENAL: And then the proposed height
16 of the structures for the 230 kV line?

17 MR. WARNER: I think that they are proposed
18 between 95 and 120.

19 MR. BECK: Yes, I'd say the average will be
20 around a hundred feet for the 230 poles.

21 MR. RAATZ: Mr. Chairman, just to clarify,
22 the height of these structures shown here is 74 and a
23 half feet above grade.

24 CHMN. CHENAL: Thank you.

25 MR. WARNER: Thank you, Mr. Raatz.

1 Okay. So let's go to the thousand feet.
2 There you go. And the reason that I made the comment
3 that when you're in a subdivision it's really difficult
4 to see is because you have to have a very clear open
5 space between you and where the power line is.

6 BY MR. DERSTINE:

7 Q. So in this slide that is on the screen
8 presently showing a 69 kV structure that's
9 approximately 75 feet tall at a thousand feet away, the
10 230 kV structure will be taller. What's the range for
11 the 230 kV structure, Mr. Beck?

12 A. (BY MR. BECK) I'd say that they'd average
13 around 100 feet, but the range would be 95 to 125.

14 Q. So the 230 kV structure will be taller by
15 that amount. But I assume our ability to also see that
16 structure, the new 230 kV structure, as we're looking
17 at this 69 kV structure, depends to some degree on what
18 is behind it?

19 A. (BY MR. WARNER) That's correct. And in
20 front of it.

21 Q. And in front of it.

22 A. (BY MR. WARNER) Do we have another slide,
23 Mr. Beck?

24 So this is 1,250 feet.

25 I think that's all I had to say on this

1 topic, unless there are questions.

2 CHMN. CHENAL: Any questions from the
3 Members?

4 MEMBER GRINNELL: Mr. Chairman.

5 CHMN. CHENAL: Yes, Member Grinnell.

6 MEMBER GRINNELL: Basically at a thousand
7 feet you're looking about anywhere from two to two and
8 a half blocks, to put things in a little bit more
9 tangible perspective.

10 MR. DERSTINE: Or three football fields.

11 MEMBER HAMWAY: Quarter of a mile.

12 MEMBER GRINNELL: But two and a half blocks
13 is roughly -- 1,250 is roughly a quarter of a mile.

14 MEMBER RIGGINS: Mr. Chairman, this is
15 John Riggins.

16 CHMN. CHENAL: Yes, Member Riggins.

17 MEMBER RIGGINS: Mr. Warner or Mr. Beck, is
18 it safe to say that the topography in the Golden Valley
19 area along the western alignments is somewhat different
20 than the hilly topography along the eastern alignment?

21 MR. WARNER: Yes, that's a fair
22 characterization.

23 MEMBER RIGGINS: And might that impact the
24 viewshed, as you were saying, the backdrop, for those
25 homes?

1 MR. WARNER: Yes, I think that's fair to say
2 also. Viewing distances are going to be largely longer
3 distances in Golden Valley, which is much more of a
4 broad landscape.

5 MR. BECK: And in fact, Mr. Chairman, that
6 was part of the public comment we heard. And then, of
7 course, in our meetings what we heard a lot from the
8 public is they were very concerned about that viewshed
9 looking up to the BLM recreation area. And as they
10 mentioned, they bought their forever home, they wanted
11 that view, and they knew that they were going to see a
12 power line in that landscape.

13 And so because of the backdrop and the ground
14 tends to slope up to the recreation area, it likely
15 would be much more visible from the west alignments
16 than it will be from the eastern alignment, which, to a
17 large degree, is going through some industrial area,
18 the gasoline alley area, and then BLM lands which have
19 the mountains as a backdrop and a lot of terrain
20 differential. So there definitely is a particular
21 location, the Cunningham property, where we know that
22 it's going to be visible; but beyond that, it's a lot
23 of industrial-type areas that we're going through.

24 MEMBER NOLAND: Mr. Chairman.

25 CHMN. CHENAL: Member Noland.

1 MEMBER NOLAND: Mr. Chairman, I still think
2 that the visibility is going to be on the top of the
3 hill, mountain, whatever, on a portion of that land, as
4 compared to down where you've got some desert mountain
5 backdrop to help blend in with the poles. Yes, it's
6 going to go through some areas that -- I mean, there's
7 already so much stuff in there and gasoline alley and
8 all of that, but it's the other area that
9 environmentally I'm concerned about with the visibility
10 on top of the Cerbat or the Box Canyon or that area.

11 MR. BECK: Just to reiterate our position, we
12 had started out with the thought that we'd put it down
13 through Cook Canyon, where our existing right-of-way
14 is, and we were actually directed by the property owner
15 that he preferred it up on top of that hill. And I
16 understand -- you make a valid point, it is going to be
17 more visible up there. At least where we've identified
18 our preferred, it's far enough back that it's not
19 terribly visible from I40 or Highway 66, but it is
20 going to be visible.

21 MEMBER NOLAND: Thank you.

22 BY MR. DERSTINE:

23 Q. So Mr. Warner, the key takeaway from -- we
24 were getting back to the table and the visual impacts.
25 Again, the Cunninghams have pointed out that there's

1 more homes, if you're looking at a thousand feet on
2 either side of the center line of any of the
3 alternative routes, more homes on the E1 preferred as
4 opposed to any of the western routes. If we're looking
5 at 250 and 500 feet, the residential numbers are pretty
6 close.

7 Can we go back to the table, please.

8 So at 500 feet, a few less structures, homes
9 on the eastern preferred compared to any of the western
10 routes. And within a hundred feet it's almost a push,
11 eight to nine.

12 And so the question is: Is the appropriate
13 measure a thousand feet, where the visibility of those
14 structures is what we saw on the screen? The Committee
15 can judge for itself the significance of those visual
16 impacts at a thousand feet. But I think I would
17 indicate that a hundred feet or 500 feet is the better
18 test, and the numbers are very close.

19 Anything else you want to address on
20 residential impacts? This was part of your overall
21 land use discussion. You went through existing land
22 use, you covered planned land use. This topic we
23 thought was important to drill down on in terms of
24 residential land use impacts, that's what these tables
25 and the photos are showing.

1 And you will have simulations later in your
2 testimony, when we're getting into actual visual
3 impacts and the study of that, in connection with that
4 under the EA process, correct?

5 A. (BY MR. WARNER) Yes.

6 Q. So do you want to move back to your slides?
7 I think we're at your -- was there more that you had on
8 land use? I think we're at your summary and conclusion
9 slide.

10 A. (BY MR. WARNER) Before we go into that, we
11 have one other slide table that was requested by
12 Committee Member Noland, and I'll like to show that.

13 Q. Okay. And thank you for reminding me.
14 This is the table where Member Noland asked that we
15 subtract -- there was a table that showed the distance
16 that each route alternative covered on private land.
17 We had that table. Member Noland asked us to subtract
18 out the common alignment where all the routes come
19 together and join so that you're looking at a
20 comparison of all of the six alternative routes with
21 the common routes subtracted. And the other aspect of
22 this private land ownership impact was, how much of
23 that mileage on private land is in an existing
24 transmission corridor or has an existing line. Do I
25 have all that right?

1 A. (BY MR. WARNER) That's correct.

2 Q. Tell us about this slide.

3 A. (BY MR. WARNER) So let me begin at the
4 bottom, the bottom row, so that you can understand a
5 little bit about this, and we'll just take it step by
6 step. The last row identifies all of the common ground
7 that's common to all alternatives. And so there's --
8 private land that is affected by that is 5.5 miles.

9 Then go to the right-hand side. So in this
10 example, because there's an existing line there, it
11 depicts miles of private land that's encumbered by a
12 new line is zero.

13 So in each of these alternatives that are
14 displayed here, that excludes the portion that is
15 common to all. And so this just depicts those areas
16 that are exclusive to the eastern and western routes or
17 their entirety between the point of being common all
18 the way back to McConnico substation, basically.

19 So you can see on the left-hand column here,
20 this is the total miles of private land crossed by each
21 of the alternatives. And then again going to the
22 right-hand column, this is the total number of miles
23 that are encumbered across private land with a new
24 line, with a line that does not currently have an
25 existing transmission line on it.

1 Q. So I guess in looking at this table -- and
2 we'll mark it. I was conferring with Ms. Odisho. I
3 want to make sure I'm tracking the right exhibit
4 number. And at a break I'll make sure that these new
5 slides and tables and the photos will be marked and
6 identified; I just want to make sure I have them
7 correct on the record. We'll do that in a minute.

8 But what I'm taking away from what I'm seeing
9 on the screen currently is that, in terms of miles of
10 new transmission line on private land, E1 has -- 3.5 is
11 the net without -- 3.5 miles that's not in an existing
12 right-of-way or transmission line easement, is that
13 right?

14 A. (BY MR. WARNER) Yes.

15 Q. And if I'm comparing that to the western
16 route, as to W3 and W4 -- it's the same as W3, 3.5
17 miles. W4 has 3.8 miles. But as to W1 and W2, the
18 comparison is 3.5 miles on E1 to 2 miles for W1 and W2?

19 A. (BY MR. WARNER) Yes.

20 Q. And those are miles of new transmission line
21 on private land, not in a corridor or an existing
22 transmission line easement?

23 A. (BY MR. WARNER) Yes.

24 Q. I shouldn't have used the term "corridor."
25 Transmission line easement, yeah.

1 CHMN. CHENAL: Member Noland.

2 MEMBER NOLAND: But what this does show in
3 the middle column is that the west side has not had any
4 transmission lines on private land, zero, and the
5 eastern-most private land has had 1.8. Would you agree
6 with that?

7 MR. WARNER: Yes.

8 MEMBER NOLAND: Okay. So Mr. Cunningham's
9 statement that they gave at the office is pinpointed by
10 this, that the west side has really not had a great
11 amount or any amount of transmission lines going
12 through private land, when, in fact, the eastern-most
13 have had, of 69 kV or higher.

14 MR. BECK: Mr. Chairman, Member Noland,
15 relative to that issue, specific to the corridors that
16 we've identified, that's correct. So there are other
17 lines out in Golden Valley that are on private land.
18 But specific to the corridor we're identifying, that is
19 correct.

20 MEMBER NOLAND: Thank you. That's a good
21 clarification.

22 BY MR. DERSTINE:

23 Q. Anything else that you think is important for
24 the Committee to know about this table? Again, this is
25 the modified private land table to subtract common

1 ownership. We'll get it marked as an exhibit and I'll
2 identify it on the record on a break -- after a break.

3 MR. BECK: Mr. Chairman, I would like to
4 comment also that, relative to Member Noland's
5 statement, the Cunninghams, if we were to utilize the
6 existing 69 kV right-of-way, it would show up
7 differently here, because there would be that line
8 crossing length on their property. And because they
9 told us, no, we want you on top, it's not reflected in
10 these numbers. So again, it's very specific to the
11 alignment that we've shown as our corridor.

12 MEMBER NOLAND: Mr. Chairman, yes. But the
13 other route went straight through a private owner's
14 property, between two private owners, and maybe even
15 through an out building. That's the difference
16 between, you know, impacting a private residence or
17 two, right through the middle of them, and on vacant
18 land, even though it be on a mountaintop or a
19 mountainside or whatever. Is that an accurate
20 description, Mr. Beck?

21 MR. BECK: I'd just like to add to that,
22 Member Noland, again, we work with the landowners. So
23 if we use that existing alignment -- and because right
24 where his buildings are he said, you're going right
25 through my property. We'd like to adjust it over a

1 little bit. We would work with him to do that and swap
2 our existing right-of-way over and around his existing
3 structures. So, you know, there's an apples-oranges
4 kind of issue going on. But I just want to be clear
5 that the numbers do change if we go back to what was
6 our existing right-of-way that we have.

7 And to your point that, yeah, it goes right
8 through his property and his buildings, we can make
9 adjustments on that, and we would be swapping an
10 existing right-of-way for something maybe behind his
11 building. We can only probably go to the east, because
12 we're running up to the ADOT right-of-way on the other
13 side, but we would work on that issue with him.

14 But we were told, no, push it way over here.
15 So again, we're trying to follow the public input that
16 we're getting. And I know there's -- I guess from a
17 company standpoint there's no win-win at times with the
18 public, so I'll leave it at that.

19 MEMBER NOLAND: Thank you. Mr. Chairman,
20 Mr. Beck, you're damned if you do and damned if you
21 don't. I know.

22 MR. BECK: Yeah.

23 MEMBER GRINNELL: Mr. Chairman.

24 CHMN. CHENAL: Yes, Member Grinnell.

25 MEMBER GRINNELL: Mr. Beck, how many miles of

1 this land -- of this new area are on Mr. Cunningham's
2 property?

3 MR. WARNER: I don't know that off the top of
4 my head, but let me get back to you with that
5 information.

6 MR. BECK: We'll measure it right now and
7 we'll put that back on the record shortly.

8 CHMN. CHENAL: And Member Grinnell or
9 Mr. Beck or Mr. Warner, which route, which alternative?

10 MR. BECK: We can give you both, an
11 indication of what it would be on the old existing
12 alignment and what it is under E1.

13 CHMN. CHENAL: Okay.

14 MR. DERSTINE: I think we're up to our public
15 comment 10:00 a.m. time. I assume -- let me ask our AV
16 team. The folks who are looking to give public comment
17 by Zoom, are they ready and queued up?

18 MR. MOELLER: They are currently in the
19 waiting room. We just need to admit them on your
20 queue.

21 CHMN. CHENAL: And how many are there?

22 MR. MOELLER: I have one participant, but
23 there's three names listed under that one participant,
24 so I assume they're in a group together.

25 CHMN. CHENAL: Okay. Bring them in.

1 MR. MOELLER: They're just connecting their
2 audio and then they'll be good to go.

3 MR. DERSTINE: Looks like their image is
4 framed -- it needs to be -- I don't know if we control
5 that or they'll control that.

6 MR. MOELLER: It looks like they're on a
7 phone, so I'm unable to take control of their image,
8 but I will put their image up.

9 CHMN. CHENAL: Good morning. First of all,
10 my name is Tom Chenal, Chair of the Line Siting
11 Committee.

12 We're prepared to take public comment, but a
13 couple things. One, you're on mute. Two, you're --

14 MR. WALKER: Oh.

15 CHMN. CHENAL: That's better. Now we can
16 hear you.

17 Number two, your phone is turned sideways.
18 So if you could, turn it 90 degrees. There you go.

19 And number three, if you'll provide your name
20 and contact information, and then we would like to hear
21 your public comment, sir.

22 MR. WALKER: Okay. Can you hear me now?

23 CHMN. CHENAL: Yes.

24 MR. WALKER: Okay. Very good. My name is
25 Keith Walker. This is my home here at 3560 West Abrigo

1 Drive in Golden Valley.

2 I want to thank you for the opportunity to
3 speak again. I did speak on the public comment the
4 other night. I didn't have anything prepared. It was
5 kind of ad libbed. So I just wanted to say a few more
6 things.

7 I've spent the last three days watching the
8 entire hearings, and I've been better educated to all
9 the alternatives of the 230 kilovolt transmission line.
10 I appreciate the Committee measuring the distance from
11 my house, from the west common alternate to my front
12 door, measuring at 465 feet. I think I stated it was
13 300 feet or so.

14 As I watched the hearing and saw the Google
15 images, I felt like the photos did not do the Cerbat
16 Foothills Recreation Area next to my property justice.
17 I understand that this was done because of COVID. This
18 is the reason why I wanted to comment again. Right
19 here where you see is where I drink coffee in the
20 morning and look at the unobstructed view of the Cerbat
21 Recreation Area Foothills. This is section behind me
22 would have a line of approximately 100-foot-tall power
23 lines approximately 800 foot apart. This is the main
24 reason I oppose any west alternate, as this is the
25 common alternate to all west alternates.

1 I am in favor of the east alternate routes
2 for many reasons. There is already a 69 kilovolt
3 transmission line on most of the east route. There are
4 already roads for the commercial equipment UniSource
5 would use to get to the east route from the truck stop
6 all the way up to Coyote Pass. The east route is
7 preferred by UniSource and by BLM. Most of the east
8 route is industrial and commercial. The east route is
9 approximately \$3 million cheaper than the west route.
10 Also, I believe the economic development along I40
11 would benefit more from this route. It is my opinion
12 that aboveground transmission lines be ran in corridors
13 next to interstates, highways, railroads, and where
14 there are already established transmission lines, and
15 located in established industrial and commercial areas.

16 Three and a half years ago, me and my family
17 agreed to move out of the city and live a rural
18 lifestyle of peace and solitude. Before purchasing our
19 9.3 acres, there was no designated corridor on BLM
20 property that is adjacent to my property. You have to
21 travel 1 mile on a bumpy dirt road to get to our
22 secluded property, where it is quiet and peaceful, with
23 beautiful views of the Cerbat Foothills Recreation Area
24 that are unobstructed, and that is just the way we like
25 it. I am highly opposed to any west alternative route

1 and support either of the eastern routes.

2 I also wanted to comment on something that
3 was left on by the Committee last night as to the homes
4 affected from the east routes and the west routes.
5 Your data shows that the east routes have a higher
6 number of homes that would be involved within a hundred
7 feet, 200 feet, 500 feet, or a thousand feet from the
8 power line. I'd like to remind the Committee that in
9 that area most of those lots are city lots, which are
10 usually, I may be off here, but they're usually 50 by a
11 hundred feet or a quarter acre or somewhere in that
12 nature and houses are crammed together in that gasoline
13 alley area.

14 When you get over here into Golden Valley
15 where we're at, the smallest acreage that we have over
16 here is 1 acre and all the way up to 40 acres, which
17 will have one house on it. So less homes. You know,
18 this property is -- this area is longer, but there's
19 less homes over here because we're spread out more and
20 we're not in the city.

21 So anyway, I want to thank the Committee and
22 all present for your consideration in this matter. I
23 do have two of my neighbors here that would like to
24 speak. They'll introduce themselves, give their
25 address and contact information.

1 By the way, my contact information. E-mail
2 is firemanhotrod1@yahoo.com. And my phone number is
3 928-279-1530.

4 Thank you for giving me the opportunity to
5 speak. I'll let one of my neighbors speak now.

6 CHMN. CHENAL: Thank you very much. We'll
7 listen to the next speaker. If you could give your
8 name and contact information, and please try to keep
9 your comments to three minutes or less.

10 MR. CARMELO: Yes, good morning. My name is
11 Steven Carmelo. My address is 3545 West Abrigo here in
12 Golden Valley. I'm directly across the street from
13 Keith, who you just spoke to. Phone number is
14 530-520-4762. E-mail is carmelosteve70@gmail.com.

15 And once again, pretty much Keith has
16 expressed all my feelings on this power line and so
17 forth. One of the things that I would like to expound
18 on is just the environment and how it's going to affect
19 the Cerbats back here and everything if, in fact, that
20 line comes through.

21 If the line comes through, it means that
22 they're going to have to put in another road in the
23 area here, which is going to open up this whole area to
24 the quad runners, the ATV quads, the side-by-side
25 units, and everything else like that. And I have

1 experienced that for a while a long time back. Not
2 that long ago I worked for the Forest Service as a
3 wilderness ranger, and I saw -- I was there when the
4 people were riding their quads, riding their
5 side-by-sides in areas that they shouldn't be in. And
6 once again, just like the Forest Service, I don't
7 believe that BLM would be able to patrol this area
8 enough to make sure that that doesn't happen.

9 Right now we have a beautiful area. You
10 know, it's open to hiking. You can go out, you can
11 enjoy. But still, we're not going to have the people
12 that are -- that we may have if, in fact, this area is
13 opened up.

14 My next point is that just presently we have
15 an issue with just people dumping, dump sites that are
16 up and down the road here, where people have access to
17 be able to get in. Once again, all it's going to do is
18 open that up for more people to come and dump in areas
19 where they shouldn't be dumping. And once again, BLM
20 does not have the staff to be able to control this area
21 and come and look and see that that isn't happening.

22 So these are the things that I would like the
23 Board to consider, just the effect that it's going to
24 have overall on the environment and everybody else
25 here. And like Keith and the rest of the neighbors

1 that spoke, all the people that spoke in this area,
2 yes, my home is important. Yes, we just moved here.
3 I've only been here for two years, been in my house for
4 a month. But it's just -- it's devastating to think,
5 to us right now, that we put our home in a site there
6 where we had the views, where we were able to go out
7 like Keith and have our morning coffee, enjoy the
8 mountains, everything like that, and now to find out
9 that there's a possibility that this line could come
10 through.

11 So once again, I just hope that the Board
12 takes into account, you know, everybody's feelings on
13 this. And yes, everybody is going to be impacted; some
14 worse than others. And it's just -- that's life, and
15 we have to learn to deal with it. But you already
16 have -- there are already established corridors for the
17 work that needs to be addressed.

18 And UniSource wrote themselves -- they
19 themselves, in one of the articles that they wrote,
20 said that they were going to replace and repair
21 existing structures. Nothing was said about adding
22 anything new, nothing, and there is a difference there.

23 So once again, that the Board address and
24 respect these things that were written and said prior,
25 and I want to thank you very much for your time.

1 CHMN. CHENAL: All right. Thank you, sir.

2 Thank you very much.

3 We have one more speaker. If you can provide
4 your name and contract information, and please keep
5 your comments to three minutes or less.

6 MR. GLAWSON: Yeah, hi. I'm Marc Glawson. I
7 live at 729 South Bowie. Abrigo is my cross street. I
8 live not too far from Keith here. My contact
9 information is 928-377-1778.

10 I just want to speak. I found out a little
11 bit more information. I've talked with Mr. Cunningham;
12 he provided me with some of the answers that I needed
13 from the other day. And I'm just wanting to totally
14 oppose this line over in this area because, again,
15 health effects, my other neighbors would be affected,
16 and just the esthetic attitude.

17 I've been in this spot here for 40 years, and
18 I've always had a pretty nice area out here. And I'm
19 totally opposed to them putting this line across here
20 right in front of us. They've already got that new
21 line they put up to the old copper mine and they've
22 also got a line that goes across the valley not too far
23 below us here, south of us. So I do feel that the most
24 appropriate place to put this -- all this new work is
25 over there on the east side.

1 I appreciate you listening to us. That was
2 helpful, and I thank you very much for listening to us.

3 CHMN. CHENAL: Thank you, sir.

4 MR. GLAWSON: This guy is going to come back
5 here.

6 MR. CARMELO: Yes. I'm sorry. One of the
7 things that I was just told is that on your Google map,
8 my home is so new it doesn't even show. So if somehow,
9 I don't know, you could go back and take a check. Once
10 again, my home, brand new, just built, one year old, is
11 directly across the street from Keith here.

12 CHMN. CHENAL: We understand.

13 MR. CARMELO: Thank you much.

14 CHMN. CHENAL: And I don't think there were
15 any further people that wished to speak. Those were
16 the three. If there's anyone else there that would
17 like to speak, please let us know right now or you'll
18 be disconnected.

19 (No response.)

20 CHMN. CHENAL: And I think they were
21 disconnected. Okay. All right. Good.

22 Member Hamway.

23 MEMBER HAMWAY: I have a couple questions. I
24 don't know if this is the right spot. But I kind of
25 wanted to go back and revisit the ADOT decision. I'm

1 looking at, in the book of exhibits, Exhibit Number 39.

2 It's a --

3 CHMN. CHENAL: Give us a moment, Member
4 Hamway, to pull that up, please.

5 MEMBER HAMWAY: Okay. Sure.

6 It is an e-mail from Aaron Brent to Anthony
7 Martinez, and it's the last statement in the e-mail.

8 MEMBER GENTLES: Mr. Chair, what exhibit is
9 that?

10 MEMBER HAMWAY: It is Exhibit Number 39 in
11 this book we got in the mail.

12 CHMN. CHENAL: And what's the date of the
13 e-mail, Member Hamway?

14 MEMBER HAMWAY: It's September 22nd, 2017, at
15 10:33 in the morning.

16 CHMN. CHENAL: And is there a particular
17 portion of that?

18 MEMBER HAMWAY: The bottom sentence, "We need
19 to know that if this alternative was selected by BLM,
20 would ADOT allow us to build in the right-of-way at
21 this location." And I don't see a response from ADOT
22 on that.

23 MR. DERSTINE: Member Hamway, so the e-mail
24 dated September 22, 2017 at 10:33 a.m., the response is
25 on the prior page. And so you see the e-mail from

1 Anthony Martinez sent Friday, September 22, at
2 2:07 p.m. The response is, "Aaron, according to the
3 policy for accommodating utilities on highway
4 rights-of-way..."

5 MEMBER HAMWAY: Right. Yeah, and see all
6 that. So that's their response?

7 MR. DERSTINE: Correct. And the policy is
8 also attached as the last page of Exhibit 39. You see
9 the highlighted portion, 1.4.2.

10 MEMBER HAMWAY: Right. So -- well, this is
11 an ADOT right-of-way, so maybe I don't understand what
12 a control of access is. So how does this particular
13 right-of-way differ? Because it says they will be
14 permitted under strictly controlled conditions.

15 MR. WARNER: So on highway -- interstates are
16 controlled access. They don't just allow you to get an
17 encroachment permit and come in. It has to go through
18 a very rigorous process to determine the access points
19 on an interstate. And so that's an example of what a
20 controlled access highway is. So Interstate 40 falls
21 into that category. And so a longitudinal encroachment
22 into that area is considered -- are prohibited from
23 being in there for various reasons.

24 Did that answer your question, Committee
25 Member Hamway?

1 MEMBER HAMWAY: So I guess this is not
2 considered a special exemption or anything that we
3 would try to get an exemption from ADOT for?

4 MR. WARNER: I think at the time we took that
5 on face value that they would say no. Based on this
6 letter and other conversations, they said no, and so it
7 died at that point, and so it was removed from the
8 alternative under consideration.

9 MR. BECK: Mr. Chairman, Member Hamway, we
10 tried to point at it a little bit in the flyover, we
11 apparently weren't real successful with that, or in
12 some of the Google Earth photography we showed. But
13 the slopes coming down off of Interstate 40 are
14 extreme.

15 MEMBER HAMWAY: I do remember that.

16 MR. BECK: And the position of ADOT is, you
17 can't have access coming off of the freeway. So we
18 would have to come up from the bottom, from the
19 Cunningham property, and build a road up those slopes.
20 And those slopes are pretty unstable. They're
21 basically the rock that was pushed down to create that
22 slope. Could it be done? It would be very expensive.
23 And whether or not ADOT would allow it, we could go out
24 and approach them and see. But our feeling is they
25 likely will say no, because it is within their control

1 of access and they don't like us in there.

2 We did have a case in Tucson where the
3 Committee selected and chose a route that went down the
4 ADOT alignment, and it was supported at that time by
5 ADOT. And subsequently TEP was told, never again. We
6 don't want these facilities within our control of
7 access. And that was along Interstate 10.

8 So that's why we had removed it. We don't
9 think we would be successful in trying to get ADOT to
10 make an exception in this case.

11 MEMBER HAMWAY: Okay. Thank you.

12 BY MR. DERSTINE:

13 Q. Mr. Warner, do you want to turn to your
14 conclusions on land use?

15 A. (BY MR. WARNER) Yes. Why don't you bring up
16 those slides, if you would, please.

17 So in summary, the eastern alternatives are
18 entirely within the designated corridor for the BLM.
19 Homes within our -- within proximity to the line are
20 currently also in proximity to an existing line. The
21 western alternatives has a new alignment with proximity
22 to fewer homes. And I think the thrust here is simply
23 that, from a land use standpoint -- the eastern
24 alternative, although from a land use perspective is
25 more complex, it is more compatible with the alignment.

1 That's one of the reasons it's selected as the
2 preferred, the eastern alternatives.

3 Q. Do any of the alternatives conflict with
4 planned land use, that is, plats, zoning? I mean, you
5 covered recorded plats, subdivisions, zoning, all those
6 sorts of things that constitute planned land use. Do
7 any of the alternatives conflict with planned land use?

8 A. (BY MR. WARNER) No.

9 Q. And we've covered the impact of the different
10 alternatives on existing land use. And that really
11 focuses on the homes that are along each of the
12 differing alignments, is that right?

13 A. (BY MR. WARNER) That's right.

14 Q. And there are no impacts to existing land use
15 with regard to commercial, business, industrial uses?

16 A. (BY MR. WARNER) No. And as for the BLM, the
17 BLM has the ability to issue a right-of-way if they
18 choose to do so, but we've already covered the
19 complexities and the steps of that process.

20 Q. And I guess the one, I guess, important
21 factor in talking about the eastern versus western
22 alternatives is that the eastern alignment, when it is
23 on -- E1, the preferred route, when it is on BLM land,
24 it is in an existing BLM corridor, is that right?

25 A. (BY MR. WARNER) Yes.

1 Q. And that would -- that alignment or those
2 corridors do constitute a land use plan?

3 A. (BY MR. WARNER) Yes.

4 MEMBER GRINNELL: Mr. Chairman.

5 CHMN. CHENAL: Member Grinnell.

6 MEMBER GRINNELL: On the corridor map for the
7 west side, I guess that would be right below and east
8 Redwall Drive, is a piece of, appears to be, private
9 land, is that correct, right inside the Cerbat
10 Mountains?

11 MR. WARNER: Based on the image that we see
12 here, that may be true.

13 MEMBER GRINNELL: Go to Redwall Drive.

14 MR. WARNER: And I wonder if we've got
15 another exhibit that we could put up for the land
16 status map. It's previous on the slides. Maybe that
17 would depict it better. Land status map would be the
18 map that was at the first part of the land use section.
19 I think it's the first map in the series under land
20 use. There are two maps there.

21 Can you go back, Jason, just a little bit.
22 No, not that one. Go back further, further, further.
23 No, keep going. Keep going. Keep going. There you
24 go. But there should be one that's broken up into two
25 maps. Do you see that? Let's zoom in on that one.

1 So it does look like that there is an
2 inholding of private land that's just right there. I'm
3 not getting the map that I wanted to show that shows it
4 a little tighter, but I think you may be right.

5 MEMBER GRINNELL: Okay. Well, there is,
6 according to the maps I have here. So to that point,
7 we talked about -- and I was trying to mathematically
8 figure distances from a center point. So on the
9 current Tooman Road you have a 250-foot corridor area,
10 right? Is that correct?

11 MR. WARNER: From center line.

12 MEMBER GRINNELL: From center line. So 250
13 to the right, 250 to the left.

14 MR. WARNER: That's correct.

15 MEMBER GRINNELL: How feasible and how much
16 would it take to move that pole -- or, that line east
17 inside the Cerbat Mountains?

18 MR. WARNER: So that was one of the things we
19 discussed with the agency, and they chose to keep the
20 alignment very close to the edge of their property. If
21 we move the line further in, we'll have to examine
22 whether or not more resource studies need to be
23 performed in order to cover the area, depending on how
24 far it is. And so it gets more complex for the BLM to
25 be able to modify their EA, and it might require

1 additional studies.

2 MEMBER GRINNELL: We're talking roughly a
3 city block.

4 MR. WARNER: Right. It's deeper into their
5 Cerbat Foothills Recreation Area. And so part of the
6 logic for the BLM to, I guess, be agreeable to having
7 the line on the edge of the property as part of the
8 studies and as part of the analysis is that it's on the
9 edge. So private land is going to be built right up
10 against the BLM property, so this is infrastructure
11 that's congruent with, in their mind, being close to
12 that area, as opposed to conflicting with their open
13 space plan.

14 So the deeper you push it into their area,
15 the more resistant they are -- no, let me put it this
16 way -- the more it challenges what they're trying to
17 manage that land for, and so we've got a couple of
18 issues. One is, we'd have to survey additional area.
19 So we would have to get the archaeologist out there and
20 do it. Secondly, it would probably require an
21 amendment to the EA, so they'd have to go back through
22 the final EA process.

23 MEMBER NOLAND: Mr. Chairman.

24 CHMN. CHENAL: Member Noland.

25 MEMBER NOLAND: I need a point of

1 clarification. I believe, and I don't want to speak
2 for another Member, but I believe he was talking about
3 within the current corridor, but moving it to the east
4 edge of that corridor.

5 MR. WARNER: Oh, if that's the question --

6 MEMBER GRINNELL: Yes, thank you.

7 MR. WARNER: If that's the question, that's
8 certainly permissible.

9 MEMBER GRINNELL: So that would basically
10 alleviate some of the distant concern from the
11 homeowners on the west side of the line.

12 MR. WARNER: It may.

13 MR. BECK: Again, Member Grinnell, it might
14 help to alleviate issues with the homeowners out there,
15 but then we've got this tradeoff with BLM. The further
16 we go into their property, the more likelihood that
17 they have to create their corridors and do a full --
18 potentially an EIS process for that. And that's why
19 they were trying to tell us to stay right on the edge
20 of their property and not encroach into their property.
21 So I understand your point, but the further we move in
22 it just creates that encroachment.

23 And you heard again today in the public
24 comment, one of the concerns is that access. And if
25 you put a road in, people are going to use it. So to

1 the extent that's in someone's front or backyard,
2 probably front yard in this case, and we put better
3 access through there, are they going to get a lot more
4 traffic.

5 MEMBER GRINNELL: I understand that, but I'm
6 a little concerned with BLM. I mean, they're giving
7 you all that right through the middle of their property
8 up on the north side, but they're not willing to
9 acquiesce a little bit on the -- so that's another
10 issue.

11 MR. BECK: And Member Grinnell, just to touch
12 on that again, and I know you're probably getting very
13 tired of this corridor issue, but there is a policy
14 handbook that BLM has, and they are told -- they will
15 direct applicants to utilize those corridors as much as
16 possible. They were developed with the concept that
17 those would accommodate future utilities.

18 And further, it tells the BLM that the BLM
19 shall not make substantial investments in resource
20 management activities within designated corridors when
21 such resource management is not compatible with
22 right-of-way use. So not only are they trying to drive
23 us into those corridors as utilities, they are also
24 directed to protect those corridors for us to use for
25 utilities.

1 MEMBER GRINNELL: I understand. Thank you.

2 MEMBER HAMWAY: I want to make a comment.

3 CHMN. CHENAL: Member Hamway.

4 MEMBER HAMWAY: In the beginning, they
5 completely ignored their corridor. Just a comment.

6 MR. BECK: Yes, Member Hamway, they
7 definitely did. And they heard about it loud and clear
8 in our public meeting, and that's when they changed
9 their position. So I absolutely agree.

10 They were trying to -- as the public said,
11 they were trying to take the easy way out, what they
12 thought was going to be an easy way, because they
13 thought there would be more objection from the public
14 to utilizing the trails and the part of their Cerbat
15 Foothills Recreation Area up on top than there would be
16 to something out west. And they were absolutely
17 mistaken and found out quickly that the public didn't
18 support that.

19 And that's what drove BLM to then say, wait a
20 minute. And they maybe pulled out their policy manual
21 at that point and said, oh, we're supposed to be using
22 these corridors. And that kind of started directing us
23 of how we went forward.

24 BY MR. DERSTINE:

25 Q. Well, Mr. Beck, to follow up on that point

1 briefly, this corridor in the area that Member Grinnell
2 pointed to in terms of -- you know, the concern is
3 moving it further into BLM land in this area along the
4 western route. But in the eastern route it crosses a
5 big swath of the Cerbat Foothills, this recreation
6 area, but that's within a corridor. But the corridor
7 isn't just a colored marker on the page, it's where
8 there are existing transmission lines and roads
9 already, correct?

10 A. (BY MR. BECK) Correct. So the piece along
11 93, as we've put on the record, is a 1-mile-wide
12 utility designated corridor, and partially driven and
13 designated because of those existing utilities that
14 were there, as well as the access roads, not only the
15 power line that's there, but the communication
16 facilities. So that's a long established corridor.
17 It's not something that is just a piece on a map on a
18 page. It's, in actuality, utilized today by UNS
19 Electric for our facilities.

20 And so that's what they were pushing us to.
21 And again, as I pointed out yesterday, that was one of
22 their reasons for identifying their preferred is the
23 co-location and existing facilities that we would be
24 rebuilding and replacing as part of the project.

25 MEMBER RIGGINS: Mr. Chairman, it's John

1 Riggins.

2 CHMN. CHENAL: Yes, Member Riggins.

3 MEMBER RIGGINS: And I hate to "what if"
4 this, but I think it's relevant, and I was thinking
5 about it yesterday with the existing land use plan. So
6 in the initial scoping, when the applicant took this to
7 the BLM, had the BLM originally recognized that they
8 have to adhere to the RMP utility corridor that was
9 established in 1993, would there have even been
10 options?

11 I don't understand why they even entertained
12 the option of having western routes if, at any point a
13 western route was developed, the public could contest
14 it that they have to adhere to the corridor that they
15 already have. I realize they may have gone a little
16 further than they needed to with not recognizing their
17 utility corridor initially, but it doesn't seem --
18 would there even have been western routes proposed had
19 they just originally recognized that they have a
20 corridor already established?

21 MR. WARNER: So let me respond to that. And
22 thank you, Committee Member. When BLM does the
23 evaluation and an Environmental Assessment or any NEPA
24 document, they try to get alternatives. It is possible
25 that if they would have started with the corridor that

1 those alternatives would have been variations of the
2 very narrow corridor. But I think that because it
3 began with alternatives that looped into two different
4 areas, that memorialized the narrative about what was
5 being done, and so it became sort of an issue of, let's
6 fully understand all the variables.

7 Because when you first identify alternatives,
8 what you're doing is you're trying to identify places
9 that appear to be appropriate for a line, and that's
10 what you begin with. And then later on in the process
11 you try to evaluate the sensitivities of those areas,
12 what are they encountering, and that takes time to
13 figure out.

14 The first part is easy. You can do it almost
15 in an afternoon and just say, well, this is where the
16 existing lines are. This is where existing roads are.
17 Let's start with that. And then as you start to sort
18 of do the analysis that reveals the complexities of
19 that, you can start to see whether those alternatives
20 have merit or whether they fall away.

21 I think early on we recognized that it had
22 merit to go around into Golden Valley, it had merit to
23 come through an area that was sparsely populated and
24 that had BLM on one side, and so it was a natural area
25 that we considered to be an opportunity.

1 So from an analysis standpoint, the BLM could
2 have said no. They could have stopped us at that point
3 and they could have said, we don't want to even
4 consider that. We only want you to consider
5 alternatives. They didn't. They thought it was a good
6 idea to keep it on the table, and so that's why it was
7 evaluated.

8 BY MR. DERSTINE:

9 Q. Well, I guess following up on Member Riggins'
10 point, though, what I hear you saying is that if they
11 had followed what they're following today, and you had
12 gone to them with all these options on the edge of BLM
13 land in the west, in the Golden Valley area, BLM could
14 have come back at the very outset and said, no, I want
15 you to stay in our corridors, and you wouldn't have had
16 those western alternatives on the paper, is that right?

17 A. (BY MR. WARNER) That is absolutely true.

18 A. (BY MR. BECK) Well, Mr. Chairman, Members of
19 the Committee, I mean, again, this is -- UNSE is in the
20 background initially in this because of the Mercator
21 Mine, but we were in total coordination with the
22 effort. And if BLM said, no, we're not going to allow
23 you on the BLM land, we may still have had a western
24 corridor. It would have been showing across private
25 property probably right adjacent to BLM land. The

1 value to us from working with BLM, because they seemed
2 open to it, is we're dealing with one landowner, as
3 opposed to a bunch of individual landowners along the
4 private lands.

5 But to say there absolutely would not have
6 been a western alternative, it's hard to say at this
7 point whether there would have been or not. Likely
8 there would have been, it would have been across
9 private land. And I don't know that anything would be
10 different other than BLM wouldn't be part of the
11 picture and it would potentially maybe ease the
12 conscience of the Committee to say, well, go west
13 because, you know, you're not burdened by the BLM
14 corridor issue. But still, there's a strong public
15 opposition in that Golden Valley area to a line in
16 Golden Valley at all, and so I think they would have
17 become even more boisterous in their opposition to the
18 project being on private property.

19 MEMBER NOLAND: Mr. Chairman.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: Well, if we listen to that,
22 then we wouldn't do this project at all, would we?

23 MR. BECK: Member Noland, I guess it depends
24 how you weigh the votes. So yes, there were a few
25 votes for no project.

1 MEMBER NOLAND: Yeah. Thanks.

2 MR. DERSTINE: Mr. Chairman, I think we're
3 ready to transition into Mr. Warner talking about
4 biological resources and wealth. Would this be a good
5 time for a morning break?

6 CHMN. CHENAL: I think it would be.

7 Are we going to be denied the opportunity to
8 see Mr. Warner try to explain those slides from
9 yesterday -- or, that slide from yesterday? And I say
10 that tongue in cheek, Member Noland. Don't worry.

11 MR. WARNER: You can see that I quickly
12 abandoned that slide.

13 CHMN. CHENAL: I saw that, and I think we're
14 glad.

15 MR. WARNER: I was practicing for a while and
16 said, no, there's a better way. Thank you for bringing
17 that up.

18 CHMN. CHENAL: Thank you. Let's take a
19 15-minute break.

20 (Off the record from 10:38 a.m. to
21 11:08 a.m.)

22 CHMN. CHENAL: All right, everyone, let's
23 resume the morning session, and we'll pick up with the
24 hearing.

25 Mr. Derstine, I think you're going to get

1 into the next subject with Mr. Warner.

2 MR. DERSTINE: Right. Next topic is
3 biological resources.

4 I just wanted to identify for the record the
5 exhibits that we had on the screen this morning during
6 the morning session. The photos of the 100-foot,
7 500-foot, 1,000-foot, and 1,250-foot pole structures
8 has been marked as Exhibit 55. So those were the
9 photos.

10 Exhibit 56, UNSE Exhibit 56, is the table
11 that Mr. Warner spoke to as to the permanent
12 residential structures adjacent to transmission line
13 alternatives. That was the new table that distilled
14 some of the information from the table we ended with at
15 the end of the day yesterday and presented the
16 information in a little more understandable form.

17 57 is the table that we spoke to this morning
18 also on the existing UNSE transmission line easement on
19 private lands for each alternative. That's the table
20 that subtracted out the common section from each of the
21 alternatives to come up with the total miles on private
22 land crossed by the alternative and the miles of
23 existing UNSE transmission line easements.

24 So those are the things we saw this morning
25 up on the screen that have now been marked and

1 identified as exhibits.

2 MR. DERSTINE: And with that, Mr. Warner, I
3 think we're ready to move on to biological resources.

4 Oh, I'm sorry. Is this an okay time to just
5 simply show you what we are -- have started on in terms
6 of the drafting of the legal description for the CEC?
7 We have a portion that calls out the common, so it's
8 not identifying a route, we're not preselecting
9 anything, but so you can just see what we have in the
10 works?

11 CHMN. CHENAL: Yes.

12 BY MR. DERSTINE:

13 Q. Mr. Raatz, I think you're going to explain
14 how that was prepared or what we're trying to show with
15 the legal description?

16 A. (BY MR. RAATZ) That's correct. Just for the
17 record, we're looking at the common alignment for all
18 -- common to all alternatives. And what we tried to
19 create here, this will be a 500-foot corridor, legal
20 description for a 500-foot corridor.

21 And can you zoom in, Jason?

22 So for this legal description, the way it was
23 prepared, at every angle point on the alignment we
24 tried to tie that angle point down to a section line.
25 So looking at the top of what is shown on the screen

1 right now, at the proposed Mineral Park substation, a
2 call-out for N 500-foot corridor, 28 feet from the west
3 edge in Section 3, 1,682 feet from the south edge of
4 Section 3. And continuing south, angle point 500-foot
5 corridor, 20 foot from west edge of Section 10, 786
6 foot from north edge of Section 10.

7 And this is similar to the way that we have
8 prepared the legal description for past cases for our
9 sister company, Tucson Electric Power, I believe the
10 Pinal Central to Tortolita, as well as the Vail to
11 Tortolita project, which we just finished up in
12 December. And so this was going to be the approach.

13 And Member Noland, I know you have some
14 specifics regarding right-of-way widths, I believe it
15 was for the trailer park in particular. And the
16 thought there was to identify the parcel location and
17 we can identify the -- maintain the 50-foot
18 right-of-way.

19 MEMBER NOLAND: Mr. Chairman.

20 CHMN. CHENAL: Member Noland.

21 MEMBER NOLAND: I think that that would be
22 fine just in the area if we did reduce or move the
23 right-of-way. Yeah, that would be fine.

24 MEMBER GRINNELL: Mr. Chairman.

25 CHMN. CHENAL: Member Grinnell.

1 MEMBER GRINNELL: Is the mine still going to
2 be a potential customer, or have they pretty much dug
3 their heels in on utilizing their own?

4 MR. BECK: Mr. Chairman, Member Grinnell, the
5 mine, if it gets going at its full capacity, could
6 potentially be a customer of using this substation. We
7 have no indication of if or when they will actually get
8 up and running again. And this would be -- again, they
9 have on-site generation. So if they continue to
10 utilize that, the 69 kV line that serves them today
11 would be sufficient. We would likely move that 69 kV
12 feed to this substation in the future as we expand the
13 substation.

14 MEMBER GRINNELL: And just to add a little
15 bit more clarity as to the reasoning, this obviously
16 projects future growth and future potential use all the
17 way up to the dam, am I correct?

18 MR. BECK: That is correct.

19 MEMBER GRINNELL: What is the time frame
20 that -- when you're looking in your projections, how
21 many years are you realistically looking out and
22 developing this project?

23 MR. RAATZ: We have an estimated in-service
24 date, Member Grinnell, of 2026 for this project.

25 MEMBER GRINNELL: I understand that. But

1 what is the potential use, how far out before this -- I
2 know it's going to be utilized, but how far out is -- I
3 don't know if I'm asking this correctly.

4 MR. BECK: Mr. Chairman, Member Grinnell, I
5 think we should be able to address your question with
6 the fact that -- I mentioned we did a saturation study
7 at UNSE, and that was looking at ultimate potential
8 build-out based on the zoning that exists today. So
9 these facilities would serve off 20 years into the
10 future.

11 MEMBER GRINNELL: Okay. And the reasoning
12 for going -- isn't the dam a hydrogenerator of
13 electricity?

14 MR. BECK: Again, all of the load from
15 Kingman up to the dam is part of the UNSE service
16 territory, and we're obligated to serve them. And we
17 get all of our power from Western Area Power in the
18 city of Kingman, that's where our delivery points are.

19 And the only tie up at the dam site is an
20 emergency backup to the Nevada Power System. And if we
21 have a problem on the 69, it falls down, fails, opens
22 for whatever reason, we can at least close the switch
23 up at the north end and serve some load back down to
24 the south, to wherever the break in the line is. But
25 that's only under emergency.

1 The normal service for all that load, all the
2 way up to Hoover Dam, that's within the UNSE territory
3 is from the city of Kingman and the Western Area Power
4 delivery points in Kingman. So we have the two primary
5 ones today, and through this project we hope to add the
6 third that's tied to McConnico, the Harris substation
7 that would provide additional power for all of the
8 Kingman and that northern area.

9 MEMBER GRINNELL: Okay. Thank you.

10 MEMBER HAMWAY: Mr. Chairman.

11 CHMN. CHENAL: Member Hamway.

12 MEMBER HAMWAY: I have a question. So you're
13 projecting out 20 years, but you're going to build it
14 in the next five years. So how does the -- you know,
15 this is just a question. How do you apply the rate to
16 customers when the people who are going to benefit from
17 it aren't there yet? Am I making sense? Is there a
18 way that the Corp Com allows you to bill the ratepayers
19 but doesn't put the full brunt of that future
20 construction on the current ratepayers?

21 MR. BECK: Well, as I believe Mr. Derstine
22 mentioned in his opening, there's several steps to the
23 rate process. This being a transmission line, it will
24 roll right into the FERC, Federal Energy Regulatory
25 Commission, rate structure that UNSE has. And then we

1 take that rate structure for the transmission component
2 when we go to the ACC for our general rate case for
3 retail customers. So the ACC will determine how much
4 or if that allocation fully goes to the customers in
5 Kingman.

6 The shorter-term issue is it does provide
7 reliability benefits to all customers. So while there
8 are future customers that will benefited by this
9 project, all customers do have some benefit today.
10 There's a reliability component that we're trying to
11 work with, as well as that future growth issue.

12 MEMBER HAMWAY: Okay. Thank you.

13 BY MR. DERSTINE:

14 Q. Mr. Warner, one of the -- we're back to the
15 CEC application.

16 And Jason, if you can take us back to
17 Mr. Warner's slide, I think it's 107. It's where we're
18 starting out.

19 Mr. Warner, the rules of procedure governing
20 a CEC application require certain exhibits. I
21 mentioned that previously. The topic we're moving to
22 now are specifically Exhibits C and D. Exhibit C is
23 required to -- in the application is intended to
24 describe any areas in the vicinity of the proposed site
25 or route which are unique because of biological wealth,

1 because they are habitats for rare or endangered
2 species. We're to describe the biological wealth or
3 species involved and state the specific effects, if
4 any, of the project facilities.

5 Exhibit D is to include a list of the fish,
6 wildlife, and plant life, and associated forms of life
7 in the vicinity of the proposed site or route and
8 describe any effects thereon. And I think that's what
9 you're going to cover next.

10 A. (BY MR. WARNER) Yes.

11 Q. Thank you.

12 A. (BY MR. WARNER) So let's bring up the
13 complement slides associated with these. So first of
14 all, let me just -- before I go into explaining, you
15 know, where resources are found, I think it's
16 worthwhile to say between -- this area generally has a
17 relatively low sensitivity to biological impacts. The
18 alternatives are not substantially different between
19 these routes that are out there, so I want to say that
20 first and foremost. So I'll go through these, but this
21 is -- my opinion is, this is not one of the areas that
22 would be a critical feature in determining whether an
23 alternative should go east or west.

24 The biological setting is a mix of
25 undeveloped lands. And as you guys have already

1 observed, each of the Committee Members and the Chair
2 have observed, a lot of open space to the west and more
3 developed in the Kingman area. The major land forms
4 here are the Cerbat Mountains and the Hualapai
5 Foothills. The Black Mountains across from Sacramento
6 Valley, which is that Golden Valley area, is open and
7 broad. It has the Mohave desert scrub, it's dry.
8 Habitat is fractured in and around Kingman because it's
9 divided by roads that have been there a long time. So
10 Interstate 40, for example, blocks corridor pathways
11 into the Cerbat Foothills and Interstate -- I mean, not
12 interstate -- Highway 93 block it from going north and
13 south on the Cerbat Mountains.

14 Let's go to the next slide.

15 These are some pictures of the typical
16 habitat. It's dispersed. Water is scarce. And so
17 that's a big feature of -- one of the reasons that
18 vegetation is sparse and that the habitat doesn't have
19 an abundance of wildlife in there. There is wildlife
20 out there, and important wildlife, but this is --
21 they're not concentrated in very many places.

22 Let's go to the next slide.

23 In terms of the biological wealth, there is
24 some endangered species that have been identified. The
25 desert tortoise is a candidate. But the habitat

1 quality is the poorest habitat quality that the BLM
2 manages, so some of those things -- it gives you a
3 sense of the sensitivity of that. There is a low
4 density of tortoises in there. And we've got some
5 measures associated with construction that ensures that
6 if they're encountered, they're managed properly.

7 California condor is an endangered species,
8 but it's -- this is part of their range, but of course
9 there are no features in here that really would invite
10 those condors in the area, and so there's a very low
11 probability that anyone would see one here.

12 There are no other habitats suitable for the
13 ESA-listed species, and there's no critical habitat
14 anywhere on any of the alternatives, designated
15 critical habitat.

16 In terms of the biological abundance and
17 wealth, the BLM has identified, as part of their
18 species of concern, the golden eagle, the burrowing
19 owl, the great western bonneted bat, and the desert kit
20 fox.

21 The kit fox is -- we did find one burrow in
22 our examination that's easily managed. That's tracked
23 as part of the preconstruction surveys. And if one of
24 the western alternatives is chosen, that would be
25 managed to not impact any of that.

1 Golden eagles are more commonly found in the
2 cliff areas. There's not going to be any construction
3 on cliff areas. Same with the great western bonneted
4 bat. If we were cutting into those cliff faces, then
5 that would be when concerns would be raised. Although,
6 we don't have any nests or known locations where those
7 are on the line; we just know that the habitat exists.
8 No observations of that through studies.

9 Burrowing owls are found throughout the area,
10 and there are measures that address that. They
11 especially like areas that have been previously
12 disturbed, because the ground can sometimes be softer,
13 and so they kind of migrate to those areas. And so
14 there are provisions there also for preconstruction
15 surveys to make sure that those are avoided.

16 As I mentioned, marginal to poor habitat.
17 And the primary reason for that is there's no water or
18 riparian resources along any of the alternatives.

19 Let's go to the next slide.

20 So the avoidance and minimization measures
21 were intended to focus on: Avoid sensitive species
22 through the alignment; minimize and avoid vegetation
23 removal whenever possible, so to keep the construction
24 zones narrow and restricted; restrict and avoid
25 construction-sensitive wildlife areas, those areas are

1 more likely to have habitat and structure, and again,
2 cliff faces, that kind of thing; and then there are
3 protocols for desert tortoise that would be applied.

4 CHMN. CHENAL: Mr. Warner, if we could just
5 stay there for a second. Are these measures mandated
6 by BLM or are they industry standards that you're
7 voluntarily agreeing to comply with? Where are these
8 measures found?

9 MR. WARNER: Very good question. So they are
10 as part of the EA and they're intended to be adopted by
11 the utility so that they can address those. So that is
12 in Appendix C, which I don't think that you have.
13 Because when the EA -- when we pulled the EA together,
14 we made some choices about trying to limit, and some of
15 those appendix got dropped off. So we'll circulate
16 those measures, we have them on file, so you'll have
17 them and you can see what they are for each category.
18 But they're a combination of standards that are
19 acceptable in the industry and also those that have
20 been demanded by the BLM and reviewed by the BLM.

21 CHMN. CHENAL: So these are part of the EA
22 issued by the BLM. And as a condition of getting the
23 final approval to construct the project on BLM land,
24 there's an obligation to comply with these measures, is
25 that correct?

1 MR. WARNER: Yes.

2 CHMN. CHENAL: But it's also correct that
3 these measures would not have to be followed on non-BLM
4 land, is that also correct?

5 MR. WARNER: I think the intent was that they
6 would be binding across all of the alternatives on
7 private and on BLM land, not because of the BLM, but
8 because of the position that UNSE is taking.

9 CHMN. CHENAL: But I think we can address
10 that in a condition.

11 I'd like an answer on that, though, Mr. Beck.
12 I mean, my understanding is the BLM requirements are
13 applicable to BLM land, because that's the land over
14 which the BLM has jurisdiction. But over private land,
15 for example, those would not necessarily be -- have to
16 be followed by the applicant. I know you will say that
17 the applicant, of course, will follow those on private
18 land, but I'm more interested in the legality than the
19 willingness.

20 MR. BECK: Yes, Mr. Chairman. I need to
21 review the specific language in the EA to see how they
22 worded it, but it would be the applicant's position
23 that we would easily adopt those across the entire
24 route. We need to review the conditions that we
25 proposed in our CEC and see if something in there kind

1 of covers it. And to the extent you need to be more
2 specific, we're open to that.

3 CHMN. CHENAL: Member Drago.

4 MEMBER DRAGO: To build on Mr. Chairman's
5 question, but isn't NEPA somewhere involved there?
6 Doesn't BLM comply with NEPA, right?

7 MR. WARNER: That's correct. So the NEPA
8 process is designed to analyze the impacts across the
9 alternative, whether it's on BLM land or not. Once
10 that analysis is complete, then they issue a decision
11 and they say, okay, we've studied everything. Part of
12 that analysis -- and maybe this is the question that
13 you're driving towards. Part of that analysis goes to
14 the heart of, well, what are they going to do across
15 the entire route. And these specify what is intended
16 to be performed across the entire route. So these
17 measures are intended to sort of capture what the
18 potential impact is that they're analyzing as a result
19 of that.

20 As the Chairman pointed out, where comes the
21 police power to actually ensure that those are carried
22 out on private land. And that's -- and that is -- BLM
23 doesn't have control to go over to a landowner like
24 Mr. Cunningham and say, I want you to basically dig up
25 these artifacts and send them to a location and things

1 like that. And so that's where there has to be sort of
2 a balance between what the private property owner wants
3 to do on his property or the utility.

4 And then there's one other piece. The
5 Committee and the Commission may mandate a certain
6 performance when they take control of the right-of-way
7 to say, you shall actually do it this way no matter
8 whose property you're on. And so I think those are the
9 pieces --

10 CHMN. CHENAL: That's the part I like.

11 MR. WARNER: Yeah.

12 MEMBER DRAGO: One follow-up.

13 CHMN. CHENAL: As Mr. Beck knows so well.

14 MR. BECK: Yes.

15 MEMBER DRAGO: Mr. Chairman, I have one
16 follow-up.

17 CHMN. CHENAL: Yes, Member Drago.

18 MEMBER DRAGO: So on the minimization
19 measures, it's not uncommon to find the burrowing owl,
20 at least in my experience. Are you getting -- is this
21 a segue to the next slide? But do you have measures to
22 stop the job, for example, a process to relocate the
23 burrowing owl?

24 MR. WARNER: They are. I didn't intend --
25 Mr. Chairman and Committee Member --

1 MEMBER DRAGO: Drago.

2 MR. WARNER: -- Drago, thanks, I didn't
3 intend to sort of parse out -- there's a lot of these
4 measures. I think we've got six or seven pages of them
5 that cover all of those. But we'll circulate those to
6 you shortly so that you can -- but the answer is, yes,
7 they're that specific.

8 MEMBER DRAGO: Thank you.

9 CHMN. CHENAL: I think just so the applicant
10 knows, just to give a heads up to the CEC, I'd be
11 looking for some language that would make the
12 requirements and measures that are applicable through
13 the BLM process over BLM land and through the NEPA
14 process over federal land be applicable for the
15 entirety of the route, were we to select a route, so
16 that those measures would apply over private land as
17 well.

18 MR. BECK: Mr. Chairman, we fully anticipated
19 that this morning in a discussion, so we'll be working
20 on that throughout the day.

21 CHMN. CHENAL: Okay. Thank you.

22 MR. WARNER: So the last bullet.

23 Mr. Chairman, you asked whether they were industry
24 standards, and the last bullet is one of those that's
25 an example of the industry standard. That's a common

1 practice, best management practices for avian
2 protection. And so that one is, I was going to use the
3 word "nested" in the avian protection measures. But
4 that is central to the avian protection measures.

5 Let's go to the next slide, please.

6 In summary, there's a low probability for ESA
7 issues and special status impacts on any of the
8 alternatives. There are no protected habitats. And
9 that was -- I used the reference in Arizona regulations
10 that specifically requires us to examine that. For the
11 eastern alternatives, co-locating existing circuit
12 reduces disturbance on natural areas. And I think that
13 that was one feature that was better in the evaluation
14 of the alternatives.

15 Next slide.

16 BY MR. DERSTINE:

17 Q. So your next area of testimony will be visual
18 resources. This generally involves creating
19 simulations -- or, simulations were created as part of
20 the EA at a number of what they refer to as key
21 observation points. There's a specific BLM methodology
22 and standards that are used for creating visual
23 simulations, as I understand it, is that right?

24 A. (BY MR. WARNER) Yes.

25 Q. And the simulations we're going to see were

1 prepared for the EA, is that also correct?

2 A. (BY MR. WARNER) Yes.

3 Q. So included in the application are a large
4 number, and I have the total in front of me, of visual
5 simulations. You have pulled out or selected a few
6 representative simulations. We've already done a
7 flyover. We have some drone footage the Committee has
8 seen, a significant amount. And some of those KOPs
9 were built into the Google flyover, is that also true?

10 A. (BY MR. WARNER) Yes.

11 Q. So many of the simulations that were created
12 as part of the EA were woven into our virtual flyover
13 of the routes, and the Committee has seen those?

14 A. (BY MR. WARNER) Yes.

15 Q. Okay. So what you have done here is pulled
16 out some selected simulations, and we're just going to
17 highlight some of the visual impacts and contrasts and
18 that sort of thing that are --

19 A. (BY MR. WARNER) Yes, that's right.

20 Q. -- significant in your view?

21 A. (BY MR. WARNER) That's right.

22 Q. Okay. Please proceed.

23 A. (BY MR. WARNER) So the first step is I want
24 to go through a little bit of the methodology that's
25 used. That will help sort of establish some

1 architecture of how visual studies are done in this
2 circumstance. So let's go to the first slide, if you
3 would.

4 So on your left-hand screen, and some
5 Committee Members asked about this earlier -- we're
6 going to see this in a greater granularity. But one
7 comment that came up recently was -- when we were
8 showing the 100-foot, 200-foot slides that Mr. Osmer
9 Beck, no relation to Mr. Ed Beck, took last night, one
10 of the Committee Members said, well, can you see more
11 out in the west? And this map is intended to show
12 that.

13 There are two reasons that I've got this on
14 the screen. One is that each of these little orange
15 dots that you see on the screen represent where
16 simulations and -- or, key observation points occurred.
17 I think there's 39 of them. And of those -- that means
18 that there was an analysis that was undertaken at that
19 location.

20 The other thing that this depicts is that --
21 the lighter green color shows what is visible. And as
22 you go through and you dance through the mountains, you
23 can start to see that the colors change and there's
24 variations of that. The pink color means that you're
25 not going to see it. So what they do is they evaluate

1 the topography and then they identify the height of the
2 structures and they mathematically put that on the line
3 and then they just basically try to identify those
4 pockets.

5 So let's go over to the --

6 Q. I'm sorry. When it says you're not going to
7 see it or, using the terminology from the slide, not
8 visible, I'm not going to see what?

9 A. (BY MR. WARNER) The transmission line.

10 CHMN. CHENAL: So just to make sure I
11 understand, Mr. Warner, when I'm looking at that map on
12 the left side of the screen, where the coloration is a
13 pinkish color, that means that's going to be an area --
14 or, if I'm in that area, I will not see the
15 transmission line. If I'm in the green area, I will
16 see it. Is that, simply stated, what that depicts?

17 MR. WARNER: That's correct.

18 Okay. Let's go to the next slide here.

19 The BLM visual resource management criteria
20 has several steps that it goes through, but ultimately
21 it comes down to making a determination of
22 classifications. So what they do is they go through
23 this first step that evaluates what the land looks
24 like.

25 And let me give you an example. If you're in

1 the city, and you wanted to do a characterization, you
2 would have -- you would describe it with those kinds of
3 features that were there in the city. If you're out in
4 a natural area, then it would be described and
5 characterized in that way. They also identify whether
6 there's landmarks, something important, like a mountain
7 of prominence.

8 Then they go through the process of saying,
9 okay, how are we going to manage -- what do we think is
10 the appropriate way to manage the lands that we have.
11 And they have four classifications that they typically
12 use. The lower number of classification,
13 Classification I, means don't do anything. We don't
14 want it to change. We love it the way it is. And IV
15 means, yeah, you can go ahead and do stuff. You can
16 build a mine or you can build an airport or something
17 like that. You can change it more dramatically from a
18 visual standpoint. And those become the management
19 classifications on which they make determinations of
20 evaluation of what's an appropriate contrast level.

21 The last step is they go through and they
22 identify key observations points. Key observation
23 points are established by criteria that they have that
24 basically says, well, where is an important place for
25 people to view from. And trailheads, for example, or a

1 highway might be important, there's a lot of people
2 there. Especially if they're stopping to have some
3 kind of an experience there, a visual experience, a
4 scenic experience, then those become places that you'll
5 want to get a key observation point so that they can
6 see what it is. And especially if that place is
7 specifically designed to have a scenic experience, they
8 want to make sure that they get those spots. Houses
9 are on the list. They also -- in this particular study
10 if you've got a house or a structure that they want to
11 be able to sort of get a representative sample of that.

12 What's absent from that is if there isn't any
13 of those features, then they don't do simulations from
14 just anywhere. And part of the reason for that is as
15 you start to -- it's possible to see a line from
16 someplace if you're standing almost -- well, from
17 anyplace if you're standing 2 feet away from it, as an
18 example. And so in order to analyze the contrast
19 methodology, you really have to have some framework on
20 which to identify key observation points to determine
21 that modeling and that study.

22 BLM then takes a form, and they have a form
23 that selects, so that they can evaluate that contrast
24 level. And they categorize it in different -- I guess
25 they've stratified it to be in different categories.

1 One is land and water, the other is vegetation, and the
2 other is structure. And so they look at those, I
3 guess, stratifications to make a determination whether
4 there's going to be a contrast in those categories.
5 And so I'm going to show you an example of one of those
6 in a moment so you can see how this all plays together.

7 CHMN. CHENAL: So can we go back to the
8 previous map, the pink and the yellow. Okay. So if
9 you look, Mr. Warner, at the top left along where 93 is
10 located as it heads northwest from Kingman, you'll see
11 that there are areas of pink right next to where the
12 power line would be.

13 MR. WARNER: Yeah, that's right.

14 CHMN. CHENAL: I'm a little confused. I
15 mean, it looks like it goes through pink areas and it's
16 not visible. If I'm standing right -- staring it in
17 the face in a pink zone, how can I not see it? So
18 that's what I'm not understanding.

19 MR. WARNER: Yeah. And I think this is
20 really a feature of trying to identify those locations
21 where there is a new structure that is a new
22 right-of-way that's crossing property, as opposed to
23 where there is an existing line already. From a
24 viewshed standpoint, that viewshed isn't changing.

25 CHMN. CHENAL: Okay. That makes sense to me.

1 So it's new transmission line versus existing.

2 MR. WARNER: That's correct.

3 CHMN. CHENAL: You won't see the new.

4 MR. WARNER: That's correct.

5 CHMN. CHENAL: You still will see the -- it
6 will be -- if it's a new transmission line but on an
7 existing line or next to an existing line, that will
8 show up as pink.

9 MR. WARNER: That's correct.

10 CHMN. CHENAL: Let me make a note.

11 Councilman Walker from the City of Kingman is here.

12 And I, as a courtesy to the Councilman, would like to
13 hear public comment from him now, even take him out of
14 order, unless, Mr. Derstine, you want to finish the
15 topic. I don't know how much longer it's going to be,
16 if we're going to break for lunch before Mr. Warner is
17 finished with a topic you're on. Otherwise, I'd say
18 let's take Councilman Walker, at this time hear public
19 comment, and then we can get back to Mr. Warner,
20 depending on the time we have left.

21 MR. DERSTINE: I agree.

22 CHMN. CHENAL: Okay.

23 MEMBER GRINNELL: Mr. Chairman.

24 CHMN. CHENAL: Yes, Member Grinnell.

25 MEMBER GRINNELL: Your next map, just out of

1 curiosity, you have the green, the brown. You don't
2 have a legend denoting the white areas. It looks like
3 there's mountain regions near Kingman and everything
4 else. What does that mean?

5 MR. WARNER: That's area -- so the areas that
6 are colored are only BLM land. So this represents the
7 characterization and the management of the BLM
8 properties, how they managed it in their mapping.

9 MEMBER GRINNELL: Okay. Just one point of
10 clarity. Thank you.

11 CHMN. CHENAL: Okay. Let's take public
12 comment. Is Councilman Walker ready to provide the
13 comment?

14 Councilman Walker, good morning. I
15 understand you're from the council from the City of
16 Kingman, and we'd like to hear your public comment. So
17 if you could provide your full name, we would
18 appreciate it. So we're ready to go. Thank you.

19 COUNCILMAN WALKER: Keith Walker. I'm a
20 resident of Kingman. I was on the city council from
21 2008 to 2012, and I was reelected in 2020. I'm back on
22 the council. I am not here to represent this sitting
23 council at this point, because we have not discussed
24 this since I've been back on council.

25 But in 2008, when we did discuss this,

1 UniSource put on a great presentation, we toured the
2 site, we had no opposition, but that was 13 years ago.
3 Now I understand there is some opposition with radio
4 towers and other things, you know, could be --
5 Interstate 11 could be affecting this or vice versa.
6 But back in '08 when the City issued this Resolution
7 No. 4555, we had no opposition.

8 So that's kind of where the City, I believe,
9 is at this point, but I can't speak to where the City
10 sits today. I personally would probably say we would
11 swing and be on the side of what the board of
12 supervisors just did, because they've heard all this
13 testimony.

14 CHMN. CHENAL: All right. Well, Councilman
15 Walker, thank you for your comments. Is there anything
16 else you'd like to add?

17 COUNCILMAN WALKER: Not at this time.

18 CHMN. CHENAL: All right. Well, thank you
19 for your comment. We take public comment, we don't ask
20 questions, as you're probably familiar with the
21 procedure you follow in the City of Kingman. So we
22 appreciate your comments. Thank you.

23 COUNCILMAN WALKER: Thank you. Bye-bye.
24 Have a good day.

25 CHMN. CHENAL: Thanks.

1 All right. Mr. Derstine, we can go back to
2 Mr. Warner.

3 And Member Grinnell, was your question
4 answered?

5 MEMBER GRINNELL: Yes, sir. Thank you.

6 MR. WARNER: So in this area there are only
7 three classifications. There's no Classification I,
8 which means don't do anything, we don't want to see any
9 change, the contrast has to be very, very low.

10 The Cerbat Foothills, for much of the area,
11 is a Class II area. That's depicted in the darker --
12 the darker orange color of the maps. So you can see --
13 I'm circling the Cerbat Foothills here, and you can see
14 that most of the area here is Class II.

15 Now, you can see one section that's right
16 there near that private inholding, it appears, that we
17 were talking about earlier that Councilman Grinnell
18 mentioned -- sorry -- Committee Member Grinnell
19 mentioned. So that area there comes right up as a
20 Class II area right along the route of the western
21 alternatives, the common route of the western
22 alternatives. And you can see also the mountain and
23 there's some topography there you can depict and it's a
24 little steeper there and a little more dramatic, which
25 is probably why they identified that as a Class II

1 area.

2 These other areas are Class IV, these green
3 areas, which means they are -- for their management
4 stance, modifying it is okay. You can have a more
5 dramatic modification to those lines.

6 So let's go to the --

7 MEMBER HAENICHEN: Mr. Chairman.

8 CHMN. CHENAL: Yes, Member Haenichen.

9 MEMBER HAENICHEN: While we're on this slide,
10 are we going to be told what Class II, III, IV, what
11 restrictions they represent?

12 MR. WARNER: Yes, I can walk through that.
13 I'm going to have Osmer pull the specific language up.
14 So I'll move on, in the interest of time, and then I'll
15 come back to that question as soon as it's immediately
16 available.

17 MEMBER HAENICHEN: Thank you.

18 CHMN. CHENAL: So Mr. Warner, quick question.
19 At the portion where alternative -- where the east
20 alternatives kind of go through the mountains there,
21 that's a Class II area, normally it would be more
22 restrictive, but for the utility corridors that
23 authorize the lines to go through at that point. Am I
24 reading that correctly?

25 MR. WARNER: That's correct. So, you know,

1 that's where the highway is going to go, that new
2 interstate, and so how is that going to be properly
3 managed. So the BLM will go through the process of
4 identifying criteria that will try to manage the
5 impacts to that setting as much as they can to minimize
6 those contrast levels, because it's a Class II area,
7 where they may be more forgiving and lax in other areas
8 where the management class is different.

9 But there are two management overlays in that
10 way, as you pointed out, Mr. Chairman, that they have a
11 corridor and they have a management classification that
12 is higher. And that's -- that's not uncommon. I mean,
13 they have national recreation areas for very
14 restrictive, for example, Class I areas, but they have
15 roads in them. And so how do they manage how those
16 roads go? Well, they might color -- they might color
17 them to match the soil and things like that.

18 Okay. On your left-hand side, this is an
19 outtake. And I'm just going to read this, and then we
20 can provide this to Mr. Derstine to add to his list of
21 things.

22 "VRM Class I Objective: To preserve the
23 existing character of the landscape. Allowed level of
24 change: This class provides for a natural ecological
25 change; however, it does not preclude very limited

1 management activity. The level of change to the
2 characteristic landscape should be very low and must
3 not attract attention." That's Class I. And I think
4 that last line is probably the one -- let me read that
5 again. "The level of change to the characteristic
6 landscape should be very low and must not attract
7 attention."

8 So if you remember, I talked about the first
9 step is to characterize the landscape. And if it's in
10 a city, then it has to look like a city after you're
11 done. If it's in a natural area, it has to look like a
12 natural area when you're done. And that's what they're
13 driving for, and that's what the management class says.

14 MEMBER HAENICHEN: Mr. Chairman.

15 CHMN. CHENAL: Member Haenichen.

16 MEMBER HAENICHEN: But who is going to
17 approve that a particular proposed activity is very
18 low? That's kind of subjective.

19 MR. WARNER: So there's a -- on each key
20 observation point we fill out -- we do some analysis
21 and we contrast those levels in that time. I'll show
22 you that form in just a minute, so I'll walk you
23 through that. And then that does the analysis to
24 determine the contrast level based on what we're
25 observing. Simulations are sometimes used to

1 supplement that analysis, but not always. The key
2 observation is there, and you send a landscape
3 architect out there or somebody that's qualified to do
4 that analysis, and they stand there and they say, this
5 is what we've got and this is what the contrast level
6 is going to be.

7 CHMN. CHENAL: But the initial determination
8 of the Class I, II, III, or IV is -- ultimately BLM
9 makes that determination, and then you work to fit
10 yourself within the restrictions of that
11 classification?

12 MR. WARNER: That's correct. It's part of
13 their Resource Management Plan. So we talked about
14 that before. And so they adopt those classes and build
15 maps to show where they are, yep.

16 So VRM Class II. And this is a class that we
17 have on the Cerbats. "To retain the existing character
18 of the landscape. Allowed level of change: The level
19 of change to the characteristic landscape should be
20 low. Management activities may be seen, but should not
21 attract attention to the casual observer. Any changes
22 must repeat the basic elements of form, line, color,
23 and texture found in the predominant natural features
24 of the characteristic landscape." Again, using those
25 two examples again, the city versus the open area, it

1 has to have those themes of color, line, and structure
2 as part of that setting, and so the change needs to
3 follow those kinds of criteria.

4 "VRM Class III Objective: To partly retain
5 the existing character of the landscape. Allowed level
6 of change: The level of change to the characteristic
7 landscape should be moderate. Management activities
8 may attract attention, but should not dominate the view
9 of the casual observer. Changes should repeat the
10 basic elements found in the predominant natural
11 features of the characteristic landscape."

12 And then finally, Class IV, "To provide for
13 management activities which require major modification
14 to the existing character of the landscape. Allowed
15 level of change: The level of change to the
16 characteristic landscape can be high. Management
17 activities may dominate the view and may be the major
18 focus of the viewer's attention; however, the impact of
19 these activities should be minimized through careful
20 siting, minimal disturbance, and repeat the basic
21 elements of form, line, color, and texture within the
22 existing setting." So Mineral Park, for example, would
23 be an example of an activity that is partially on BLM
24 land, but changes the landscape, that would be
25 consistent with this management objective for IV.

1 So let me step through one of these forms so
2 that you can see what that is. So this is a worksheet
3 that's prepared for the -- for each of the key
4 observation points that are analyzed, 38 of them.

5 So up on top, this is Key Observation Point
6 Number I. This is on private land. So we're going to
7 roll down. Notice this feature. Let's go a little bit
8 lower here. So this is where the contrast rating
9 starts to begin. You can see that there was an
10 evaluation done on this particular area. And there
11 isn't any water. And so they considered the contrast
12 level none in this particular case. And I'll show you
13 the simulation in just a moment so you can see why they
14 made that determination. The vegetation is also in
15 that low class. And then when we look at structures,
16 it has a weak contrast at this key observation point.
17 And of course, on this left column you see the
18 elements, form, line, color, texture, so it goes
19 through and stratifies that.

20 Let's take a look at --

21 MEMBER HAMWAY: Can I ask a quick question?
22 Is this a II, III, or IV assessment?

23 MR. WARNER: In this area it's private land.
24 So what we would want to do is we'd go through a
25 characterization model that basically said, well, where

1 is this and what are we looking at. Is it -- because
2 it's not a management class for the BLM, so we would do
3 the characterization ourselves. And we would say, all
4 right, this has construction buildings in the
5 foreground. So we would identify the actual expressed
6 way that property is being used as the management
7 activity, the baseline of that management activity.

8 So there wouldn't be an overlay of what's
9 allowed. It would be basically saying, how do we
10 minimize the contrast level given what we're looking at
11 on private ground.

12 MEMBER HAMWAY: So if the key observation
13 point is not on BLM land, then you're not really giving
14 it one of those II, III, or IVs. What did you call
15 those? You called them class objectives maybe. So I'm
16 just curious, on this particular key observation point,
17 how would you rate the degree of visual -- or, ability
18 to affect -- what you were just talking about? I know
19 I'm not making myself clear.

20 MR. WARNER: No, you are. Thank you. I
21 think we can still do the contrast level on what's
22 there. We can still say, is the contrast big or is it
23 not big. We can still do that regardless of whether
24 there's a management classification for how we want it
25 to turn out. We can say whether or not the contrast

1 level is big or small. So that's what you end up with
2 on private property is you basically say, well, is it
3 big or small.

4 Now, if there was -- let's say the City
5 basically had a park and they basically said, we want
6 to manage that for esthetic reasons. Then we would
7 have to identify for ourselves what we would be -- what
8 would be -- what was acceptable for a contrast level,
9 given that was their use of that property.

10 In this case, we're on private ground, and so
11 the only thing that we can use as what they consider a
12 management classification is, if we have a low contrast
13 level we're probably better off; and if we have a
14 higher one, then let's look at the landscape and see
15 whether they've tolerated big changes for the line
16 color and texture as part of the way they use their
17 land. And that factors into our evaluation of whether
18 we consider that a bigger impact or a smaller impact.

19 Is that helpful?

20 MEMBER HAMWAY: Yes, thank you.

21 CHMN. CHENAL: So Mr. Warner, back to the
22 form here. Under "structures" for the Section D,
23 Contrast Rating, you have "weak" rating as to form and
24 line. Would you explain why that is, given the
25 explanation in Part 3 under Section C?

1 MR. WARNER: Let's take a look at the photo,
2 and I think it may make some sense. Is that all right?

3 CHMN. CHENAL: Well, let's stick here first,
4 because I'll forget about it and we won't come back.

5 MR. WARNER: Okay. Sure.

6 CHMN. CHENAL: Are you saying in Section 3 up
7 there -- under Section C, Subpart 3 it says, "Same with
8 additional tall narrow structures along the ridge
9 line." Are you saying by that that, when the lines are
10 put in, that it's going to be a weak contrast because
11 there's already power lines there and these are just
12 going to be a little larger? Is that what you're
13 saying by that?

14 MR. WARNER: This one happens to have a lot
15 of structure in the foreground that have abrupt lines,
16 they're not natural lines. And so when you look at the
17 photograph, you can see that it is, in a sense,
18 absorbed by those angular structures that are already
19 there. And so it's distant from the line, it's further
20 in the background, and so the contrast is going to be
21 weak from a structural standpoint even though it is on
22 the ridge.

23 CHMN. CHENAL: So now maybe the photo would
24 be helpful.

25 MR. WARNER: Okay. So let me show you this

1 form, because this is in your plan.

2 Let's stop here just for a second, Osmer. I
3 think you're controlling things.

4 Let me point you to the key on this, and so
5 this will allow you to navigate your own files a little
6 bit. You can see up here on the right-hand side of the
7 screen that it depicts where Photo Point 1 is right
8 there, and then this gives you all the details about
9 how that is done. So it tells you the camera that was
10 used and the aperture of what it was so that there's a
11 lot of granularity that helps you understand some of
12 this stuff. Then there's -- this tells you more
13 details about the KOP specifically, where it's located.
14 These are simulation notes that provide some
15 information about how a simulation is read and to make
16 it effective for your use.

17 You can see that this is an area that we've
18 had a lot of conversations about, which is -- was
19 selected by the BLM. Again, they wanted this
20 particular view that looked down Highway 66, and this
21 is where the line is skylined right here. Mobile home
22 park in the foreground, also the tower, the radio tower
23 there. So let's take a look. And this is the field of
24 vision that you're going to capture with the
25 photograph.

1 Let's take a look at the photograph now. The
2 top screen shows you the current condition, right, so
3 this is without any transmission lines. You'll notice
4 that we're relatively distant from where the crossing
5 is. You can just barely make out where that radio
6 tower is, but you can see these angular structures in
7 the foreground.

8 So now on the bottom screen you can start to
9 see that's -- those are the locations where the tower
10 is going to be. They're highlighted by red arrows.
11 Now, given the fact that the structure is in the
12 foreground, and that's -- and this particular view is
13 distant, that creates a weak contrast. And so that's
14 why the rating is that way in structures.

15 Let's take a look at a couple of other
16 simulations. I want to show you one on the west.
17 Let's take 15. Okay. Now, let me point out where this
18 one is on the map. You see two alternatives coming up
19 from the bottom of the map. Beginning on the right,
20 that's alternative number West 1, and on the left is
21 West 2, and then they're common and they come up to
22 that corner and then they turn left. On the top and on
23 the side is all BLM land. And we've tucked behind this
24 little knob right here in order to get behind here, and
25 it basically provided a little cover for the

1 transmission line alternative from these homes that are
2 in this little quadrant. And then it kind of comes
3 through here.

4 Now, this was selected for criteria --
5 because it's got homes on it, the BLM thought it was
6 important to get a characterization of what this is
7 going to look like here. So before we go to the
8 simulation, let's look back at the contrast rating
9 sheet so that we can see what that is.

10 Do you have that handy, Osmer, for 15?

11 CHMN. CHENAL: So while we're looking for
12 that, Mr. Warner, did I hear you correctly that the BLM
13 designates what the key observation points are going to
14 be?

15 MR. WARNER: Yeah, we work that out with
16 them. For their purposes, they want to be able to sort
17 of characterize what it is that they want to be able to
18 make sure that they've covered robustly. And so we can
19 make suggestions about what we think, and then they
20 basically will ultimately say, yeah, I want a key
21 observation point here. I think when we first started
22 the project there were a dozen or so, and it's
23 eventually climbed up to just under 40.

24 Okay. Go down to the bottom. I just want to
25 show this. No. There. There you go.

1 Okay. So now you can see the moderate
2 categorization. Now, I just want to talk about this
3 for a minute, because along all of the routes we don't
4 have any strong contrasts on any of the key observation
5 points. We have, I think, three or four that have
6 moderate.

7 There's a moderate one on 22, which is up
8 near Mineral Park where they're going to be building a
9 new substation. That has a moderate because there
10 isn't any structures out there, they're going to build
11 this new substation, so that's a pretty open area.

12 There are no moderate impacts on the eastern
13 route.

14 On the western route we've got a couple
15 locations where there's a moderate impact, and they're
16 all due to the new structures, in other words, the
17 structure contrast is the one that's driving that. So
18 this is one of the areas that that's located, so let me
19 show you that. Let's move over to the photograph.

20 So again, this is where the -- we didn't go
21 all the way up to the fellow's house. We went back to
22 a common location where it kind of turned off. But you
23 can see there are some structures in the foreground
24 here that do influence whether that contrast level is
25 high. But you can begin to see that they have --

1 Oh, thank you. That's much better.

2 You can begin to see that that contrast level
3 is perceivable and there aren't a whole lot of
4 distractions, the ability to absorb that in the
5 foreground as much, and so you can see that.

6 MEMBER NOLAND: Mr. Chairman.

7 CHMN. CHENAL: Member Noland.

8 MEMBER NOLAND: I think this is the first
9 time I've seen the structures with a red arrow, and it
10 really makes it stand out. I don't remember seeing
11 that previously. So just an observation. That's not
12 -- that red part is not on the structure itself, that's
13 something you imposed, correct?

14 MR. WARNER: It is. And we've done it on a
15 couple of hearings in the past just so that it points
16 out what you're looking at and you can find it and then
17 you can evaluate whether -- we thought it would be
18 helpful. These structures are also numbered so that
19 you can see how they lay out.

20 Now, some of the comments that were made
21 today were that there would be a new line and things
22 like that. That's also evaluated as part of this. And
23 so we have visual criteria to -- that's applied to each
24 one of these sites as part of the analysis, and I'm
25 going to touch on that in just a minute, as soon as we

1 go through there.

2 MEMBER HAMWAY: Mr. Chairman, I have a quick
3 question.

4 CHMN. CHENAL: Member Hamway.

5 MEMBER HAMWAY: On the page that said it was
6 a key observation point for W2, is this key observation
7 point in W1 also?

8 MR. WARNER: This one is in 1 and 2, that's
9 correct.

10 Go back to the previous slide, if you would,
11 Osmer.

12 So let me point that out, Committee Member
13 Chenal.

14 CHMN. CHENAL: Hamway.

15 MR. WARNER: Hamway. You know, I am so bad
16 with everyone's name and I so much apologize.

17 So this is the area, when it turns the
18 corner, it's common to 1 and 2. And so see that
19 number on top? It says 171, 172, 170, 169, 168.

20 And let's go to the other slide and let's
21 look at that for a moment. You can see that
22 corresponding number here, 72, 71, 70, 69. But notice
23 that you can't see any of the others; that's because
24 they're kind of tucked behind this hill and there's no
25 view to them.

1 MEMBER HAMWAY: Thank you. That was helpful.

2 CHMN. CHENAL: Member Noland.

3 MEMBER NOLAND: Is there a way that you can
4 show us this without the numbers and the red arrow
5 easily? You know, I don't want Osmer to have to go
6 back out there and take other photographs and tromp
7 around in the desert.

8 MR. WARNER: Yeah, we can do that. Osmer
9 doesn't eat very much, as you can probably see, and so
10 I'll talk to him about that. And if it turns out to be
11 rigorous --

12 MEMBER NOLAND: I'd like to see the
13 difference because these are just standing out to me
14 because of the numbers you have on the top and the red
15 arrow.

16 MR. WARNER: Understood.

17 MEMBER NOLAND: I'd like to see an actual
18 simulation of what the pole itself is going to look
19 like and the line.

20 MR. WARNER: Understood.

21 MEMBER NOLAND: Thank you.

22 MR. WARNER: I think it would be a challenge,
23 probably, within the time frame that we have to do it
24 for all of the simulations, but let me just identify a
25 few so that you can see it.

1 MEMBER NOLAND: Just one or two would be
2 good.

3 MR. WARNER: Very good. Thank you.

4 Okay. Let's -- what did I say I was going to
5 show? Oh, the -- Osmer, if you would bring up the
6 measures, the mitigation and minimization measures,
7 that one sheet.

8 So this is extending from Mr. Chairman's
9 comment about needing these and we talked a little bit
10 about these minimization measures for each of the
11 resources that are contained within Appendix C of the
12 EA. You'll get these in a moment, but I think that
13 these in particular are important to cover now as part
14 of the visual section because what they tell the story
15 of -- and you'll see that in your packet on these when
16 you go through the analysis, that they basically grab
17 these measures that basically say, well, this rating
18 assumes that you're going to do these things.

19 And so let me read through them. "Limited
20 disturbance, vegetation removal, seeding of disturbed
21 surfaces, placement of roads to limit cut and fill,
22 restoration of natural contours to the extent possible,
23 softening of the edge of cleared work spaces by
24 selectively removing vegetation toward the edge of the
25 rounding corners, use of self-weathering poles unless

1 otherwise specified, use of nonspecular conductors, use
2 of dull gray insulators and self-weathering steel
3 through plates for attachment of the insulator base
4 pole.

5 "In addition, the following mitigation
6 measures would be implemented: Monitor disturbed soil
7 and cut and fill slopes and apply BLM-approved soil
8 colorants where the soil color does not match the
9 existing conditions within visual resource VRM Class II
10 areas on 1, 2, W common, and E common."

11 Let stop there, and let's go back to the
12 previous slide. I just want to show you why that's
13 important. Yeah, there you go.

14 Notice the contrast level between -- and this
15 is the patina color. The dark color that's on these
16 hillsides is only achieved through hundreds of years of
17 baking on that ground. And so any time you cut into
18 this calcic soil there, it lifts that white color. And
19 so they've got products now that you can dye the color
20 to bring it down, and so that's one of the things
21 that's being proposed here.

22 Let's go back and finish off that list.
23 "Seeding and reclamation of access roads VRM Class II
24 areas on the east Cerbat alternatives according to the
25 BLM-approved vegetation plan and overland travel with

1 no blading of roads or work spaces with limited
2 vegetation removal in VRM Class II areas W1 and 2, west
3 Cerbat alternatives, between structures," blah, blah,
4 blah, "respectively and east Cerbat alternatives 58
5 through 68."

6 Let's go to the next slide. Let's go to the
7 next slide after that. The next one.

8 So I want to bring up just a little bit about
9 that characterization model just so that you can
10 examine that again.

11 CHMN. CHENAL: Let me just ask you,
12 Mr. Warner. We're in kind of the lunch hour here.
13 It's 12:15. I'm going to ask you and Mr. Derstine to
14 let me know if this would be a good place to stop for a
15 lunch break, or if you just have a few more minutes on
16 this and then you're going to get into another area. I
17 just don't know what's ahead.

18 MR. WARNER: I think I can wrap up in less
19 than five minutes.

20 CHMN. CHENAL: Okay.

21 MR. WARNER: Let's go to the next -- no. No.
22 No. No. Go back to the other one. I want to see
23 those photographs, characterization with the color
24 palette on the left. We're going to touch on two of
25 those so they can see what they're looking at.

1 Part of this exercise is just to orient you,
2 when you're reviewing the materials in the visual
3 section, so that you understand the context of that.
4 And what's in the photographs I intend to show is --
5 yes, here we go. This is part of that exercise of
6 characterization that occurs. And you can see the
7 color palette is on the right; that helps us identify
8 those mitigation measures that are appropriate in these
9 seatings and then it identifies just the context by
10 which that's being done.

11 So this is that first step that we talked
12 about, characterization. And one has been done for
13 each of these areas so that we can do that, and that's
14 documented in your forms. That's all we needed to show
15 here.

16 Let's go to the conclusions.

17 The eastern alternatives -- this is a summary
18 of the conclusions, of course. The eastern
19 alternatives, Class II areas are crossed in the
20 existing corridor. That influenced the contrast levels
21 and what is appropriate there in terms of what was
22 there. But they're on existing structures.

23 The western alternatives has Class II areas
24 crossed at the edge with new infrastructure. Those are
25 the big takeaways that I want to leave with you is that

1 on the west you're going to go up against Class II
2 areas, also other classification areas, but that's new.
3 And so those are the distinctive differences between
4 those two alternatives.

5 MEMBER HAMWAY: Just one quick question.
6 Would that -- the Class II, would that -- if we chose
7 that, would that trigger another EA or even an EIS?

8 MR. WARNER: No.

9 MEMBER HAMWAY: Okay.

10 CHMN. CHENAL: I'm a little confused by that
11 answer, Mr. Warner. Because I thought we talked about
12 that on the western route, if we selected one of the
13 western alternatives, that might implicate the EA
14 process and cause the BLM to dig into that somewhat and
15 it could cause some delays.

16 MR. WARNER: Well, I think that that's --
17 there are a number of -- there are a number of -- I'm
18 trying to think specifically how to answer this
19 question. The evaluation determined that under using
20 these measures on the existing alignment -- I mean, on
21 the alignments that are proposed, that we don't have
22 significant impacts. Significance is the threshold for
23 taking something from an Environmental Assessment to an
24 Environmental Impact Statement. So that's the
25 threshold.

1 Our analysis has said, you don't have
2 significant impacts on any of these alternatives right
3 now. What we're saying is, there is a higher level of
4 sensitivity and that there is more impact there, but it
5 isn't significant.

6 Now, if you change that and you pull it
7 deeper into the Cerbat Foothills and if you -- then
8 they may make a different determination. They may make
9 that determination that, wait a minute, now we've got
10 to rethink this. And so then they may evaluate that
11 they do have significant impacts. But that's not what
12 the study says today.

13 CHMN. CHENAL: We're going to need to talk
14 about this, because now I have to admit I'm confused.
15 I'm taken aback by your answer.

16 If we would adopt one of the western
17 alternatives that proceed, you know, north along the
18 proposed route, that is to the left side, that is to
19 the western edge of the BLM land, I have been operating
20 under the assumption for at least the last day that one
21 of the problems with the western routes is that it
22 could cause a substantial delay with BLM having to
23 basically rehear and reanalyze, you know, their EA. I
24 understand there's not significant impacts that would
25 generate a requirement to do an EIS, but it would still

1 be in the EA process, it could delay and extend the
2 time it would take to get the final approval because
3 it's not the preferred route.

4 I just thought I heard you say that that may
5 not be the case, that if the project -- the alternative
6 route were along the western edge, that because there's
7 very little impact that the process could be approved
8 quickly.

9 MR. WARNER: So Mr. Chairman, your attempt to
10 grapple with this is justified. Let me try to clarify.
11 The answer is that there is risk in full about what the
12 BLM intends to do.

13 We're talking specifically about visual
14 resources. And I understood Committee Member Hamway to
15 ask whether or not those impacts constitute a threshold
16 that would create a significant impact, and I was
17 speaking specifically to that.

18 The issue about what the BLM would do seems
19 to be a broader question, and that is, if this gets
20 changed, then the BLM is going to have that meeting and
21 they're going to say, okay, we have moderate impacts on
22 the existing alignment. What are we going to do now?
23 Are we going to change our EA and say that's our
24 preferred? That's one option they could do. Or are we
25 going to just issue a decision on the existing EA?

1 That's another option they can do. Or are they going
2 to analyze something more formal like, hey, there's a
3 lot of interest on making this a corridor, and that's
4 where the wheels come off.

5 CHMN. CHENAL: So your comment to Member
6 Hamway was with specific reference to the visual
7 resources and those impacts that would be slight, but
8 that's simply only regarding the visual impacts?

9 MR. WARNER: That's correct.

10 MEMBER GRINNELL: Mr. Chairman.

11 CHMN. CHENAL: Yes, Member Grinnell.

12 MEMBER GRINNELL: If we go to the west route,
13 just for argument's sake here, the current EA is
14 already established, is that correct?

15 MR. WARNER: The current EA analyzed the
16 western alternatives. So if we went to the western
17 route, from a resource standpoint and from an analysis
18 standpoint we've prepared the information. Now,
19 whether the BLM chooses to present that EA and act on
20 it in the way that it was done, we don't know.

21 MEMBER GRINNELL: Okay. My question earlier
22 was, if we move that line a little bit more impeding on
23 the Cerbat area, that could trigger a more extensive
24 EA, is that correct?

25 MR. WARNER: If it's outside the corridor

1 that we've studied, yes.

2 MEMBER NOLAND: Did you say outside of the
3 corridor?

4 MEMBER GRINNELL: No. If we just move
5 current on whatever that road is --

6 MR. WARNER: Won't make any difference if
7 it's within the corridor that we've studied.

8 CHMN. CHENAL: All right. Thank you for
9 that. Let's take an hour break, and we'll see everyone
10 at 1:30.

11 (Off the record from 12:25 p.m. to 1:50 p.m.)

12 CHMN. CHENAL: Let's resume the afternoon
13 portion of the hearing. Member Gentles will be
14 momentarily away until about 2:30, he texted me, but
15 the rest of the Committee is here in force and ready to
16 proceed, as I know the applicant is.

17 And we will finish this afternoon --

18 MR. DERSTINE: We will.

19 CHMN. CHENAL: -- and we will deliberate
20 tomorrow morning.

21 MEMBER NOLAND: Amen.

22 CHMN. CHENAL: I think we will comfortably
23 finish this afternoon, it seems like we will, and we
24 can address that later if we have to. But I think
25 we'll finish, from what I've heard and seen from the

1 applicant.

2 MEMBER NOLAND: Is that a promise or a goal?

3 CHMN. CHENAL: We can make it a promise,
4 Member Noland --

5 MEMBER NOLAND: And if you don't make it,
6 then it was a goal.

7 CHMN. CHENAL: -- until the duration. The
8 wonderful brewery in Kingman closes at 9:00. So if
9 we're not finished by 8:00, it will become a goal.

10 MR. DERSTINE: All right. Well, thank you.

11 BY MR. DERSTINE:

12 Q. We have a couple of outstanding questions
13 that we need to answer for the Committee, and,
14 Mr. Raatz, I think you have those. The first was
15 Member Haenichen had a question concerning if there's a
16 new development out in the Golden Valley area or
17 anywhere, what's the -- what is the load. And if you
18 want to break that down by house or however you want to
19 break it down.

20 A. (BY MR. RAATZ) Yeah. Thank you,
21 Mr. Derstine.

22 Member Haenichen, we typically use, on the
23 load side, 5 kilowatts per home, and on the high side
24 8 kilowatts per home, so depending upon the number of
25 houses you have in the development. So for instance,

1 if you had 20,000 homes, on the low end you'd use a
2 hundred megawatts and on the high end it would be
3 160 megawatts for a 20,000-home development.

4 Q. Okay. Then the other question related to,
5 oh, the height of our 69 kV structures. I think we
6 said we'd go back and confirm that height.

7 A. (BY MR. RAATZ) I think it was Member Noland
8 that had asked that question. And they are steel,
9 mostly 80-footers, with the exception of we have
10 several 125-footers at the I40 crossing. And that's --
11 so it's 75 feet above grade.

12 Q. All right. Thank you. Any other outstanding
13 questions or issues, Mr. Beck, Mr. Warner, before
14 Mr. Warner moves forward with cultural resources?

15 A. (BY MR. WARNER) Yes, I've got one update on
16 Mr. Beck's skill at removing those arrows, and I think
17 he's successfully done that. So as we close out, I can
18 handle that as part of my testimony. Or if you want to
19 do that now, we can do that.

20 Q. I would say let's do it now if you have it.
21 We're ready to move on to cultural resources; but that
22 addresses the simulations that you were showing as part
23 of the prior chapter on visual impacts, so let's do
24 that.

25 A. (BY MR. WARNER) Let's bring them up on both

1 sides. This is Key Observation Point Number 1, and the
2 hilltop in the distance is Mr. Cunningham's property.
3 Mr. Cunningham's property is proximate on the left-hand
4 side up to that hill.

5 Give us just a minute. I'm going to wait
6 until you can see it on the other side so that
7 everybody gets a fair view of this.

8 MEMBER HAMWAY: Mr. Chairman, how far away
9 are we from that?

10 MR. WARNER: We're about -- close to a
11 thousand feet, I think a little more maybe.

12 MEMBER HAMWAY: Oh, 1,500 feet. So that's
13 more than a quarter of a mile.

14 MR. WARNER: Yeah.

15 Let's take a look at Key Observation Point
16 Number 15, which is one of the ones we were talking
17 about.

18 MEMBER NOLAND: Mr. Chairman.

19 CHMN. CHENAL: Member Noland.

20 MEMBER NOLAND: Yeah, Mr. Warner, that makes
21 a difference. They're not as prominent or noticeable
22 if you take off the numbers on top and the red arrows.
23 I mean, it helps to have a better understanding of the
24 view. Thank you.

25 MR. WARNER: My pleasure.

1 Thank you, Osmer, for doing that for us. I
2 appreciate it.

3 BY MR. DERSTINE:

4 Q. So we're moving on to cultural resources.
5 Cultural resources would be areas of concern with
6 regard to historic sites, buried artifacts,
7 archaeological sites of one type or another. Talk a
8 little bit about in terms of how you analyze whether or
9 not a project like this will impact cultural resources.
10 What's the -- do you actually go around and dig holes?
11 How do you make these determinations?

12 A. (BY MR. WARNER) Well, the first step is that
13 once we've identified the places where we think an
14 alternative is, then we go by the relevant agencies
15 that collect records where previous surveys have been
16 performed and we gather them up.

17 And there are two main categories of cultural
18 resources that are examined, some that are historic and
19 then some that are prehistoric. The prehistoric stuff
20 is usually the Native American stuff and can go from a
21 thousand years to 30,000 years. The historic stuff is
22 the kind of stuff that's more modern, but is older than
23 50 years. Those studies that are performed -- or, the
24 studies that have been performed previously are
25 examined because we want to make a determination about

1 where new pedestrian surveys need to be performed.

2 Then we get a group of archaeologists, and
3 they go out and they walk the route and look for
4 artifacts. And then they make a determination of
5 whether or not they find individual items, then they
6 collect those and mark where they are, and then they
7 make determinations whether those individual artifacts
8 are in an area that collectively creates a site.

9 The sites are important because those are the
10 things that -- if they have characteristics on those
11 sites that make them an important historical finding
12 that has context, that's important, then it requires us
13 to make determinations of what they call eligibility.
14 That eligibility is used -- it's a term that is used --
15 eligible to put on the National Register. So that
16 becomes filed with the State and goes on the National
17 Register for collecting those artifacts. So you're
18 going to see some of that terminology as I unfold the
19 cultural resources section.

20 Q. And is what you just described, moving on to,
21 I guess, your next slide -- not that one -- but is that
22 a Class III cultural resource survey? Is that what you
23 kind of generally just described?

24 A. (BY MR. WARNER) Yes, that's right. The
25 Class I survey is that investigation of the records,

1 and the Class III is actually the pedestrian survey.

2 Q. Take us through your slides, please.

3 A. (BY MR. WARNER) Okay. So the picture on the
4 right just reflects the kinds of things that can be
5 found out there. And they can be as mundane as a pile
6 of cans, but, you know, they're old, and so we collect
7 that information and put it into context with the
8 report.

9 Go to the next slide.

10 So a Class III survey was done in 2007, 2008,
11 2017, 2019, encompassed over 1,500 acres. Now, the
12 reason that those cycles occurred is because, as we've
13 discussed previously, alternatives were sort of organic
14 and being developed, and so we wanted to capture those
15 as quickly as we could, study those. So at each
16 interval there were additional studies that were being
17 done to capture more alternatives and give us the
18 flexibility to keep them in the study. You generally
19 want to have a full complement of studies that compares
20 things equally so that you don't have a vacuum of
21 information on one line versus another.

22 The cultural resources report. Two previous
23 reports were done in 2007 and 2009, and they were
24 combined in a final report that was generated in 2019,
25 and it includes a number of areas that are no longer

1 alignments as part of the project.

2 CHMN. CHENAL: Mr. Warner, just out of
3 curiosity, when you do a survey of a route, how wide do
4 you go beyond the actual location of the alternate, the
5 corridor of the alternate?

6 MR. WARNER: So it depends. I think what we
7 tried to do is capture a broad enough area that we can
8 reasonably provide some variation. And I don't know
9 offhand how wide those were in this area, but it was
10 probably the full distance of the corridor, 500 feet,
11 something like that.

12 CHMN. CHENAL: Thank you.

13 MR. WARNER: Let's go to the next slide.

14 So 25 sites were identified. That means that
15 those sites are -- those sites mean we found stuff that
16 is meaningful. Sites include historic roads,
17 railroads, trash scatters, military camp, mining sites,
18 ranches, and prehistoric artifact scatters.

19 11 sites were eligible or recommended
20 eligible for listing. So some sites, for example,
21 might have a collection of things, but the integrity of
22 the site isn't sufficient to justify putting it up onto
23 a National Register status. And so we make
24 recommendations to the agency on sites that are
25 recommended eligible for listing, and the final

1 determination is done by the agency themselves.

2 14 sites were not eligible. And 184 isolated
3 occurrences or things like, hey, I found a really old
4 bottle cap that's like 70 years old, or maybe there was
5 an arrowhead, but it wasn't connected with anything
6 that we could detect, and so it was identified as an
7 isolate.

8 Let's go to the next slide.

9 As previously summarized, the report was
10 completed in 2019. BLM and the Arizona State Museum
11 approved the Class III report.

12 The report is at the Tribes for review. They
13 always have an opportunity to do that. It's part of
14 the process. I don't think we've got any comments on
15 the report from the Tribes. And after it's done under
16 review from the Tribes -- and it's not the first time
17 the Tribes have reviewed this project. They've been a
18 part of the 106 process since the beginning that was
19 initiated in 2007.

20 CHMN. CHENAL: Member Hamway has a question.

21 MEMBER HAMWAY: So you said you had 25 sites
22 that you are recommending to be added to the National
23 Register of Historic -- is that right? Did I read that
24 right?

25 MR. WARNER: Let's go back to that slide so I

1 can reference it. One more. There we go.

2 So out of the --

3 MEMBER HAMWAY: Oh, 11. Okay.

4 MR. WARNER: There you go.

5 MEMBER HAMWAY: Well, it doesn't matter.

6 So what happens to an eligible site that's
7 right in your line of putting this utility in?

8 MR. WARNER: Good question. One of the
9 things -- transmission lines are actually -- you can
10 move things, you know, you can span over them.

11 The access roads are usually the thing that
12 you have to manage more carefully, in other words,
13 getting around it or protecting it in some ways. And
14 there's different things that can be done. In cases
15 where it was a very confined location or something like
16 that, it may be that the agency determines that they
17 want the site buried, you know, or something like that.
18 But in most cases it's just a simple matter of moving a
19 road one way or the other. If sites are very, very
20 large, then that becomes more complicated. We don't
21 have any really big large sites here, and so I'll talk
22 about that in a second.

23 MEMBER HAMWAY: Okay. Thank you.

24 MR. WARNER: Okay. Let's go to the next one.

25 On this, the eligible sites and the

1 recommended eligible sites are planned for avoidance.

2 It seems quite reasonable that they can be avoided.

3 If they can't be avoided -- and this is kind
4 of a continuation of Committee Member Hamway's
5 question: What happens? If a site isn't possible to
6 avoid for various reasons, then they go through this
7 process of collecting the data on the site and removing
8 that -- I guess that intellectual understanding of the
9 site. It's quite common to go in and actually collect
10 the artifacts and completely destroy the site. That
11 happens with roads, as an example, all the time. So
12 they try to collect that information carefully. That
13 requires the development of what they call a treatment
14 plan that describes how that's going to occur.

15 At this point, we're planning to avoid them
16 all, so it doesn't look like we're going to have any of
17 those conditions. But if it does, then it will go
18 through that process, which is sort of a mechanical
19 process for cultural resources, to develop a treatment
20 plan that describes how that's going to occur and then
21 review that with the Tribes and the agencies to make
22 sure that they're all in agreement.

23 One site that's on park property that's of
24 some historic significance is -- Kingman owns a park
25 next to the 93, and it's called the Beale Springs site.

1 And it was a site where the Hualapai Tribe was interned
2 before they took the long March of Tears, and so
3 they've got a memorial there for it. And it's not a
4 sacred site for the Tribe or anything like that, but it
5 is an important historic site, and the a alignment goes
6 by that area. There's a trail that people walk along
7 and things like that.

8 MEMBER HAMWAY: I have quick question.

9 CHMN. CHENAL: Member Hamway has a question.

10 MEMBER HAMWAY: So to me that -- so that's in
11 the city of Kingman, right?

12 MR. WARNER: That's correct.

13 MEMBER HAMWAY: And we haven't really seen a
14 close-up detail of what that looks like. Is there a
15 key observation point from that particular point?

16 MR. WARNER: Let me show you on the map where
17 that's located. Can you bring up a map on the left
18 that gives us a better view of that? I'm wondering if
19 it would be most instructive to have a Google map that
20 would show that. I want to see it in closer proximity
21 so that she can get a sense of where that is.

22 MEMBER HAMWAY: Just to remind me, there is
23 already an existing 69 kV there, correct?

24 MR. WARNER: That's correct.

25 MEMBER HAMWAY: And is this the area where

1 they were going to be chopped off because there's
2 communication lines on it? Is that this area?

3 MR. WARNER: That is part of that area, yes,
4 further down the line, further away from the site, but
5 it's in the same vicinity.

6 So I think Osmer has a photograph of the
7 trailhead. Maybe you could show us that. Okay. Here
8 we are. That's a good view. I don't think we need the
9 other map.

10 So here you can see, off in the distance,
11 that's where the existing 69 kV line is. And the new
12 line will be coming in from the west and then join and
13 be offset from that existing structure, and then all
14 the subsequent structures would be co-located with the
15 new line.

16 So at this place, in terms of the
17 discussions, the Hualapai Tribe and the City of Kingman
18 are working with UniSource to identify the specific
19 management activities that are going to occur during
20 that period of time. Most of the impacts that we're
21 talking about here really -- because it doesn't affect
22 the site itself, it's adjacent to the site, they're
23 recreation related, in other words, can you walk the
24 trail when construction is under way and those kinds of
25 things.

1 MR. BECK: Mr. Chairman, Osmer, if you could
2 zoom in on that structure again. Up just a little bit.

3 Just to point out, this is an existing 69 kV
4 three-way structure. The line goes both to the
5 southeast, back to the west, and then kind of in a
6 northwesterly direction here. As part of the project,
7 if we do rebuild that eastern -- if we use E1 and
8 rebuild this, we've already had discussions with our
9 design team to not go with a three-way structure like
10 this, to put switches on adjacent structures, which
11 will really reduce the visual impact of this structure.
12 And that's part of the cleanup as we design that new
13 line if this is the selected option.

14 MR. WARNER: So let's go to the next slide,
15 then, summary and conclusions.

16 Historic roads -- for the eastern
17 alternatives, historic roads and railroads should be
18 avoided. The railroads are another feature that have
19 been long standing, but there's no plan to impact
20 those. Those are going to be spanned. It's the term
21 we talk about -- one of the terms we talk about, it
22 being avoided.

23 Camp Beale Springs area contains an existing
24 line within the historic site, but the new line is
25 intended to bypass that boundary.

1 And on the western alternatives the historic
2 and prehistoric sites should be avoided.

3 Recreation. Are we ready to step through
4 that? Okay. So the recreation slides, we're going to
5 talk mostly about the Cerbat Foothills Recreation Area,
6 commonly referred to in the literature by the
7 abbreviation CFRA. It's big, especially for this area,
8 and is most prominently on top of the Cerbat Foothills.
9 The trailheads come up mostly from the 93 corridor, and
10 there's -- and it's depicted here on the left showing
11 where the Foothills Recreation Area is.

12 So let's go down to the next slide.
13 Actually, go back. Let me cover a little bit more
14 information.

15 It's 11,300 acres. It's jointly managed by
16 -- or, I guess, combined with federal, state, and city
17 lands. Beale Springs, for example, is also within
18 that -- sort of nested within that boundary. It's
19 nonmotorized recreation. Trails and trailheads, 36
20 miles of nonmotorized trails. And of course, Camp
21 Beale Springs has a trail and a city park down there.

22 Let's go to the next slide.

23 The slide on the right is that picture of
24 Beale Springs on the far right, and then you can see
25 the trailhead that BLM has for the Coyote Pass

1 trailhead.

2 Let's go to the next slide.

3 This map depicts some of the trails that are
4 there on top. You see it's a network. It's quite a
5 beautiful setting. They've got a lot of topography and
6 interesting rock formations up on top where it's very
7 rugged and it has long views. When you approach to the
8 left -- or, the west on that red trail, you can see way
9 out into the Sacramento valley and the Black Mountains
10 on the other side. So it's quite an impressive areas.

11 Let's go to the next slide.

12 So what we've -- what we have evaluated is
13 the direct impacts. Again, the existing transmission
14 line there has already sort of set the impacts to some
15 of those trailheads, and passing into the trailheads
16 under 93 access seems quite manageable.

17 There are some short-term impacts to access
18 to the Beale Springs, because it's such a concentrated
19 area, during construction. We've identified some
20 measures that would control that so it would remain
21 open.

22 But it is within the existing corridor. So
23 even though the sensitivity is high for that area, it
24 doesn't pass over the top of the ridge for those long
25 views that are so precious to the hikers up there.

1 The western alternative creates -- it's on
2 the edge of that area. So as you heard on one of the
3 remarks from the public, there isn't a trail there,
4 there isn't a road there already, so there has been
5 concern that people are going to be driving down an
6 access road or walking down an existing right-of-way in
7 a corridor. And so each incremental piece of
8 infrastructure invites the possibility that more
9 infrastructure and more people will access in those
10 areas that are currently not encumbered with anything.

11 So those are some of the concerns that have
12 been expressed by the BLM in terms of that area.

13 CHMN. CHENAL: Member Grinnell.

14 MEMBER GRINNELL: Just real quick. How much
15 of the west side along the -- I can never remember the
16 name of that road.

17 MR. WARNER: Tooman Road.

18 MEMBER GRINNELL: Thank you. How much of
19 that where the proposed west alternative is is actually
20 on private property versus land?

21 MR. WARNER: So along Tooman Road, basically
22 where the routes are combined -- let me point that out
23 on the --

24 Yeah, thanks. We're a team. It's so great.
25 Thanks, Ed.

1 So that area right there. So it looks
2 like -- it's about 3 miles, it looks like, on Tooman
3 Road that parallel the recreation area. And then on
4 the south of that section there's an additional -- for
5 the Western Route 2 and Western Route 3 there's another
6 2 miles.

7 No. No. No. Let me do that one.

8 That area right there. So it looks like it's
9 following the section line there, so there's an
10 additional 2 miles that parallel that recreation area.

11 So in total, on the Western Alternatives 3
12 around 4, it looks like you've got 3 along Tooman Road.
13 It looks like there's another mile here on the top, so
14 you've got another -- so that would be the common
15 alternatives. It looks like probably about 1, 2, 3,
16 4 -- 4-and-some-change miles that parallel the
17 recreation area. On Western 1 and 2 there's an
18 additional 2 miles to that.

19 MEMBER GRINNELL: Okay. But my question is:
20 How much of that route, regardless of 1, 2, 3, or 4, is
21 on private property?

22 MR. WARNER: None.

23 MEMBER GRINNELL: Thank you.

24 MR. DERSTINE: Mr. Chairman, I'm told there
25 are some folks out in the lobby area who would like to

1 give public comment. We're going to switch gears now
2 and turn over some of the testimony to Mr. Raatz on
3 noise and interference, so this might be an opportunity
4 to do that.

5 CHMN. CHENAL: This would be a good time to
6 do that, yeah.

7 Good afternoon. I'm addressing the people in
8 the lobby out there who would like to give public
9 comment. My name is Tom Chenal. I'm Chair of this
10 Committee. So we would like to hear your comment.

11 If you would like to make comment, I would
12 ask you to come to the microphone and state your name
13 and contact information, name, address, and contact
14 information, and provide us your public comment. And
15 we'd ask you to keep it to three minutes or less, but
16 we want to hear from everyone that wants to provide the
17 comment.

18 Thank you, sir. If you would give us your
19 name and your contact information, we're happy to hear
20 what you have to say.

21 MR. MOMJIAN: My name is Robert Momjian. I
22 live on 2487 South Kirkland in Golden Valley.

23 MR. DERSTINE: Could he spell it, please?

24 MR. MOMJIAN: Kirkland, K-I-R-K-L-A-N-D.

25 MR. DERSTINE: Could you spell your last

1 name?

2 ATTORNEY MIDDLE: Oh, last name? Momjian,
3 M-O-M-J-I-A-N.

4 MR. DERSTINE: Thank you.

5 CHMN. CHENAL: Thank you, Mr. Momjian. So
6 please provide us your comments.

7 MR. MOMJIAN: I just want to comment about
8 the power line that's going to be actually right behind
9 my house and actually in my backyard basically. And I
10 just wanted to make a comment that I'm not too happy
11 about it. I've got a lot of livestock back there, and
12 I just fear for their safety. And then the views of us
13 moving back there, you know, I just wanted to make the
14 comment that I do not approve of coming and bringing
15 power lines that big and that large in our
16 neighborhood. So that's all I've got to say about it.

17 CHMN. CHENAL: Thank you, sir.

18 MR. MOMJIAN: No problem. Thank you.

19 CHMN. CHENAL: Is there anyone else who would
20 like to speak?

21 (No response.)

22 CHMN. CHENAL: Not all at once.

23 MS. MIKULOVSKY: It sounds like everybody
24 else is just here for moral support.

25 CHMN. CHENAL: All right. Mr. Momjian, thank

1 you for your comments.

2 And with that, we'll turn it back to you,
3 Mr. Derstine. And I guess Mr. Raatz, who I note had a
4 pretty interesting telephone ring on his phone a few
5 moments ago. Not one I would have expected, but good.

6 MR. RAATZ: I apologize for that,
7 Mr. Chairman.

8 CHMN. CHENAL: No, it's okay.

9 MR. DERSTINE: It's not nearly as good as the
10 Notre Dame fight song.

11 CHMN. CHENAL: No, it isn't.

12 MR. WARNER: Mr. Derstine, I wanted to
13 clarify one of the questions the Committee Member
14 asked, because I may have misunderstood what he was
15 driving at.

16 When I answered that there was no private
17 land in there for those two alternatives -- along
18 Tooman Road to the south there is a mile of private
19 land on those common alternatives that go along Tooman
20 Road. So there is 1 mile before you get to the BLM
21 property, hopefully that clarifies the question, for
22 Alternatives 3 and Alternatives 4 just along Tooman
23 Road. And of course, there's more private land when
24 you're going east to west. But just on that north and
25 south segment for 3 and 4 there's a mile of private

1 land there along Tooman Road.

2 BY MR. DERSTINE:

3 Q. Mr. Raatz, noise and interference. We spent
4 a lot of time on -- well, you're going to touch briefly
5 on noise, and then I think all we need is a very
6 high-level on the radio station interference issues, I
7 think we covered that in pretty great detail, and then
8 we'll get to EMF. Those are the topics in this
9 chapter, correct?

10 A. (BY MR. RAATZ) That is correct. And I
11 did -- was able to obtain some pictures of the detuning
12 structures, Mr. Chairman. If you're interested, I can
13 have those pulled up.

14 CHMN. CHENAL: I am interested, I think we
15 all are as a Committee. Thank you.

16 BY MR. DERSTINE:

17 Q. So noise impacts. Tell me.

18 A. (BY MR. RAATZ) Okay. The project is
19 anticipated to have little to minimal noise impacts,
20 with the exception of construction activities. There
21 will be the standard noise associated with any
22 construction activity, so it would be typical
23 short-term construction noise. And the transmission
24 line itself is not anticipated to have any noise
25 impacts. Noise from a transmission line isn't

1 typically seen or heard if voltage is below 345 kV.

2 Q. I think I've been under lines where I do hear
3 crackling or some amount of noise. But you're saying
4 for a 230 kV transmission line it's not likely to have
5 that kind of a noise impact on nearby residents or
6 folks who would be traveling under the line?

7 A. (BY MR. RAATZ) That is correct.

8 Q. So radio stations, KAAA and KYET. KAAA is
9 the radio station located in Cook Canyon on part of the
10 Cunningham property, as I recall, that UNS worked with
11 -- listened to the concerns of the owners of KAAA and
12 has moved -- at least the current alignment moves the
13 structure, the closest structure, beyond the area of
14 concern for interference. Is that a fair statement?

15 A. (BY MR. RAATZ) That is a fair statement.

16 Q. And that's that distance of 1,250 feet from
17 the KAAA tower, that's the current estimated distance
18 to the KAAA tower from the closest structure in that
19 segment of E1?

20 A. (BY MR. RAATZ) That is correct.

21 CHMN. CHENAL: And that's in Cook Canyon?

22 MR. DERSTINE: Yes.

23 MR. RAATZ: Cook Canyon, yes, sir.

24 BY MR. DERSTINE:

25 Q. In the unlikely event that there is any

1 interference, do you want to show us what this detuning
2 device looks like?

3 A. (BY MR. RAATZ) Okay. So just to touch on
4 what we have here, there were some -- little bit of
5 discussion about how the distance is calculated, how
6 far the tower should be from the existing radio
7 transmission tower. This is an example from the FCC.
8 So it's if we're going to place another radio tower
9 adjacent to another radio tower. There's two things
10 shown here. On the left of this exhibit you've got the
11 nondirectional AM tower, and on the right side of the
12 exhibit you've got a directional AM tower.

13 So we're dealing with the left side of the
14 exhibit, the nondirectional AM tower. So that's the
15 within one wavelength and no notification required if
16 you're below 60 electrical degrees.

17 CHMN. CHENAL: When you say "within one
18 wavelength," what does that mean, sir?

19 MR. RAATZ: So the wavelength is all
20 determined based upon the frequency at which the radio
21 was broadcast. So, for instance, I believe ours are at
22 1170 AM, and that will translate into a wavelength
23 distance. So for instance -- yeah, there's an equation
24 to translate it into an actual linear foot distance.

25 CHMN. CHENAL: So within one wavelength is a

1 measure of distance?

2 MR. RAATZ: Correct. Yes, sir.

3 MR. BECK: Mr. Chairman, just for the record,
4 the wavelength is associated with the call sign of the
5 radio station. So the higher their number on the radio
6 channel, the longer their wavelength is.

7 MR. RAATZ: So Jason, if you want to go to
8 the next slide.

9 So the company that I've been dealing with as
10 far as the detuning structures provided me with these.
11 What you'll see here, the picture on the left-hand
12 side, is the actual detuning device. This doesn't have
13 any power. It gets its power from the actual signal of
14 the AM radio broadcast. And then it has -- you can see
15 the detuning apparatus as well that goes all up the
16 length of the structure. So it's very minimal
17 disturbance to the structure. It's a quick
18 installation and it's very -- it requires a minimal
19 maintenance, you know.

20 CHMN. CHENAL: Just in a layman's term, how
21 does it work? We talked the other day -- is it like a
22 noise -- Siri is trying to answer the question. Is it
23 a noise attenuating system where it sends out
24 wavelengths to cancel out the waves to avoid
25 interference or how does it work, if you know?

1 MR. BECK: Mr. Chairman, I believe it
2 captures that extraneous signal and it traps it so it
3 just isn't rebroadcast off of the pole. So as you'll
4 see, there's that wire going up the side right there.
5 That's part of the -- effectively the antenna that we'd
6 be putting on a pole to then bring back to this box,
7 which does its magic in that box. But effectively I
8 think it grounds that signal down to the ground.

9 CHMN. CHENAL: So the signal comes off the
10 radio tower, hits the power line. And to avoid it
11 being kind of like sonar, being sent back to the radio
12 station to cause interference, the detuning device in a
13 sense captures the radio signal to keep it from
14 bouncing back and causing interference?

15 MR. BECK: Mr. Chairman, that's correct. It
16 stops the ricochet effect.

17 CHMN. CHENAL: Okay. I say, yes, I
18 understand that, but in my layman's term I understand
19 that.

20 Member Grinnell.

21 MEMBER GRINNELL: Isn't it more like a
22 sponge?

23 MR. BECK: That would be a good analogy, it's
24 like a sponge.

25 MEMBER GRINNELL: It just absorbs the static

1 electricity coming off of the power lines, its noise or
2 whatever.

3 MR. BECK: It's capturing that extra signal.

4 MEMBER GRINNELL: Right.

5 I want to go back to the signal, though. I
6 live in Tucson. Now, I, at times, can catch KFYI
7 550 AM out of Phoenix all the way down to Tucson, which
8 has a very low --

9 MR. BECK: Well, it's fully dependent on the
10 weather conditions and atmospheric conditions and
11 whether or not that signal can -- if there's kind of a
12 laminar layer where it can send that far, it will.

13 MEMBER GRINNELL: Right. But I cannot catch,
14 we'll say, the equivalent station in Tucson, which is
15 790 AM. That only barely gets me to Picacho Peak,
16 which is a little higher call sign, 790 AM.

17 My question is this: Doesn't AM frequency go
18 farther in distance at a higher elevation than FM?

19 MR. BECK: I believe that's the case that the
20 AM does go farther than FM. It's got a longer
21 wavelength. And again, it's totally atmospheric and
22 also the terrain issue. So the minute you put any kind
23 of hill, building, it can block part of that signal.
24 So if you're in that dead zone, you don't get that
25 signal.

1 MEMBER GRINNELL: Okay. Thank you.

2 CHMN. CHENAL: So Mr. Raatz, with respect to
3 our project, how do we know which towers -- let me
4 restate that. How do we know which of the poles will
5 require the detuning equipment to avoid interference?

6 MR. RAATZ: Mr. Chairman, at this time we
7 have been in touch with the detuning company to provide
8 them with our preliminary pole location. They did a
9 preliminary analysis. At this time, they felt that no
10 detuning would be necessary. However, as we got into a
11 more final design stage, we would coordinate with the
12 detuning company, provide them our final pole
13 locations, and then they would run an analysis to see
14 what type of impact our structures would have on that
15 AM radio station and they would provide a
16 recommendation to us as to what structures need to be
17 detuned.

18 CHMN. CHENAL: And of course, there's another
19 radio tower much closer where it could be more of an
20 issue, which I suspect you're going to get into at some
21 point.

22 But maybe for Mr. Derstine, I'm trying to in
23 my mind figure out how we capture that in a reasonable
24 way in a condition.

25 MR. DERSTINE: Well, we already have the

1 condition that deals with interference with
2 communication facilities. That's a standard condition
3 there. I think when we get to it, we can look at it
4 and see if that language needs to be tweaked in some
5 way. But I think in general, the standard condition
6 deals with it. It obligates the applicant to mitigate
7 and address any interference issues with any
8 communication facilities caused by the project.

9 CHMN. CHENAL: Now, I remember at the public
10 comment one of the owners of the stations discussed the
11 cost of testing. And I think his or her comment, I
12 can't remember which person it was, suggested that the
13 cost to determine -- any of the studies was going to
14 have to be borne by the station and not by the
15 applicant. And again, I don't know if that's correct.

16 MR. BECK: Mr. Chairman, relative to that
17 issue, some of the studies and analyses that the radio
18 station requested from UNSE are very specific to radio
19 operators, is their structure sufficiently grounded,
20 will their employees be safe. That's way out of the
21 bounds of what UniSource, UNSE, can do. So that's the
22 piece that we've told them, no, you need to do your
23 studies for your company because that's your facility.

24 Relative to the detuning issue, as we put on
25 the record, we've already had some outreach to a

1 detuning company. And as loath as I am to do it,
2 another condition, maybe even similar to the gas line
3 condition where we talk about study work, could be
4 added in this case specific to the radio station issue.

5 CHMN. CHENAL: And I think that would be a
6 good idea, Mr. Beck. I know you're loath to do it, but
7 I appreciate it --

8 Member Noland, just a moment.

9 -- because it is an issue in this case and
10 there's two stations and one of them is within 850 feet
11 or close to 850 feet. And, I mean, you know, I think
12 we ought to be careful and make sure that everything
13 that has to be done is done to avoid that.

14 MR. BECK: Mr. Chairman, just to clarify my
15 position, for a specific case where something like this
16 should fit in, I have no problem with that. It's when
17 the next case automatically gets that as a condition
18 and maybe there's no radio station.

19 CHMN. CHENAL: I understand. I understand.
20 I can't remember when we've had a radio station
21 situation like this.

22 Member Noland.

23 MEMBER NOLAND: I didn't --

24 CHMN. CHENAL: Oh, I'm sorry. I thought you
25 had a comment.

1 MEMBER NOLAND: No. I was scratching my
2 neck.

3 MR. RAATZ: Mr. Chairman, just to note, this
4 is a condition in the EA as well, that we would provide
5 the detuning services for all of the structures that
6 interfered with the AM radio stations.

7 CHMN. CHENAL: Maybe at a break someone could
8 point out where that is or you could state it on the
9 record.

10 MEMBER HAMWAY: Mr. Chairman, I think one of
11 the concerns was that there would be a delay from the
12 time they discovered there was interference to the time
13 it could get installed. So I don't know if there's
14 some sort of expectation of time there. I mean, how
15 long -- and if it's anything like I ever deal with,
16 it's intermittent, and as soon as the company shows up
17 there wouldn't be any interference. And then as soon
18 as you leave, it's back again.

19 So I guess my point is, to alleviate their
20 fear of having their station have this disturbance
21 during a period of time when there might be a national
22 emergency, how would -- that's what I'm asking. What
23 is the delay from the time you discover interference to
24 the time it could be fixed?

25 MR. BECK: Well, Mr. Chairman, Member Hamway,

1 as we've said, we will go ahead and do that
2 pre-analysis. We'll have the detuning company run
3 their studies on the pole locations that we come up
4 with in design relative to these two radio stations
5 specifically. And they will be able to come back and
6 say, the likelihood is zero or the likelihood is
7 10 percent or it's 90 percent.

8 Well, if it's 90 percent, we're definitely
9 going to put detuning on. If it's 10 percent, we'll
10 probably have a discussion with the radio station about
11 what the impacts might be. And we'll bring that
12 detuning company into that process so they can help
13 inform that radio station.

14 MEMBER HAMWAY: So it's the detuning company
15 that comes up with the determination of whether or not
16 mitigation is needed?

17 MR. BECK: They have methodologies to study
18 it and determine what the likelihood of that issue
19 would be. And then after the fact, they also -- if we
20 found interference that they hadn't identified prior,
21 they can get in there and detune it. And while it
22 takes a little bit of time to do it, you can see the
23 equipment is not much. And I think it's kind of
24 off-the-shelf stuff, they just have to tune it. So I
25 think getting it up and out in the field isn't a

1 prolonged time frame.

2 MR. RAATZ: Mr. Chairman, that is in
3 Section 4.9.12, radio noise, in the Environmental
4 Assessment.

5 CHMN. CHENAL: Okay. Thank you.

6 MR. RAATZ: Exhibit B.

7 BY MR. DERSTINE:

8 Q. The Chairman mentioned there's two radio
9 stations. We were focusing on KAAA where we've moved
10 the structure beyond their wavelength, beyond the
11 distance that they asked us to, we complied with their
12 request.

13 The next radio tower is the KYET, and here we
14 don't have the freedom to move the tower the same
15 distance as we would with the KAAA tower. But again,
16 the same procedure that Mr. Beck outlined, I assume,
17 will apply to KYET; that is, we're going to be
18 proactive in using an RF engineering company on the
19 front end in connection with the design of the
20 structures that are in proximity to the KYET tower. Is
21 that right?

22 A. (BY MR. RAATZ) That is correct.

23 Q. And it will be -- that consultation with the
24 RF engineering company on the front end will advise us
25 about the likelihood of interference and how to address

1 that likelihood before anything is built, is that
2 right?

3 A. (BY MR. RAATZ) That is correct.

4 Q. And then if they indicate that there's likely
5 to be some interference and make recommendations how to
6 deal with it, we'll employ that at the time the
7 structures are put in the ground, right?

8 A. (BY MR. RAATZ) That is correct.

9 Q. And if, despite our best efforts, there still
10 is some level of interference, we'll address that, and
11 we have an obligation to do so under the terms of the
12 EA and the CEC conditions?

13 A. (BY MR. RAATZ) That is correct.

14 Q. I noticed that your next slide, 136 -- we
15 jumped out of the deck for the photos of the detuning
16 apparatus. We'll wait to get back to our slides.

17 MR. MOELLER: Just one moment.

18 MR. DERSTINE: Thank you.

19 BY MR. DERSTINE:

20 Q. So the right slide kind of summarizes where
21 we are with KYET, is that right, Mr. Raatz?

22 A. (BY MR. RAATZ) That is correct.

23 Q. Take us through that.

24 A. (BY MR. RAATZ) Throughout the duration of
25 the project we have been in contact with the owners of

1 the KYET radio station. We've committed -- we've told
2 them that we will continue to work with them, should
3 the project move forward, the alternative E1 move
4 forward, to ensure that they will -- to investigate any
5 interference complaints as they arise.

6 And we did go -- have contacted an RF
7 engineering company. On the left-hand slide you'll see
8 an e-mail from the gentleman there, the principal
9 engineer, Phillip Harris. And just to quote, he feels
10 that the structures will have minimal interference on
11 this AM station, KYET, as it is a nondirectional
12 pattern operation.

13 Q. So looking at our preliminary design of the
14 structures that are in proximity to the KYET radio
15 tower, the opinion from this RF engineering company --
16 is it SiteSafe, is that the name of the company?

17 A. (BY MR. RAATZ) That is correct.

18 Q. The preliminary opinion of SiteSafe is that
19 the structures will have -- the influence from the
20 structures will be minimal since the AM station is
21 nondirectional pattern operation. Did I read that
22 right?

23 A. (BY MR. RAATZ) That's correct.

24 Q. But what you've just testified to, you and
25 Mr. Beck, is that we'll be proactive on the design.

1 And once we have a more final design of the structure
2 that's in proximity to KYET, we're going to get that to
3 the same or a similar RF engineering company, and they
4 will do further analysis and advise us whether or not
5 any interference is likely?

6 A. (BY MR. RAATZ) That is correct.

7 Q. And whatever they tell us, in terms of the
8 need for detuning equipment or mitigation measures,
9 we'll follow those prior to construction?

10 A. (BY MR. RAATZ) That is correct.

11 Q. Then there's also -- when we're dealing with
12 potential for communication interference, there's a
13 cell tower as well, is that right?

14 A. (BY MR. RAATZ) That is correct.

15 Q. Where is that located?

16 A. (BY MR. RAATZ) The cell tower is located
17 just north of the interchange of 68, 68 goes west
18 towards Bullhead City, and 93. And we did reach out to
19 the owners of the cell tower. And as Mr. Beck had just
20 spoken, the cell tower owners requested some studies be
21 conducted to ensure the safety of their personnel and
22 interference with their structures: An EMI study, an
23 RFI study, a personnel induced current safety study,
24 and a crane safety report. These are studies that
25 currently the owner of the facility would undertake,

1 not the owner of the transmission line, and that is
2 what we indicated back to them.

3 And we do have an existing 69 kV line
4 parallel to their -- or, excuse me -- yeah, parallel to
5 their facility right now. It's approximately 160 feet
6 from the existing line. Their tower is 160 feet from
7 our existing 69 kV line at this time.

8 Q. Is this cell tower located on the common
9 section of the -- for all of the routes?

10 A. (BY MR. RAATZ) That is correct.

11 Q. So whatever route the Committee decides upon,
12 assuming they decide to grant us a CEC for any of them,
13 this one is located on common, it's not -- doesn't just
14 impact E1 or any of the western routes, all the routes
15 are going to be running by this cell tower?

16 A. (BY MR. RAATZ) That is correct.

17 Q. What's a crane safety report and what does
18 that have to do with this cell tower?

19 A. (BY MR. RAATZ) Well, if they were to do work
20 on their tower, they just wanted to know swinging
21 distances for their crane. So it would be something --
22 we don't know what type of equipment they're going to
23 use for their tower, and therefore we would have to
24 coordinate that if we were going to conduct that study.
25 They should be conducting that to determine the safety

1 clear distances for their own equipment.

2 Q. Well, at this stage it's a little early to
3 determine and issue a crane safety report for a project
4 that hasn't been built, isn't that right?

5 A. (BY MR. RAATZ) Correct. And we would
6 continue to work with the owners of this -- notify the
7 owners of this tower, should this project move forward,
8 as we go and continue to acquire land rights and then
9 ultimately build the project.

10 Q. But again, I guess one of the key takeaways I
11 heard from your testimony is that we have the existing
12 69 transmission line already there in some proximity to
13 this cell tower. And the new 230 kV is going to be --
14 will be taller than the existing 69 structure, but it
15 will be located in the same alignment?

16 A. (BY MR. RAATZ) Correct.

17 Q. Anything else on the cell tower,
18 communication concerns or issues?

19 A. (BY MR. RAATZ) Just on the left-hand side is
20 some preliminary language for the condition,
21 Mr. Chairman, as you had just spoken to earlier, that
22 we would include as a condition, possibly modified to
23 account for detuning obligations for this project
24 specifically.

25 Q. And that language is the standard CEC

1 language from prior cases that we've included in the
2 draft CEC that we market as an exhibit?

3 A. (BY MR. RAATZ) That is correct.

4 CHMN. CHENAL: I might ask the applicant to
5 take up Mr. Beck's recommendation that we craft a new
6 condition. And I say that tongue in cheek, but this
7 one probably does merit something a little more robust
8 than our standard one. And I'd like to give the
9 applicant an opportunity to craft some language,
10 because you know better than, I think, we do what would
11 be fair. So instead of me trying to craft something or
12 the Committee, I'd like to have the applicant take a
13 hand at it. Because it is pretty technical, and we
14 want it to be fair, but to take into consideration the
15 concerns of the owners for the tower, the two towers.

16 MR. DERSTINE: By the time we're ready to
17 screen and start looking at CECs, we'll have proposed
18 language included as a redline so you can see changes
19 from the existing condition or a new condition as a
20 standalone item.

21 CHMN. CHENAL: Thank you.

22 BY MR. DERSTINE:

23 Q. We're moving into EMF, at least on the right.
24 Is the left-hand screen also dealing with EMF issues?

25 A. (BY MR. RAATZ) That is correct.

1 Q. Okay. Tell us about EMF.

2 A. (BY MR. RAATZ) We did have an EMF study
3 conducted on behalf of the project. On the left-hand
4 screen you can see the voltage, the current, and the
5 conductor is called out that was used in the study.
6 And the arrows indicate the location of where the study
7 was conducted. So this is for the common portion,
8 common to all alternatives E and -- the eastern and the
9 western alternatives.

10 On the right-hand screen you can see the
11 bell-shaped curve for the magnetic field, and just
12 below that is a small transmission tower there. As we
13 move away from the transmission tower, this is
14 indicative of as we move away from the transmission
15 tower, the magnetic field dissipates.

16 And so the tables that we've got shown here
17 are typical magnetic fields for everyday household
18 appliances. I believe Member Noland and Member
19 Grinnell had asked for those earlier. And those are in
20 Exhibit I as well of the application.

21 And then just below that is the table that
22 was created as a result of this study. At the edge of
23 right-of-way I believe it is 4.1 milligauss, and so
24 that is going to be 62 and a half feet from the center
25 line of the structure either direction. And that 4.1

1 is substantially less than what's emitted from a
2 hairdryer or a microwave oven at 300 milligauss
3 standing half a foot a way from those electrical
4 devices.

5 Q. So I'm looking at your Table 1, typical
6 magnetic fields. Is that what you're talking about in
7 terms of comparing the amount of the EMF at the edge of
8 the right-of-way, which you said is 4.1, to these
9 household appliances? The milligauss of the EMF
10 ranges, again, dissipates at the distance -- it looks
11 like the first column, the 1, is that 1 foot?

12 A. (BY MR. RAATZ) The first column is a half a
13 foot. And then if you move over to the right --

14 Q. The second is 1 foot?

15 A. (BY MR. RAATZ) 1 foot, yes, sir.

16 And just to correct myself, for the graph
17 shown it is -- at the edge of right-of-way this is for
18 the north corridor, so that is actually 6.8 milligauss
19 at the edge of right-of-way. And the 4.1 is for either
20 the western or eastern single-circuit.

21 Q. I see. Okay. So the higher edge of
22 right-of-way EMF value of 6.8 is for the double-circuit
23 230/69 kV line. For those portions of the project that
24 are just single-circuit 230 kV, the edge of
25 right-of-way EMF value measured in milligauss is 4.1?

1 A. (BY MR. RAATZ) That is correct.

2 Q. Well, you heard a number of folks, and their
3 concerns continue to be EMF for folks who are in some
4 proximity to the line. We continue to try to get this
5 information out. We put it out on our website. And I
6 think you even cover it in your open houses, your
7 virtual open houses to some degree, do you?

8 A. (BY MR. RAATZ) Yes, we do. And we've
9 actually tried to make it more visible on our project
10 websites as well so that people are more aware of the
11 resources available to them to educate them on this.
12 And we do go through it thoroughly and answer any
13 questions throughout the open houses.

14 CHMN. CHENAL: Mr. Derstine, I think you and
15 I can take some pleasure in noting that the hairdryer
16 is a 300 milligauss level output there, and that's one
17 more good reason we don't have to worry about something
18 like that.

19 MR. DERSTINE: We're safe.

20 MEMBER HAENICHEN: Mr. Chairman.

21 CHMN. CHENAL: Member Haenichen.

22 MEMBER HAENICHEN: You've got to realize,
23 however, that the transmission line is on all the time,
24 24/7, and the hairdryer and those other things are
25 intermittently used. So the transmission line has much

1 lower magnetic fields in somebody's house, but it's
2 always there. But I don't think it's a problem at all.

3 BY MR. DERSTINE:

4 Q. Yeah. And again, the values you have on
5 Table 3 are calculated at the edge of right-of-way.
6 Homes typically would not be right at the edge of
7 right-of-way, they're going to be some further distance
8 away. But to Member Haenichen's point, the duration --
9 the EMF is constant, even though it's at a much lower
10 level?

11 A. (BY MR. RAATZ) That is correct. And we do
12 not allow building within our right-of-way, so that
13 exposure is limited due to that.

14 CHMN. CHENAL: Are there any studies that
15 would -- to Member Haenichen's point, I mean,
16 seriously, even though it's a lower amount of magnetic
17 field levels, but it's a constant -- it's constant over
18 time, what effects, if any, that may have on local
19 inhabitants?

20 MR. RAATZ: The research indicates that there
21 are no biological effects to long-term exposure to
22 low-level nonionizing EMFs.

23 MEMBER HAENICHEN: That's correct.

24 MR. BECK: And Mr. Chairman, specific to your
25 question, there's a whole body of research that's been

1 done over the years. This periodically becomes a hot
2 button. Somebody will go off, do studies, get their
3 analysis, and then it kind of goes somewhat away, but
4 then it comes back again. So we have a lot of
5 information that's available on our website that we've
6 researched.

7 When we have -- prior to the pandemic, when
8 we had face-to-face meetings, we had a pretty good
9 sized pamphlet that we handed out to the public and
10 gave them a lot of links to sites. And you may not
11 have caught it, but in that little video clip I had
12 shown from YouTube that was one of the things I had
13 said, we'll likely run out of these, because we had so
14 many people show up. But we brought a whole box of
15 those little pamphlets.

16 So there are always individuals who are
17 concerned about it, they've read something along the
18 way about EMF. But the body of research in general
19 shows there's no issues, and I think even Member
20 Haenichen has seen that.

21 MEMBER HAENICHEN: Absolutely right.

22 MEMBER GRINNELL: Mr. Chairman.

23 CHMN. CHENAL: Yes.

24 MEMBER GRINNELL: Just real quick, this may
25 sound stupid, but when you're talking about distance,

1 are you taking in -- is that a parallel distance from
2 like, say, you to me, or is that from the top down?

3 MR. RAATZ: It's a horizontal distance away
4 from the center line of the structure.

5 MEMBER GRINNELL: So if the power line is,
6 we'll say, 80 feet up in the air, just for argument's
7 sake, so that distance goes parallel 80 feet across,
8 correct?

9 MR. RAATZ: Correct.

10 MEMBER GRINNELL: But the house is down here.
11 So does the measurement -- do you see where I'm going?

12 MR. RAATZ: Yes.

13 MR. BECK: Member Grinnell, that's what this
14 bell curve is representing. So this is at ground
15 level. These are the waves at ground level. As you
16 move away from the center line of the structure, you
17 can see the measure drops way off. So if you're right
18 under the middle of the tower, this is the
19 number you're looking at. But that's at the ground
20 level, it's not up in the air. All those numbers are
21 brought down to the ground level. So if you were up
22 here, yeah, your numbers are higher.

23 One of the things I point out to the public
24 is, we don't see an abnormal instance of cancers and
25 stuff with our linemen who are up handling these wires

1 on a daily basis, or at least working very close to
2 them. So I think that's a pretty good gauge that it's
3 not as bad as people make it -- or, think it might be.

4 BY MR. DERSTINE:

5 Q. And Mr. Beck, I'm just recalling the exciting
6 YouTube video that you played for the Committee, and it
7 seemed to me that the dialogue you were having with
8 members of the public focused on EMF. And you were
9 indicating that those 1990 studies, which I think you
10 referenced indicated some significant and bad health
11 effects from EMTs, that those studies were redone. And
12 the more recent literature that, Mr. Beck, you and
13 Member Haenichen were referring to indicates that
14 there's not any sort of significant or long-term health
15 effects?

16 A. (BY MR. BECK) That is correct,
17 Mr. Derstine. There was a body of work done in
18 California and a couple of other states in the early
19 '90s. And they were kind of flawed studies, but they
20 came out with kind of scary headlines, so people got
21 real concerned.

22 But as the research was done to go back and
23 look at how well those studies had been done, there
24 were various flaws found. And so when they were
25 redone, they showed that there wasn't the impact that

1 had been identified initially.

2 And you saw in that video the lady showed up
3 with the picture of a baby. I mean, she was very
4 interested or concerned about the EMF, and there were
5 quite a few people that raised the EMF issue in the
6 meeting.

7 Q. And there continue to be.

8 MEMBER HAENICHEN: But having said all this,
9 you will never convince some people that they're not
10 going to die from that radiation.

11 MR. BECK: This is true.

12 BY MR. DERSTINE:

13 Q. I think you have a conclusion slide here at
14 140 on EMF?

15 A. (BY MR. RAATZ) We have one more graph just
16 showing the southern portion, the single-circuit. And
17 so you can see how the graph shifts to the left,
18 because it is just a single-circuit, so the high point
19 of the graph shifts over to the left side of the
20 structure. And just, again, this is shown on the
21 western side, which is also representative of the
22 single-circuit portion on the eastern side.

23 And so the EMF conclusions, and this is also
24 at the end of the report. Based on the study criteria
25 provided, calculated EMF values for the proposed 230 kV

1 line between the substations are comparable to common
2 household appliances.

3 Q. And that EMF study is included in the
4 application. And the application is UNSE Exhibit 1, is
5 that right?

6 A. (BY MR. RAATZ) That is correct.

7 MR. DERSTINE: Would this be a good time for
8 an afternoon break?

9 CHMN. CHENAL: It would. Let's take a
10 20-minute break, and we'll come back about 3:20, and it
11 looks like we'll be finishing up then.

12 And I'll just give everyone a heads up. I
13 think we'll give Mr. Cunningham an opportunity to give
14 some public comment, and maybe a little more leeway
15 than usual. I will note that he had every right to
16 intervene in this case and did not. And I know just
17 off the record, a quick conversation with him, I wanted
18 to make it part of the record, he did that in part to
19 not slow up the proceeding. So I feel, in fairness, we
20 should give him a little leeway to put his comments out
21 there.

22 And then Mr. Derstine can then follow up with
23 any additional information or evidence he needs to
24 present to clarify the position of the applicant and
25 make the case. And then we can decide where we are, if

1 we want to have closing argument then or tomorrow
2 morning before deliberations.

3 MR. DERSTINE: Thank you. No objection.

4 (Off the record from 3:00 p.m. to 3:41 p.m.)

5 CHMN. CHENAL: This is the time set to renew
6 the afternoon session. So Mr. Derstine, I think it's
7 -- you were going to have one of your witnesses get
8 into a new topic. We finished EMF, and we're going to
9 a new topic.

10 BY MR. DERSTINE:

11 Q. We're ready to move forward with -- one of
12 the most important pieces is establishing that we've
13 satisfied the notice requirements in terms of
14 publication, posting signs, et cetera. And you're
15 going to do that heavy lifting for us, Mr. Raatz,
16 right?

17 A. (BY MR. RAATZ) That's correct.

18 Q. Let's go ahead and advance your slide to the
19 notice of public hearing. So one of the
20 requirements -- statutory requirements for this
21 proceeding is that we publish a notice of hearing
22 that -- the form of the notice we review with the
23 Chairman in advance and then it's published.

24 Take us through -- well, let me direct your
25 attention. Let's just start and have you look at UNSE

1 Exhibit 6, please -- no, that's not what I want -- 8.
2 I apologize. Is UNSE Exhibit 8 the notice of hearing
3 for this case?

4 A. (BY MR. RAATZ) That is correct.

5 Q. Is UNSE Exhibit 8 the same notice that was
6 published in the Kingman Daily Miner? And I'll direct
7 you to the publication notice in a minute.

8 A. (BY MR. RAATZ) Mr. Derstine, are you
9 referring to UNSE 8?

10 Q. 8 is the notice of hearing, correct?

11 A. (BY MR. RAATZ) Yeah, notice of public
12 hearing.

13 Q. Now take a look at UNSE Exhibit 10, please.

14 A. (BY MR. RAATZ) Oh, yes.

15 Q. What is that?

16 A. (BY MR. RAATZ) That is the affidavit of
17 publication as published in the Kingman Daily Miner.

18 Q. On what date?

19 A. (BY MR. RAATZ) March 21st for UNSE Exhibit
20 10.

21 Q. And UNSE -- let's just stop there. UNSE-10
22 is a two-page exhibit, has the affidavit of
23 publication. And then the second page of UNSE Exhibit
24 10 shows the notice of hearing on a page as it appeared
25 on Sunday March 21, 2021, correct?

1 A. (BY MR. RAATZ) That is correct.

2 Q. Then let me have you look at UNSE Exhibit 11,
3 please. And that's an affidavit of publication, is
4 that right?

5 A. (BY MR. RAATZ) That is correct.

6 Q. And what does it show? What does that tell
7 us.

8 A. (BY MR. RAATZ) That is an affidavit of
9 publication for the Kingman Daily Miner for the
10 publication of the notice of hearing on Wednesday,
11 March 24th, 2021.

12 Q. The application, UNSE Exhibit 1, when was
13 that filed?

14 A. (BY MR. RAATZ) Could you repeat the
15 question?

16 Q. When was the application filed?

17 A. March 16th, 2021.

18 Q. Thank you. All right. In addition to
19 publishing the notice of hearing on those two days
20 you've identified through the affidavits of
21 publication, we also posted signs along the different
22 route alternatives, is that true?

23 A. (BY MR. RAATZ) That is correct.

24 Q. So take a look at -- this time I think it's
25 UNSE Exhibit 6, if I'm right. What is that?

1 A. (BY MR. RAATZ) UNSE Exhibit 6 is a map
2 identifying the locations of where the signage was
3 posted.

4 CHMN. CHENAL: Mr. Raatz, were you the person
5 who was responsible for putting two signs at dead man's
6 curve?

7 MR. RAATZ: I was responsible for the
8 identification of that, but not personally.

9 BY MR. DERSTINE:

10 Q. Well, you picked the location?

11 A. (BY MR. RAATZ) I picked the location.
12 Correct.

13 Q. And we will take the comments that we heard
14 concerning visibility and the inability to -- seeing a
15 sign, but having no place to pull over and read it,
16 we'll take those to heart and maybe take a harder look
17 at sign locations in the future?

18 A. (BY MR. RAATZ) That is correct.

19 Q. Take a look at Exhibit 7, please. What is in
20 Exhibit 7?

21 A. (BY MR. RAATZ) Exhibit 7 is all the pictures
22 taken of the signs posted. And if you'll look up on
23 the slide on the right-hand side, the pictures are a
24 little difficult to see, so the actual signage is
25 posted on the right-hand slide.

1 Q. So that's what the sign looks like. It's not
2 necessarily visible from the photos of the sign
3 locations in Exhibit 7, but that's what's shown on
4 those signs?

5 A. (BY MR. RAATZ) That is correct.

6 Q. How many sign locations are there?

7 A. (BY MR. RAATZ) There are 14 total.

8 Q. And each one of the photos -- well, in
9 Exhibit 7 -- does Exhibit 7 and the photos contained in
10 that indicate when the signs were posted?

11 A. (BY MR. RAATZ) Correct. They have a header
12 indicating the date of installation. There were two
13 days specifically. March 29th for Pictures 1, 2, 3,
14 4, and then continuing on, March 30th for the
15 remainder.

16 CHMN. CHENAL: Let me ask a question on a
17 serious note. Just to make sure I understand the map
18 that -- I'm looking on the left-hand screen, and I
19 can't remember what exhibit number that is.

20 MR. DERSTINE: The map is Exhibit 6.

21 CHMN. CHENAL: For residents of Golden
22 Valley, Mr. Raatz, in order to drive to their
23 properties in Golden Valley, would they have been
24 forced, by virtue of the way the roads are set up, to
25 have seen the signs that you posted or that were posted

1 notifying them of this hearing?

2 MR. RAATZ: Forced, Mr. Chairman?

3 CHMN. CHENAL: Well, forced. I mean, would
4 they have driven by the signs in order to access their
5 homes? I don't know how many roads go north and south
6 in Golden Valley, but --

7 MR. RAATZ: Mr. Chairman, yes, in some
8 instances. Not in every location. And actually, the
9 locations where we -- signage not posted, there were
10 six signs that we were unable to post. But for the
11 remainder of the signage along, so 5 and 6 and then 7
12 and 8 specifically as shown on the map, they would have
13 driven by those signs in order to access their
14 residences.

15 CHMN. CHENAL: And what's the name of that
16 road again that those signs were placed along?

17 MR. RAATZ: I believe the purple line there
18 is Tooman Road.

19 CHMN. CHENAL: Is that the major north/south
20 road into Golden Valley from the south?

21 MR. WARNER: It's not developed all the way
22 through, so it isn't the main arterial there. There
23 isn't one, except further to the west, that goes
24 north/south.

25 CHMN. CHENAL: Okay. Thank you.

1 BY MR. DERSTINE:

2 Q. You selected Tooman Road because it's within
3 some proximity to the west alternative routes, is that
4 right?

5 A. (BY MR. RAATZ) That's correct.

6 Q. And the other signs appear to be posted on
7 the purple -- the Sign Posts 3 and 4, what road were
8 they posted along?

9 A. (BY MR. RAATZ) That is an extension of, I
10 believe, Shinarump Road or Drive, Shinarump Drive.

11 Q. And then Signs 1, 2, 13, and 14, what road
12 were they posted along?

13 A. (BY MR. RAATZ) 1 and 2 was off of State
14 Route 66, and 13 and 14 was at the 93/40 interchange.

15 Q. So these are major surface roads, such as
16 they are, within the vicinity of the project in the
17 west and in the east, is that right?

18 A. (BY MR. RAATZ) That is correct.

19 Q. In addition to sign postings, the Chairman's
20 procedural order requires that we deliver copies of the
21 application to local libraries. In prior cases we had
22 some difficulty with that because libraries weren't
23 accepting materials for the public to come in and view
24 because they weren't open. But in this case I
25 understand that you were able to -- these local Kingman

1 area libraries, you found two that are open, and we did
2 deliver copies of the application to two different
3 library locations? And you can look at UNSE-12 and 13
4 for that, please.

5 A. (BY MR. RAATZ) That is correct. We were
6 able to post copies of the application in both the
7 Golden Valley library, as well as the Kingman library.
8 And the application was delivered on March 24th to the
9 Kingman branch library and on March 30th to the Golden
10 Valley library. And it was delayed just due to the
11 fact that it was not open prior to that, at the time we
12 could get into it.

13 MEMBER HAMWAY: Mr. Chairman.

14 CHMN. CHENAL: Yes, Member Hamway.

15 MEMBER HAMWAY: Now I forgot what I was going
16 to say. I'll think of it in a minute. Sorry.

17 CHMN. CHENAL: Mr. Derstine, you may ask this
18 question, but the application was also filed on the
19 project website, is that correct, Mr. Raatz?

20 MR. RAATZ: That is correct, Mr. Chairman.

21 CHMN. CHENAL: What other documents, in
22 connection with the application and the hearing, were
23 posted on the project website? The notice of hearing
24 and --

25 MR. RAATZ: The notice of hearing, the

1 transcripts from the pre-filing, from the prehearing.
2 All documents received to date have been filed on the
3 project website, with the exception of the Staff letter
4 reviewing the application.

5 BY MR. DERSTINE:

6 Q. I think your project website also included
7 the PowerPoint presentation used at the virtual open
8 house that occurred in February of this year, is that
9 true?

10 A. (BY MR. RAATZ) That's correct. And in
11 addition, it contains the actual video of the open
12 house.

13 Q. So tell us a bit -- I don't think we went
14 into much depth about the virtual open house. But tell
15 us about that, the format, how many people you had, you
16 know, to join. I assume there was a question or
17 comment section after you did your presentation. Tell
18 the Committee a bit about the virtual open house.

19 A. (BY MR. RAATZ) Okay. So the virtual open
20 house was a Zoom format, similar to what we have here,
21 when no one was in person. It was scheduled for
22 February 9th from the hours of 6:00 to 7:30. It was
23 myself representing UNSE and George Miller representing
24 Transcon. A public notice did go out to inform the
25 public that the virtual open house would be ready on

1 February 9th, as well as we had notifications on the
2 project website announcing the open house.

3 I believe there were, at the peak of the
4 meeting, five attendees outside of UNSE and Transcon.
5 And their number of questions were -- you know, we did
6 have a question and answer period. We were able to
7 cover the material presented. I think there was a
8 20-page PowerPoint presented. We were able to cover
9 that in 45 minutes, and we stayed on the line for the
10 duration of the meeting. So we were done by 6:45 and
11 stayed on until 7:30 just in case anyone from the
12 public had shown up. We did get some people from the
13 west, as well as the east.

14 Q. Did the project website also contain a
15 telephone line where folks could call in and leave a
16 message and presumably, hopefully, get a response?

17 A. (BY MR. RAATZ) That is correct. It was a
18 voice mail. Well, they could call in during the
19 meeting, the open house, but we also had a voice mail
20 option throughout the life of the project if people
21 wanted to call in and leave comments. And we also have
22 an e-mail platform in which they could leave comments
23 as well.

24 Q. And have we been continuing to receive
25 comments up through today from folks concerning the

1 project?

2 A. (BY MR. RAATZ) I did receive a call today,
3 but it was the same gentleman that we heard from, I
4 want to say, at 2:00, I believe it was, today.

5 Q. I think you forwarded me recently -- and
6 maybe it wasn't today, sometimes these hearings days
7 blur together -- but there was an e-mail comment.
8 There's a comment form, I take it, that people use and
9 can comment directly through the website?

10 A. (BY MR. RAATZ) That is correct.

11 Q. And if we didn't receive one today, we have
12 in recent days continued to receive comments?

13 A. (BY MR. RAATZ) That is correct.

14 Q. And how are we tracking those comments?
15 Those are being turned over to --

16 A. (BY MR. RAATZ) To Transcon, that is correct.
17 Typically in my response -- I don't think I responded
18 to the one received either today or yesterday. But
19 typically when I respond back to the commenter, I make
20 sure to cc Transcon so they can capture it for the
21 record.

22 CHMN. CHENAL: Member Hamway has a question.

23 MEMBER HAMWAY: So do you know if the board
24 of supervisors or the City of Kingman put up the
25 meeting notices on their website?

1 MR. RAATZ: Mr. Chairman, Member Hamway, I
2 cannot speak to that. We did not ask them if they
3 would put the information up on their project website
4 -- or, excuse me -- on their website.

5 MEMBER HAMWAY: So does somebody have to be
6 proactive to get this information and to learn about a
7 meeting? Or if I'm on some sort of master e-mail list,
8 am I notified every time there's a hearing?

9 MR. RAATZ: We did -- for the hearing or the
10 open house, Member Hamway?

11 MEMBER HAMWAY: Pretty much anything. Any
12 time this project is discussed, if I'm on an e-mail
13 list, I would like to get noticed of any time this
14 project is discussed. Is that mechanism available?

15 MR. RAATZ: Mr. Chairman, Member Hamway, we
16 do not have an e-mail blaster set up for any of the
17 projects. We do use the format of snail mail.

18 MEMBER HAMWAY: The reason I'm asking is the
19 Town of Paradise Valley, that I'm from, there's a
20 master e-mail list, and I can sign up that I could be
21 notified for any time that project comes before the
22 council. Obviously, this did not come before the
23 Kingman council, so it wouldn't have been mentioned.

24 But I'm just looking for some way for people
25 to automatically get notice that this project is going

1 to be discussed, rather than having to be proactive.
2 Because when you've got something that spans 13 years,
3 and even just the most recent iteration from 2016,
4 you've got five years here where people kind of lose
5 interest, lose track, forget. And so I just was
6 curious if somebody has to be proactive.

7 MR. WARNER: I can answer that. So yes, we
8 have a master list. Each time there's a cycle of
9 outreach activities, that master list is updated. When
10 people reach out to us by phone or send us an e-mail
11 and say that they want to be contacted, that list is
12 completely tabulated. It has a combination of property
13 ownership list within the area that's being covered, so
14 that's one way that they're identified and mailed
15 information on how to do that. But if they've left a
16 voice message and said, hey, I want to stay involved,
17 then they make it to the list too. Or if they send an
18 e-mail, they make it to the list. So each cycle we use
19 the same list and update it.

20 That has also been periodically updated
21 throughout the years so that it gathers a fresh new
22 list of property owners, and that's cross-referenced
23 with the previous list to make sure that we have the
24 most active running list. And that's happened since
25 the beginning of the project.

1 MEMBER HAMWAY: Okay. Thank you.

2 MEMBER GENTLES: Mr. Chair.

3 CHMN. CHENAL: Yes, Member Gentles.

4 MEMBER GENTLES: I don't know if this is the
5 appropriate place to say this, but I'll go ahead,
6 because I think we're heading down a path that I've
7 often advocated for over the last three or four
8 applicants. And while it's not in statute, it would
9 help solve the issue, which is that -- well, we're
10 walking around an 800-pound gorilla in the room, which
11 is social media as a vehicle of communicating to the
12 public about these issues.

13 So for instance, the only way that you can
14 see that sign at the corner of dead's man wash and
15 wherever is you've got to be at that corner. But if
16 that sign is posted on social media and is tagged
17 appropriately, say, for City of Kingman and others,
18 that's going to get shared multiple times, broader than
19 just that sign sitting at the corner. So I've often
20 advocated that social media posts should be a part of
21 the proactive communication with the community from the
22 applicant.

23 And I know the applicant tries to hold as
24 close and dear to the statute, which doesn't require
25 that, but I would tell you that I think people would be

1 far more informed if they saw a post from the
2 applicant's social media channels, you know, and shared
3 accordingly. People would start to understand and hear
4 and know what these public issues are a lot faster than
5 what they are sitting around waiting for snail mail.

6 MR. BECK: Mr. Chairman, Member Gentles, I
7 hear exactly what you're saying. We've had these
8 discussions internally at the company. Our
9 communications group is very conservative relative to
10 use of social media. We're working on them to try and
11 open and expand that some.

12 For this case we did use, I believe, the
13 Nextdoor app up in the Kingman area, so at least it was
14 another mechanism to get the message out to residents
15 at least who are signed up to that application.

16 This notice issue is a big issue. And in the
17 early part of this project, the Golden Valley
18 Participation Team really helped us out with their
19 mailing list and their process, and that was lacking in
20 the second half. And we, as a company, need to do a
21 better job with that.

22 CHMN. CHENAL: Go ahead, Member Gentles,
23 because I have a couple follow-up questions to your
24 comments.

25 MEMBER GENTLES: I mean, you know, I don't

1 think it's up to the community group to communicate
2 about what your company is doing. I think it's up to
3 your company to communicate what's going on. And
4 that's going to impact --

5 And I'm not saying -- when I say "your," I'm
6 just talking about the applicant in general. I'm not
7 specifically directing this at this instance, but more
8 broadly.

9 I think it's incumbent on the company, the
10 applicant, to communicate as effectively as possible.
11 And to miss a channel that 500 million people are on,
12 you know, begs the question. So it's almost like
13 you're playing hide the ball, you know.

14 So I would just recommend, as we go forward,
15 at least I would like to see some more proactive effort
16 in that regard, even though it's not in the statute.

17 CHMN. CHENAL: Let me follow up on that,
18 Member Gentles. You raise an excellent point.

19 MEMBER NOLAND: I can't hear you.

20 CHMN. CHENAL: Let me follow up with a couple
21 questions. Back to Mr. Warner. In response to Member
22 Hamway's question you said that you had a list, that
23 was compiled and was added to as time went on, made up
24 of addresses, including e-mail addresses. But were
25 e-mails sent out based on that list, or was it simply

1 the snail mail postcards, for example, that Mr. Raatz
2 testified to?

3 MR. WARNER: That's a detail that I need to
4 follow up on for you.

5 CHMN. CHENAL: Because I think that gets
6 exactly to Member Gentles's point.

7 And Member Gentles, I am very keen about
8 this, and I know you and I have corresponded about this
9 a little offline. And what the statute lacks, the
10 procedural order can require. Now, at the time it
11 comes to me and the procedural order is entered, it's
12 obviously late in the hearing process, but it would be
13 an opportunity perhaps to add a provision in the
14 procedural order that would require the applicant to
15 use some form of social media or e-mails or something
16 like that, e-mail blast or something, at least with
17 those e-mail addresses that the applicant and their
18 consultants have acquired, to provide as an additional
19 means of notification of the notice of the hearing,
20 that the notice of hearing be e-mailed to people, for
21 example. That's something I can do very easily.

22 But I also have a follow-up question for you,
23 and that is, when you mention social media, are there
24 particular -- I mean, that's pretty amorphous. Depends
25 on who you're talking to what social media outlets they

1 use. Are there certain social media outlets that you
2 might like to see included if I were to revise the
3 procedural order to require the applicant to utilize in
4 order to get the word out at least regarding this
5 hearing in future applications?

6 MEMBER GENTLES: Was that directed at me,
7 Mr. Chairman?

8 CHMN. CHENAL: Yes, sir.

9 MEMBER GENTLES: Well, look, as my son would
10 say, all us old folks are on Facebook. So we've
11 definitely got to be on Facebook. And then, look, the
12 kids of the old folks are on Instagram, so there you
13 go.

14 The point is that it's not necessarily that
15 the individual household member that's on the snail
16 mail will see this, but somebody that they know will
17 see it and share it and communicate it with them. So
18 it just reduces the potential for people to be missed.

19 So I would say, at a very minimum, social
20 media would be Facebook and Instagram. I do like
21 Nextdoor, although, as the company said, they're a bit
22 conservative company, and I get that. Some
23 applications are a little bit more unwieldily than
24 others, so sticking to the more traditional ones. I
25 think at a minimum, Facebook and Instagram, and you

1 might even do -- in fact, I would recommend, if we're
2 going to put something in a procedural order, that we
3 put Twitter in there as well, because that's going to
4 reach the influencers and the public officials and the
5 media and others that are paying attention to these
6 things.

7 MR. BECK: Mr. Chairman, Member Gentles, the
8 transcript of this hearing will be circulated wide and
9 far internally in the company to alert our
10 communications group to the needs. So hopefully it
11 won't come to the point where it needs to be in a
12 procedural order, but if it is, it is. That's fine.

13 CHMN. CHENAL: Fair enough. Fair enough. I
14 think that's a good conversation. And I commend Member
15 Gentles for raising the issue, because I know that's
16 near and dear to him. And he's raised it in the past
17 and with me informally, so I think it's very good.

18 I have to tell you, I was a little surprised
19 to hear some of the public comment, that people were
20 complaining that they didn't know about this hearing.
21 I take it to heart too, because part of my role is to
22 make sure that notice gets out and we have these
23 meetings and we discuss where the signs are going to be
24 located and the manner of publication and what's in the
25 signs. And so it's unfortunate if people say they

1 didn't learn about the hearing. So, I mean, I think
2 collectively we obviously need to do a better job.

3 I'll take what they say at face value. If
4 they say they didn't know about it, they didn't know
5 about it. There's no reason for those people to come
6 here and not tell the truth. And yes, those people
7 that did show up obviously did get word of the hearing.
8 But for everyone who came here and claims they didn't
9 have notice of the hearing and they just found out
10 about it at the last minute, I'm concerned about the
11 people that didn't hear about it. But we do the best
12 we can.

13 But I think social media and e-mail
14 notifications would be very helpful and something I can
15 certainly consider and we can discuss at the next --
16 when we have our premeeting and we talk about the
17 filing and notice.

18 MEMBER GENTLES: Mr. Chair.

19 CHMN. CHENAL: Yes.

20 MEMBER GENTLES: May I just clarify one more
21 thing? Did I hear the applicant say that they do not
22 use e-mail to send out information to the e-mail
23 addresses that they have or have been received along
24 the way?

25 MR. WARNER: My response -- this is Mike,

1 Mike Warner. My response is it's a detail about how
2 that information was circulated back. I do know that
3 when information comes on, it doesn't have an address
4 or there's concerns that they want to raise and they're
5 asking a question, then the process was that we would
6 call them or e-mail them back and talk to them about
7 it, about their concern.

8 Whether or not the e-mail address is absent
9 of a physical address or a technique that was capable
10 to identify who they were was the resource that we used
11 to communicate back on subsequent notifications, I'll
12 need to follow up on that and see what that population
13 is and how that was handled. It's just something I
14 don't know off the top of my head here.

15 MR. BECK: Mr. Chairman, just in response to
16 that also, there were -- as comments came in, there
17 were responses when they came in by e-mail. So if we
18 got something in the e-mail, a lot of times it was
19 Mr. Raatz who responded to that question and it was put
20 in the record. So on the comments, there's a back and
21 forth. The bigger issue is getting that notice out,
22 and we understand that.

23 CHMN. CHENAL: Right. Does that answer your
24 concern, Member Gentles? I think the answer is, it has
25 to be -- Mr. Warner will have to let us know on that,

1 whether the e-mail addresses were used to disseminate
2 the notice of hearing. And if I had to guess right
3 now, the answer is no, because the procedural order and
4 the conversations with the applicant were pretty clear,
5 the methods of providing the notice of hearing, of
6 disseminating the notice of hearing. And I think
7 that's something that we can learn and revise going
8 forward.

9 MEMBER HAMWAY: Just a question to follow up
10 on that. What is your time frame from when you mail
11 your postcard to the -- I mean, do you give people two
12 weeks' notice or a month notice?

13 MR. RAATZ: Mr. Chairman, Member Hamway, we
14 try to give two weeks, that way it's still fresh in
15 their mind. If it's 30 days, it may not be as fresh in
16 their mind.

17 MEMBER HAMWAY: That's what I was getting to.
18 Thank you.

19 BY MR. DERSTINE:

20 Q. So talking and walking through the channels
21 in which this hearing was noticed, we've talked about
22 the notice of hearing that was published in the Daily
23 Miner on those two dates you identified and have
24 already testified to, correct?

25 A. (BY MR. RAATZ) Correct.

1 Q. We've talked about the signs that were posted
2 along roads that were in proximity to the different
3 routes, is that right?

4 A. (BY MR. RAATZ) That's correct.

5 Q. This hearing was also publicized by virtue of
6 a postcard that went out to every landowner in the
7 study area, is that right?

8 A. (BY MR. RAATZ) That is correct.

9 Q. And is that in UNSE Exhibit 9?

10 A. (BY MR. RAATZ) That is correct.

11 CHMN. CHENAL: And how many postcards,
12 approximately?

13 MR. RAATZ: 3,000, Mr. Chairman.

14 CHMN. CHENAL: That's what I thought. Okay.
15 Thank you.

16 BY MR. DERSTINE:

17 Q. And in addition, we did publicize this
18 hearing using the Nextdoor app. The decision on that
19 channel, as opposed to Facebook, I don't know the
20 details of. But someone in your communications group
21 decided to post something to alert folks who use the
22 Nextdoor app about this hearing, is that true?

23 A. (BY MR. RAATZ) That is my recollection.
24 That is correct.

25 Q. And then in addition, someone in your Corp

1 Com group encouraged the folks at the Daily Miner to
2 prepare a newspaper article that also was in advance of
3 this hearing, is that right?

4 A. (BY MR. RAATZ) That is correct.

5 Q. Any other channels of communication that I'm
6 missing? I think the answer is that Mr. Warner's
7 e-mail list was not used to publicize this hearing.

8 CHMN. CHENAL: That's probably correct.

9 BY MR. DERSTINE:

10 Q. Let me have you look at Exhibit 14,
11 Mr. Raatz. One of the statutory requirements is that
12 we provide notice to affected jurisdictions, and that
13 happens by -- we deliver copies of a document that's
14 called notice to affected jurisdictions to docket
15 control at the Arizona Corporation Commission. Docket
16 control then undertakes to send out, by certified mail,
17 the jurisdictions that we identify in the notice, is
18 that right?

19 A. (BY MR. RAATZ) That is correct.

20 Q. And I think Members on this Committee also
21 receive copies of the notice to affected jurisdictions,
22 in looking at the certified mail return receipts that
23 are also collected in Exhibit 14. But the affected
24 jurisdictions that I see return receipts for are the
25 Bureau of Land Management. Do you see that?

1 A. (BY MR. RAATZ) Yes, I do.

2 Q. City of Kingman?

3 A. (BY MR. RAATZ) Yes, I do.

4 Q. Chairman Tom Chenal?

5 A. (BY MR. RAATZ) Yes, I do.

6 Q. Mohave County, County Manager?

7 A. (BY MR. RAATZ) Yes, I do.

8 Q. And those -- did I say Arizona State Land
9 already?

10 A. (BY MR. RAATZ) No, you did not.

11 Q. Do you see one for Arizona State Land? Did I
12 skip it?

13 A. (BY MR. RAATZ) I do see it in Mr. Beck's
14 application -- or, exhibit list.

15 Q. Do you see a return receipt of one that went
16 to Arizona State Land?

17 A. (BY MR. RAATZ) Yes, I do, for Arizona State
18 Land.

19 Q. So those were the actual affected
20 jurisdictions. Then in addition, copies were also
21 mailed by certified mail to Members of this Committee.
22 Is that a true statement?

23 A. (BY MR. RAATZ) That is correct.

24 MEMBER NOLAND: Mr. Chairman.

25 CHMN. CHENAL: Member Noland.

1 MEMBER NOLAND: Mr. Chairman, I think --
2 going back to the discussion of getting people informed
3 about where they can get the information other than
4 mailings. I think it's important -- and I know you do
5 it on the signs, but I'm not sure about the mailings,
6 you probably do it on the newsletters -- to include
7 what you did in the one sign language that I saw, and
8 that's the website.

9 And I think people look for that more than --
10 you know, I don't do Twitter, I wouldn't go to Facebook
11 to think about this, but I would look up a website.
12 And it has the specific website of Golden Valley, and
13 you go in there and it has all the information. So, I
14 mean, you can lead a horse to water, but -- that is one
15 of the main ways that I would, in my age group, and if
16 this was going to affect me, that I would look for
17 this, is a website that contains all of the
18 information. Thank you.

19 MR. DERSTINE: Member Noland, just to respond
20 to your point, the postcard that went out includes the
21 website information.

22 MEMBER DRAGO: Mr. Chairman.

23 CHMN. CHENAL: Yes, Member Drago.

24 MEMBER DRAGO: Yeah. I think when you went
25 and summarized the list of mechanisms by which you

1 communicated, I did hear one earlier was the Yahoo
2 Groups that was founded back in like '01. So if we're
3 going to state for the record the means of
4 communication, that was one that you all used, right?

5 MR. BECK: Well, Mr. Chairman, Member Drago,
6 the issue there, we didn't set that up. It was set up
7 by the Golden Valley team. And so they were using that
8 and it was a good avenue for people to get information,
9 so we made sure we got the stuff to the coordinator of
10 that so they could distribute it.

11 To Member Gentles' position, we need to have
12 something like that on our side that we're in control
13 of, and we recognize that and we'll be working to get
14 that in place.

15 MEMBER DRAGO: Very good. Thank you.

16 MR. BECK: Whatever replacement there is to
17 Yahoo Groups, there's something new I'm sure that will
18 work.

19 And just to point out, all of our
20 communications have a link to the website where the
21 comment form can be found. And when we did the
22 face-to-face meetings, we actually had the comment
23 forms present there that they could take with them.
24 But all of our communications would have the website
25 and a linkage and encouragement to go to that site to

1 look and provide comment.

2 MR. WARNER: Mr. Chairman, I think it's also
3 important, as you consider moving forward with some
4 kind of procedural order as recommended by Mr. Gentles
5 for some future activity, it's important -- what we're
6 observing as a practitioner is the stratification of
7 information is vital. Some people are in an age group
8 that mailings are the most reliable way to go, and so
9 it needs to happen at a whole lot of different levels.
10 So as we go into another generation, this is going to
11 morph and there's going to be more effective ways for
12 getting information. So I think it's just important to
13 be mindful and adaptive on these processes so that you
14 can reach who you need to reach.

15 CHMN. CHENAL: I agree. Okay. I think we --
16 that's something that I think we can work on
17 collectively there.

18 I want to be mindful of the time. It's about
19 4:20. I know we want to hear Mr. Cunningham. I want
20 to give the applicant more time to rebut anything
21 that's said. That doesn't mean we don't spill over
22 into tomorrow. But given where we are, if we're
23 finished with this topic -- and I think the record is
24 now clear on the notice that was provided, and it was
25 adequate notice for this case. I'm not concerned that

1 there was inadequate notice. Doesn't mean we can't do
2 it better next time. But if there's another topic -- I
3 know, looking ahead at the slides, we're almost at the
4 end, if not at the end of the conclusion. I just want
5 to get back to Mr. Derstine and see how he'd like to
6 handle this part of it.

7 MR. DERSTINE: I think this would be a fine
8 time to hear from Mr. Cunningham. If he wants to
9 provide more comment, more public comment, I'm
10 certainly open to that.

11 CHMN. CHENAL: In fairness to him, and given
12 he could have intervened -- and if he had, I can
13 guarantee you we wouldn't be where we are in this
14 hearing at 4:20 on Thursday, so I'd like to give him a
15 little time. And if we have to continue the hearing
16 tomorrow morning for a little while, I guess we can.
17 But I think we had talked about as a goal, to use
18 Member Noland's term, the goal would be to try to
19 finish everything tonight.

20 So Mr. Cunningham, where would you like to
21 provide this? Mr. Raatz is going to give up his seat
22 and allow you to provide some comment. Now, you know
23 the general ground rule is that we don't ask questions.
24 We listen. And, you know, there might be an exception
25 here or there. I'm sure we're interested in hearing

1 about why you want to put the power line on the ridge.
2 I want to hear about the conversation you had with your
3 brother, because I think that's really important, but
4 there's other things --

5 MR. CUNNINGHAM: Mr. Chairman, I got that
6 loud and clear. That's number three on the list, by
7 the say.

8 So I am sitting in Mr. Raatz's place at some
9 great peril no doubt. First, I'd like to thank
10 Mr. Chairman, all the Members of the Committee,
11 Mr. Derstine, Transcon, and our colleagues at
12 UniSource, Ed and Eric in particular, for your courtesy
13 and for the flexibility you've shown to allow our
14 family to put on our information through the public
15 comment period. Thank you.

16 By the way, you've also earned again the
17 well-earned reputation as one of the most diligent,
18 careful, and thorough Committees in state government.

19 So I want to start with Member Noland's
20 question, why in the world do we want it up on the
21 ridge, and start there. Three issues: Preserve
22 residential development in Cook Canyon, protect the
23 KAAA radio tower at all costs, and quality of life.

24 In the residential development in Cook
25 Canyon -- when we did the flyover you probably didn't

1 see these dirt roads, but there's a dirt road going
2 north into Cook Canyon, and it goes right along the
3 69 kV right-of-way that exists. And to the south is a
4 house from 1960 and to the north is a house from 1955.
5 And there's little dirt roads going east of that road
6 into the canyon wall on the east side.

7 And in the 1970s we were entertaining offers
8 for people to buy 1-acre, 2-acre plots there and build
9 custom homes in that very quiet canyon, until ADOT
10 decided to build the freeway there, and so my parents
11 wisely decided that they wouldn't entertain any more
12 offers as you were drilling through 400 feet of rock
13 every day. And so that was put on hold, but the market
14 will come back to us at some point.

15 And there's flat ground there, there's water,
16 and there's power. And so on the eastern side, facing
17 that beautiful canyon wall on the east, is where those
18 housing units will go. There's nothing platted; we're
19 not suggesting that. That's just our plan for
20 residential development, and we're going to resume
21 doing that.

22 And various family members own both parcels
23 there, so they could build down into the flat part of
24 the canyon or they could just build right on the canyon
25 wall where there happens to be a bighorn sheep who has

1 taken up residence right now. My brother fondly shows
2 me photos of that. The bighorn was unavailable to
3 testify, but we did try.

4 So residential development in Cook Canyon is
5 really important. You can't have a tower looking out
6 your backyard on that beautiful wall and see a tower,
7 so we moved the tower back toward Box Canyon.

8 Number two, protect KAAA radio. KAAA radio's
9 first expert says 1,150 feet. Their second expert,
10 the materials you have now, says it really ought to be
11 2 kilometers, that's a mile and a quarter, 1.2 miles.
12 They really want distance. In 2008 they really wanted
13 distance.

14 And those towers are very hard to site.
15 You've got to have FAA approval, believe it or not,
16 because of airplanes and FCC approval and you have to
17 have line of sight to the Black Mountains to the west.
18 That's why the Hart station is over on Highway 93 and
19 why KAAA is on Highway 66, you can see line of sight,
20 the transmission towers on the Black Mountains to the
21 west, where they get their national feed. You've got
22 to have line of sight and you've got to be able to get
23 into the ground and you've got to have someplace the
24 FAA will approve it. We don't want to move that tower;
25 so we said, put it up on the bluff away from the tower.

1 Now, they testified -- provided public
2 comment Monday night they'd like to have it farther
3 away, they're still opposed to the eastern routes,
4 because they're not as confident as Mr. Beck is in the
5 detuning. They really want the west routes, as we do.
6 But that was the second reason to be on the bluff,
7 protect our business partner, KAAA, who had just sweat
8 blood to get that tower sited.

9 Third, quality of life. My cousin lives in
10 the 1955 house. Her mother taught school here for 30
11 years, Sharon Hackley, at Palo Christi School. My
12 brother lives in the 1960 house. When they walk out of
13 their house to tend the vegetable garden in the back or
14 the orchard in the front, we want them to look at the
15 canyon wall and see the canyon wall, not the towers.
16 So you can't -- where it is now, which we really don't
17 like, but it's better than where it was, which was
18 35 feet from the kitchen window. That's where the
19 69 kV right-of-way is. And we're fine with that, we
20 understand that's going to be used, that's important.
21 But we didn't want the -- we wanted the towers up on
22 the bluff for the quality of life of the people in that
23 canyon. Those are the three reasons.

24 On the issue of detuning and the burden of
25 proof. You heard people testify -- give public comment

1 about that. We would suggest in Paragraph 9 of the CEC
2 it really ought to say, on this detuning, that it's at
3 the applicant's expense, make it absolutely clear, I
4 think that's their intent, doesn't quite say that, and
5 that they'll resolve the distortion.

6 The burden of proof problem is tough, because
7 what it says right now is they will resolve distortion
8 caused by the project. That's why the Harts and KAAA
9 are a little worried about, what do you mean caused by
10 the project? Who has to prove that? So we ask you to
11 think about that language, put in some language. I'm
12 confident we can work that out.

13 While we're talking about the CEC, we have
14 provided some language to Mr. Derstine on roads. If
15 we're going to be in East Number 1, we want to make
16 sure the Cunningham family can not only use the roads
17 that you build that are on our property, but on all the
18 adjoining property so we have access. If we're going
19 to build five towers on our property, we'd like to have
20 access to that back part or the north part from the
21 other adjoining property owners on a road that the
22 applicant might build.

23 That's the end of the bluff question and why
24 in the world we're way up on that bluff.

25 We ask you to approve West Number 1. We like

1 the idea of putting it on the eastern side of West
2 Number 1; I think that was Member Grinnell's point. We
3 understand why the people in Golden Valley want that as
4 far away from their houses as possible.

5 Why do we like West Number 1, why do we think
6 the record in front of you permits that? Number one,
7 the BLM has made a finding that it's not a significant
8 impact. Mr. Warner was very clear that all six lines
9 have a finding of no significant impact. BLM likes
10 East Number 1, no doubt about it, applicant likes East
11 Number 1, but all six lines have no significant impact.
12 And it's not only on BLM land down by Tooman Road and
13 on the way there; it has far less private land that
14 we'll get through.

15 I did enjoy the testimony of Mr. Beck that
16 was eloquent about electrifying downtown Kingman and
17 that electrifying gasoline alley might be important,
18 and it's certainly important to them as they look for
19 customers to sell product. But that's not what the EA
20 notice says. The EA notice says that we're doing a
21 Golden Valley 230 kV line, and we're doing it to
22 improve reliability, replace aged equipment,
23 accommodate the projected 5- to 35-megawatt increase in
24 load over the next decade in the north Golden Valley.
25 That's the record that you have in front of you. And

1 West Number 1 does that the best.

2 Now, as to the meetings in Golden Valley,
3 they were certainly spirited. I saw the video along
4 with all the rest of you. We understand why those
5 meetings are kind of burned into the mind of our
6 colleagues at UniSource. But the plain facts in Slide
7 Number 89 and 90, right here, the plain facts are that
8 three to one people had no preference. 241 people had
9 no preference. 81 people preferred the east line,
10 that's the Golden Valley people, and nine people wanted
11 the west line. Well, that's in Phase 1. That's a long
12 time ago. What about Phase 2? In Phase 2, on Slide 89
13 and 90, twice as many people had no preference. 79 had
14 no preference as to route, 32 had an east preference,
15 13 had a west preference.

16 Yes, the Golden Valley people are -- they're
17 energized, as are some people in the east route also.
18 But I think that it's very clear that there's a whole
19 bunch of people who opened the field to you and said,
20 we have no preference. You guys pick what you think is
21 right.

22 And notwithstanding the BLM's position as
23 management of federal land, state law in Arizona is:
24 You get to pick. You make this recommendation, the
25 elected Corporation Commissioners make the final call.

1 The field is open for you to make that choice, and W1
2 is great.

3 Next point: Where is the city council? I
4 think we finally got that straight when we had
5 Councilman Walker testify today. But if you look at
6 Exhibit 47, Exhibit 47 is the 2008 resolution adopted
7 by the city council. It was filed by Mr. Derstine last
8 Thursday. I found out about it last Thursday
9 afternoon. The City probably found out about it a day
10 or two before that, who knows, but for sure they found
11 out about it on Thursday. They have not met as a
12 council since last Thursday. They meet next Tuesday.
13 They cannot take a position until they meet and have a
14 briefing on this.

15 I heard Mr. Beck's testimony that he offered
16 a briefing, and I think Eric Raatz also testified they
17 offered a briefing. I don't know why they didn't take
18 that -- I don't know why they didn't take it up, but I
19 think the reason is no one remembered that resolution.
20 That was a complete surprise to the County Manager --
21 sorry -- City Manager when I talked to the City
22 Manager.

23 And luckily, Councilman Walker remembered it
24 because he was on the council way back when and then
25 he's come back to the council. And he provided

1 testimony -- a public statement today about why they
2 approved that in 2008. There was no opposition from
3 the radio stations, there was no opposition from
4 anybody else, so they approved it.

5 And his public testimony today, I think, was
6 that if they were to meet today, he would predict -- he
7 can only predict -- that they would go the way the
8 County went. And the County, of course, voted five to
9 zero to support the west routes. I think that's why
10 the city council hasn't weighed in more, it's a
11 question of timing.

12 On the issue of does NEPA and does the famous
13 corridors authorize you to go to West Number 1. And
14 I'm going to foolishly wade into corridor hell and say
15 exactly why it does. NEPA does authorize W1, and I use
16 for that Exhibit 52. Exhibit 52, Page 66, as
17 Mr. Warner said, from the RMP makes it very clear that
18 you have these corridors, but that you can go
19 additionally outside the corridors. And the quote on
20 Page 66 is, corridors outside of the current
21 corridors "would be permitted following compliance with
22 the National Environmental Policy Act." That's exactly
23 what the EA is, it's compliance with the National
24 Environmental Policy Act. It's going to be a finding
25 of no significant impact, a FONSI, and W1 is

1 authorized.

2 So we can put it on the edge of BLM's
3 property. We don't have to have an Environmental
4 Impact Statement. I think, you know, threatening the
5 need for an Environmental Impact Statement against the
6 applicant is not fair at all. The applicant has gone
7 through this 13-year process and had a long EA that was
8 very thorough. I've seen a lot of EAs; this is very
9 thorough. And I don't think we need to do an EIS and
10 we don't need to reopen the EA. You just put it on W1
11 and you put it on the eastern flank of that and you
12 will be just fine under the corridor rule at Page 66 of
13 the RMP.

14 Why, then, do we like that route so much
15 better, besides the fact that the east route bisects
16 our property, the obvious reason? Well, the reason is,
17 the west route has a lot less private property. It's
18 using the BLM's public property. In Table 15 the west
19 route says we're going to have 7.5 miles on private
20 property. The east route has 10.8 miles. That's much
21 more. What is the percentage? The west route is
22 42 percent private property. The east route is
23 65 percent private property.

24 Private property beats the public property,
25 in my view, like paper beats rock. We should use the

1 public property that we have in the west right on the
2 edge, as the EA says, and we will conserve private
3 property for investment and job creation and we will
4 use public property for what it is intended for.

5 The number of houses. I did enjoy
6 Mr. Warner's struggle to explain the zero over eight
7 and the eight over 12, and I commend him for trying to
8 do that. And the reason he had to do that is Table 19
9 and Table H-2; that's the scoreboard on how many
10 residences are within a thousand feet. And the
11 scoreboard is: There's 141 in the east and 80 in the
12 west. The east is far more impacted by this line in
13 its residences.

14 We didn't pick the thousand feet. We heard
15 testimony this morning about the thousand feet may not
16 be the right feet, maybe it's 500, maybe it's 100. We
17 didn't pick the thousand feet. The applicant and BLM
18 probably picked the thousand feet. Table 19 and
19 Table H-2 describes that there are far more residences
20 affected by the east route, thus we recommend the west
21 route.

22 Finally, the photographs about the size of
23 the structures. I appreciate that good faith effort.
24 They took off the red arrows. I commend Osmer. I've
25 hiked with Osmer. Don't get in a hiking contest with

1 him; he will win. They worked hard to show you those
2 today, and I'm glad they did. They showed you some
3 photos of a 69 kV line, and they asked you to apply
4 that by analogy to a 230 kV line.

5 Here is why we reject that analogy. 69 kV
6 line is going to be out of the ground about 74 feet.
7 The 230 kV line could be out of the ground a hundred
8 feet, 150 feet. I don't think the 195 max is ever
9 going to happen, but it easily could be twice as big.
10 Those are big structures you're putting through our
11 property. We think they should go on the west where
12 they blend into the Cerbat Mountains and they will be
13 rust soon and people will often not even know they're
14 there. If you put them on our bluff, which is best for
15 us, and you put them through other parts of the east
16 route, people will flat out know they're there, so we
17 recommend the west route.

18 Now, finally, the citizens who said, I moved
19 here 14 years ago, it's my forever home. I moved here
20 last month. I did enjoy that guy's sense of humor, he
21 was right up front about that this morning. He said, I
22 bought my property two years ago, but I just moved in,
23 but I still don't want them there. I get his point. I
24 get his point, and we honor them to come in and talk,
25 just as we did the folks from the trailer park who came

1 in.

2 You saw Andrea come in today. You should
3 know that she watched the Committee for three days
4 before she got up her courage, wrote out her
5 handwritten -- you saw it. It's a beautiful
6 handwritten petition. It's like three sentences long.
7 And eight of her colleagues, counting her, signed it at
8 the trailer park. That's the Canyon West Trailer Park
9 that we used to own, that my father started, that she
10 lives on. And she brought her petition today. They
11 obviously oppose the eastern route.

12 Each of these citizens has an absolute right
13 to do this, and I commend them for participating in the
14 process. What do we, the Cunningham family, suggest
15 you tell them when you approved W1? This is what I
16 would suggest: Everybody on the line has to try to
17 build Mohave County, and we've been building Mohave
18 County since 1917.

19 And we started with my grandfather, who was a
20 banker from 1917 to 1934 when Roosevelt closed the
21 banks. Couldn't be a banker after that. Some banks
22 didn't survive, and his didn't survive.

23 So then he became a County employee, and he
24 was the County Assessor. And he said, I'll never run
25 for Assessor again, because all you do is have the

1 railroads and mines beat you up over the assessment
2 value of your property. So he became the clerk of the
3 board of supervisors, and he did that from 1938 until
4 1956 at his death. And he worked to build this county
5 every day that he was here from 1917.

6 Well, what happened after that? Well, then
7 my father and mother took over. My father worked at
8 Ford Motor Company for 25 years, he started that
9 trailer court, he ran a restaurant, he started a
10 company that made trusses for people to build houses,
11 and he had a welding shop. Other than that, he didn't
12 do anything.

13 My mother worked at the credit union with
14 Mr. Glawson's mother. You heard Mr. Glawson this
15 morning, Marc. He's a fine fellow. His mother and
16 father on Ricca Drive in the late '50s started a credit
17 union for the Kingman community. My mother worked in
18 that, and eventually became the CEO of that, and
19 retired in 1981, and then she served on the board as
20 their chairman for 25 years. And they issued thousands
21 of loans to build this county.

22 What has our generation done? What we have
23 done is, our colleagues at Nucor Steel came to us -- it
24 was actually North Star Steel -- and said, we'd like to
25 build a steel plant. We drilled seven wells; they're

1 all dry. Do you have any water?

2 And we said, as a matter of fact, we do. And
3 we sell them water below market rate, and we started
4 doing that in 1997. And we sell them below the City of
5 Kingman rate because we wanted them to build their
6 steel plant, employ 85 people, manufacture stuff and
7 sell it around the country, which they do to this day.
8 And we do that below market rate because we want to
9 build Mohave County. And so that's what my generation
10 is trying to do.

11 So what do we say to the people in Golden
12 Valley who have been here for 14 years or one month,
13 however long? Do we just add up seniority? I think
14 we'd win that, because we've been here for over a
15 hundred years. But that's not what we suggest.

16 What we suggest you say to them is, everybody
17 has to do their part. We're doing our part in the
18 Kingman area, the Cunningham family, because we have
19 the 69 kV line. It's not energized right now,
20 Mr. Beck, but it could be 69 kV whenever you guys want
21 it, because you have a legal right to it, and we think
22 that's important. We have that on our property.

23 What else do we have on our property? We
24 have the KAAA station; that's a public service. The
25 trailer park used to be on our property. 22 people

1 lived there full-time, 22 trailers. That's on somebody
2 else's property that we sold them. And besides all of
3 those things, we have the freeway. We've done our
4 part.

5 So what do you say to the people in Golden
6 Valley when you approve W1? You say to them, it's time
7 for you to do your part.

8 Mr. Chairman, Members of the Committee, we
9 ask you to vote for W1 and approve it. It's the right
10 thing to do. And of course, I would respond to
11 questions at your discretion, sir.

12 MEMBER HAMWAY: I actually have one.

13 CHMN. CHENAL: All right, Member Hamway. We
14 normally don't do this, but I think this is the
15 exception. So if you have a few follow-up questions --

16 MEMBER NOLAND: Mr. Chairman, I'm sorry. I
17 don't think that's proper. I don't think we've done it
18 in the past.

19 CHMN. CHENAL: We've never done it, to my
20 knowledge.

21 MEMBER NOLAND: No. And I don't think we
22 should start now. Not that it isn't important, and I'm
23 sure Member Hamway's question is important, but I just
24 don't think we ought to open that box. That's my own
25 personal opinion.

1 MEMBER HAMWAY: Whatever the Committee does,
2 I'm good.

3 MR. CUNNINGHAM: If it turns out you need
4 some information from us, you could do it informally
5 and we would provide it in the formal fashion pursuant
6 to your procedures.

7 Mr. Chairman, Members of the Committee, thank
8 you so much for your patience and your courtesy.

9 CHMN. CHENAL: Thank you, Mr. Cunningham. If
10 there's anything else you think you want to add, now is
11 the time. I think you were very complete in your
12 public comment.

13 MR. CUNNINGHAM: Nothing more at this time.
14 I can't think of anything else. I understand that
15 Mr. Derstine gets to go last, and he ought to. He's
16 the applicant.

17 CHMN. CHENAL: And he hasn't closed his case,
18 hasn't wrapped up.

19 So it's a quarter to 5:00, Mr. Derstine. If
20 you'd like, we could have you close your case now, if
21 you wanted to, and then provide your final argument
22 tomorrow before we begin deliberations, because that
23 will be short. But you really haven't -- you still
24 have the right to introduce evidence, and we still have
25 time this afternoon to do that. So I guess I will look

1 to you and see what your preference is.

2 MR. DERSTINE: I want to move the admission
3 of our exhibits. That will take a little bit of time.
4 And I think our panel of witnesses have a few final
5 comments to make, but I think they'd be ready to do
6 that this afternoon. So we could get both of those
7 things done today and still get you out, and then I'll
8 do a short closing tomorrow and you can get to
9 deliberations, if that's appropriate.

10 CHMN. CHENAL: I think that's fine. Give me
11 one second, please.

12 MR. DERSTINE: Mr. Chairman, we have a
13 spreadsheet -- you may be working off your index, but
14 we have a spreadsheet if that makes it easier to follow
15 along.

16 CHMN. CHENAL: Yes, thank you. One moment,
17 please.

18 Okay. Let's go with the exhibits. I will
19 note, for the record, Chairman's 1 and 2 are admitted.

20 MR. DERSTINE: No objection.

21 (Exhibit CHMN-1 and CHMN-2 were admitted into
22 evidence.)

23 CHMN. CHENAL: Which reminds me of right
24 before my first hearing on SunZia when I asked former
25 Chair John Foreman, in a frantic text on a late Friday

1 afternoon with the hearing beginning Monday morning,
2 John, help. What happens if the Chairman introduces an
3 exhibit and a party objects?

4 I heard nothing until Sunday late at night.
5 And the response was, Tom, I'm in Avignon, France
6 having a wonderful time. Overrule the objection.

7 MR. DERSTINE: That sounds perfect and sounds
8 like Chairman Foreman.

9 All right. UNSE Exhibit 1 is the
10 application. Mr. Raatz testified to that. He also
11 testified as to a couple of exhibits that made
12 corrections. I'll get to those as I go down the list.
13 Well, I can find those here. Let's see.

14 There was UNSE-44, which is the corrected
15 tables, H-2, H-3, and H-7, to Exhibit A to the
16 application, which is UNSE Exhibit 1.

17 There's UNSE-45, which is the corrected
18 Figure 2 to the application that simply corrected
19 information contained in the legend.

20 UNSE-46 was a supplement to the comment J --
21 or, the comment table in Exhibit J to the application,
22 UNSE Exhibit 1. That UNSE-46 has since been superseded
23 by the new and improved and revitalized comment table,
24 which I'll get to in a minute.

25 But for the time being I would ask and move

1 the admission of UNSE Exhibit 1, as well as UNSE
2 Exhibit 44, 45, and 46.

3 CHMN. CHENAL: Applicant has moved for
4 UNSE-1, 44, 45, and 46. Any objection?

5 (No response.)

6 CHMN. CHENAL: Hearing none, those are
7 admitted.

8 (Exhibits UNSE-1, UNSE-44, UNSE-45, and
9 UNSE-46 were admitted into evidence.)

10 MR. DERSTINE: We have UNSE Exhibit 2, 4, and
11 5. Those are the witness summaries required by your
12 Chairman's procedural order. We left off UNSE-3, which
13 is the witness summary for Mr. Miller, who did not
14 testify in this hearing. So I would move the admission
15 of UNSE Exhibit 2, 4, and 5.

16 CHMN. CHENAL: Applicant has moved UNSE-2, 4,
17 and 5. Any objection?

18 (No response.)

19 CHMN. CHENAL: Hearing none, those are
20 admitted.

21 (Exhibits UNSE-2, UNSE-4, and UNSE-5 were
22 admitted into evidence.)

23 MR. DERSTINE: We have UNSE Exhibit 6, which
24 is the map of the sign locations that were posted along
25 the alternative routes. We have UNSE-7, which are the

1 photographs of the signs in the ground, which included
2 a photo of the actual sign at the end of 7. UNSE-8,
3 which is the notice of hearing. UNSE-10 and 11, which
4 are the affidavits of publication of the notice of
5 hearing. UNSE-12 and 13, which are the receipts of
6 delivery of the applications with the Kingman library
7 and the Golden Valley library.

8 So I would move the admission of Exhibits 6,
9 7, 8, 10, 11, 12, and 13.

10 CHMN. CHENAL: Okay. Applicant has moved for
11 Exhibits UNSE-6, 7, 8, 10, 11, 12, and 13. Any
12 objection?

13 (No response.)

14 CHMN. CHENAL: Hearing none, those are
15 admitted.

16 (Exhibits UNSE-6, UNSE-7, UNSE-8, UNSE-10,
17 UNSE-11, UNSE-12, and UNSE-13 were admitted into
18 evidence.)

19 MR. DERSTINE: I skipped over -- well, UNSE
20 Exhibit 9 is the postcard publicizing the hearing that
21 Mr. Raatz testified to a short bit ago. UNSE-14 is the
22 proof of service to affected jurisdictions, which
23 Mr. Raatz also testified to.

24 So I'd move the admission of UNSE Exhibit 9
25 and 14.

1 CHMN. CHENAL: Applicant has moved for the
2 admission of Exhibit UNSE-9 and 14. Any objection?

3 (No response.)

4 CHMN. CHENAL: Hearing none, those are
5 admitted.

6 (Exhibits UNSE-9 and UNSE-14 were admitted
7 into evidence.)

8 MR. DERSTINE: UNSE Exhibits 15, 16, 17, 18,
9 19, 20, and 21, all those exhibits go to communications
10 with KAAA. 15 is a letter dated September 30, 2008.
11 16 is a letter dated July 14, 2016. 17 is an e-mail
12 dated July 14, 2016. 18 is a letter dated May 2, 2019.
13 19 is an e-mail dated August 27, 2019. 20 is an e-mail
14 dated August 27, 2019. 21 is an e-mail dated July 14,
15 2016. Again, all relating to communications with KAAA
16 over concerns with radio station interference.

17 I would move the admission of UNSE Exhibits
18 15, 16, 17, 18, 19, 20, and 21 as our KAAA exhibits.

19 CHMN. CHENAL: Applicant has moved for
20 admission of UNSE Exhibits 15, 16, 17, 18, 19, 20, and
21 21. Any objection?

22 (No response.)

23 CHMN. CHENAL: Hearing none, those are
24 admitted.

25 (Exhibits UNSE-15, UNSE-16, UNSE-17, UNSE-18,

1 UNSE-19, UNSE-20, and UNSE-21 were admitted into
2 evidence.)

3 MR. DERSTINE: UNSE Exhibits 22, 23, 24, 25,
4 26, 27, and 28 relate to communications between the BLM
5 and/or UNSE with the owners of radio station KYET.
6 UNSE-22 is a letter dated May 2, 2019. UNSE-23, e-mail
7 dated May 30, 2019. UNSE-24, those are meeting minutes
8 of a meeting between UNSE and KYET dated August 16,
9 2019. 25 is a conversation record dated August 24,
10 2020. 26 is a letter dated August 31, 2020. UNSE-27
11 is a letter dated February 10, 2021. UNSE-28 is an
12 e-mail dated February 26, 2021. Again, the KYET
13 exhibits or communication exhibits.

14 We'd move the admission of UNSE Exhibits 22,
15 23, 24, 25, 26, 27, and 28.

16 CHMN. CHENAL: Applicant has moved for the
17 admission of UNSE-22, 23, 24, 25, 26, 27, and 28. Any
18 objections?

19 (No response.)

20 CHMN. CHENAL: Hearing none, they are
21 admitted.

22 (Exhibits UNSE-22, UNSE-23, UNSE-24, UNSE-25,
23 UNSE-26, UNSE-27, and UNSE-28 were admitted into
24 evidence.)

25 MR. DERSTINE: UNSE Exhibits 29 to 41

1 document conversations or communications or field
2 records with the Cunningham -- members of the
3 Cunningham family, either comments directly from the
4 Cunningham family or conversation records and other
5 communications with the Cunninghams, including e-mail
6 communications between myself and Mr. Patrick
7 Cunningham.

8 Exhibit 29 is an e-mail dated June 24, 2016.
9 UNSE-30 is a conversation record dated June 27, 2016.
10 UNSE-31, e-mail dated July 10, 2016. E-mail dated
11 July 20, 2016 is UNSE-32. UNSE-33, conversation record
12 dated July 11, 2016. UNSE-34, e-mail dated August 4,
13 2016. UNSE-35, e-mail dated July 18, 2017. UNSE-36,
14 e-mail dated July 26, 2017. UNSE-37, UNSE meeting
15 minutes dated July 26, 2017. UNSE-38, conversation
16 record dated August 4, 2017. UNSE-39, e-mail dated
17 September 25, 2017. UNSE-40, letter dated August 31,
18 2020. UNSE-41, e-mail dated April 7, 2021. And
19 UNSE-41 encompasses a series of e-mail communications.
20 The April 7, 2021 e-mail was just simply the last in
21 that chain.

22 With that, I'd move the admission of the
23 Cunningham family communication, Exhibits 29 through
24 41.

25 CHMN. CHENAL: All right. Applicant has

1 moved for the admission of UNSE-29, 30, 31, 32, 33, 34,
2 35, 36, 37, 38, 39, 40, and 41. Any objection?

3 (No response.)

4 CHMN. CHENAL: Hearing none, they are
5 admitted.

6 (Exhibits UNSE-29, UNSE-30, UNSE-31, UNSE-32,
7 UNSE-33, UNSE-34, UNSE-35, UNSE-36, UNSE-37, UNSE-38,
8 UNSE-39, UNSE-40, and UNSE-41 were admitted into
9 evidence.)

10 MR. DERSTINE: Exhibit 41 -- or, 42 is not an
11 exhibit that we utilized and had any testimony
12 concerning. I will not move the admission of 42.

13 43 was applicant's proposed form of CEC.
14 That will be superseded by the Chairman's form of CEC.

15 We've already moved the admission of
16 Exhibits 44, 45, and 46.

17 UNSE Exhibit 47 is the City of Kingman
18 Resolution 4555. There's been testimony surrounding
19 that resolution from Mr. Beck and Mr. Warner.

20 I move the admission of UNSE Exhibit 47.

21 CHMN. CHENAL: Applicant has moved for
22 UNSE-47. Any objection?

23 (No response.)

24 CHMN. CHENAL: Hearing none, it's admitted.

25 (Exhibit UNSE-47 was admitted into evidence.)

1 MR. DERSTINE: UNSE-48 is the witness slide
2 presentation that's been used on the left and the right
3 screens here in the hearing room. That slide
4 presentation has been updated and modified from the
5 original UNSE-48 that was filed when we filed our
6 original exhibits on April 16, but the current
7 UNSE-48 -- the court reporter has a current copy of
8 that.

9 And I would move the admission of UNSE-48,
10 witness slide presentation.

11 CHMN. CHENAL: All right. Applicants move
12 for UNSE Number 48. Any objection?

13 (No response.)

14 CHMN. CHENAL: Hearing none, it's admitted.

15 (Exhibit UNSE-48 was admitted into evidence.)

16 MR. DERSTINE: UNSE-49 is the Kingman
17 resource area Proposed Management Plan and Final
18 Environmental Impact Statement - Management Concern 4.
19 Mr. Warner testified as to UNSE-49. UNSE-50 is the
20 land ownership map. It was a slide that we utilized
21 and was presented to the Committee. UNSE-51 is the
22 corridor map in which we use the colored blocks to show
23 and illustrate to the Committee the areas in which the
24 BLM corridors overlap with the proposed routes and
25 comparing the proposed routes in terms of their

1 location within or without of the BLM corridors.

2 I would move the admission of Exhibits 49,
3 50, and 51.

4 CHMN. CHENAL: Applicant has moved for
5 admission of UNSE-49, 50, and 51. Any objection?

6 (No response.)

7 CHMN. CHENAL: Hearing none, they're
8 admitted.

9 (Exhibits UNSE-49, UNSE-50, and UNSE-51 were
10 admitted into evidence.)

11 MR. DERSTINE: UNSE Exhibit 52 is the Kingman
12 resource area Proposed Management Plan and Final
13 Environmental Impact Statement. This is a different
14 document, it appears similar, but different than
15 UNSE-49. This contains the designation and numbering
16 of the corridors that Mr. Warner testified to in his
17 chapter in his testimony under oath concerning the
18 various BLM corridors and how the Resource Management
19 Plan treats those corridors.

20 So I would move the admission of UNSE
21 Exhibit 52.

22 CHMN. CHENAL: Applicant has moved for
23 admission of UNSE-52. Any objection?

24 (No response.)

25 CHMN. CHENAL: Hearing none, it's admitted.

1 (Exhibit UNSE-52 was admitted into evidence.)

2 MR. DERSTINE: UNSE Exhibit 53 is the revised
3 public comment table that was presented to the
4 Committee in Excel spreadsheet form. It's made its way
5 to the court reporter and was loaded on the iPads, as
6 well as I think it was circulated electronically to the
7 Members of the Committee who are appearing virtually.

8 So I would move the admission of UNSE-53.

9 CHMN. CHENAL: Applicant has moved for
10 admission of UNSE-53. Any objection?

11 (No response.)

12 CHMN. CHENAL: Hearing none, it's admitted.

13 (Exhibit UNSE-53 was admitted into evidence.)

14 MR. DERSTINE: UNSE-54 was -- is a two-page
15 exhibit. It's headed Mailing Summary. The first page
16 is a -- UNSE-54 was testified to by Mr. Warner on the
17 morning of day two after public comment. It addresses
18 statements made during public comment concerning lack
19 of notice and addresses the mailing list used to
20 provide notice to the public by Transcon throughout the
21 EA process and the permitting and scoping process. And
22 the first page, again, is the summary which indicates
23 the list creation notes indicating where the mailing
24 list was sourced and when it was updated. The second
25 page is the list of names of the folks who commented

1 and establishes that they were indeed on the mailing
2 list, without in any way questioning the comments from
3 those individuals concerning the fact that they believe
4 they did not receive notice.

5 My question would be, as to Exhibit 54,
6 whether you want us to redact those names that are on
7 the second page that shows the commenters' names and
8 addresses?

9 CHMN. CHENAL: Mr. Derstine, I would. I'd
10 like to see the names redacted.

11 MR. DERSTINE: So subject to redaction, I
12 would move the admission of UNSE Exhibit 54.

13 CHMN. CHENAL: Applicant has moved for
14 admission of UNSE-54. Any objection?

15 (No response.)

16 CHMN. CHENAL: Hearing none, it's admitted.
17 (Exhibit UNSE-54 was admitted into evidence.)

18 MR. DERSTINE: UNSE-55 are the photographs
19 that were presented to the Committee on the screen this
20 morning. 55, those photographs were used with the
21 revised table, which is the modified permanent
22 residential structures adjacent to transmission line
23 alternative summary table. This was used to better
24 explain and provide the data concerning the number of
25 residential structures within 100 feet, 500 feet, or a

1 thousand feet of the route alternatives E1, E2, W1, 2,
2 3, and 4. That testimony came from Mr. Warner this
3 morning.

4 With that, I'd move the admission of UNSE
5 Exhibit 55 and 56.

6 CHMN. CHENAL: Applicant has moved for the
7 admissibility of UNSE-55 and 56. Any objection?

8 (No response.)

9 CHMN. CHENAL: Hearing none, they are
10 admitted.

11 (Exhibits UNSE-55 and UNSE-56 were admitted
12 into evidence.)

13 MR. DERSTINE: UNSE Exhibit 57 was the new
14 table presented to the Committee this morning that
15 shows existing UNSE transmission line easement on
16 private lands for each alternative. This is the table
17 that excludes the common portion of all the routes from
18 the distances cataloged for the six route alternatives,
19 and it totals the miles of private land crossed by
20 alternative and also carries a second column showing
21 miles of existing transmission line easement on private
22 land. Mr. Warner testified as to the foundation and
23 how that table was created.

24 I move the admission of UNSE Exhibit 57.

25 CHMN. CHENAL: Applicant has moved for

1 admission of UNSE-57. Any objection?

2 (No response.)

3 CHMN. CHENAL: Hearing none, it's admitted.

4 (Exhibit UNSE-57 was admitted into evidence.)

5 MR. DERSTINE: UNSE Exhibit 58 is the Bureau
6 of Land Management visual resource management classes.
7 Mr. Warner put this document up on the screen in
8 connection with his testimony concerning the
9 methodology used by BLM in terms of the classification
10 of visual impacts. He also utilized Appendix C, the
11 resource protection measures, it's Appendix C to the EA
12 that's not included in our -- the portion of the EA
13 that's in Exhibit B to UNSE Exhibit 1. But he
14 testified as to the importance of that document in
15 connection with -- more relating to the biological
16 resources, land use, et cetera.

17 So I would move the admission of Exhibit --
18 UNSE Exhibits 58 and 59.

19 CHMN. CHENAL: Applicant has moved for the
20 admissibility of UNSE-58 and 59. Any objection?

21 (No response.)

22 CHMN. CHENAL: Hearing none, they are
23 admitted.

24 (Exhibits UNSE-58 and UNSE-59 were admitted
25 into evidence.)

1 MR. DERSTINE: Then we presented, through
2 Mr. Raatz -- he put on the screen today a slide showing
3 the -- dealing with the FCC guidelines on radio station
4 interference. It's a visual depiction of an AM tower
5 and then -- AM tower within one wavelength and within
6 the lesser of 10 wavelengths, or 3 kilometers, relating
7 to nondirectional AM antenna within one wavelength or
8 directional AM array, showing that under FCC guidelines
9 no notification regarding interference is required for
10 10 wavelengths if it's a directional AM array.

11 His testimony was that the radio towers here,
12 I believe, are nondirectional AM towers that, under FCC
13 guidelines, would indicate there's unlikely to be
14 interference below 60 degrees, and he provided some
15 testimony and foundation for that. I think the brunt
16 and the focus of Mr. Raatz's testimony is that UNSE
17 will be proactive in terms of the design of the
18 structures surrounding the ones that are in proximity
19 to the KAAA and KYET, but his -- and provided another
20 slide.

21 Is the photo of the detuning a separate
22 slide? Same one.

23 So both of those are UNSE Exhibit 60. So the
24 photo of the detuning equipment, which Mr. Raatz
25 testified to, and then this diagram of FCC guidelines

1 concerning notification requirements for potential
2 interference, collectively those two slides are
3 UNSE-60.

4 And I'd move the admission of UNSE-60.

5 CHMN. CHENAL: Applicant has moved for
6 admission of UNSE-60. Any objection?

7 (No response.)

8 CHMN. CHENAL: Hearing none, it is admitted.

9 (Exhibit UNSE-60 was admitted into evidence.)

10 MR. DERSTINE: And last but not least,
11 UNSE-61 is the revised KOP visual simulations that take
12 off the offending red lines and arrows on the
13 simulation. And Mr. Warner presented those as being a
14 more accurate depiction of what the structures would
15 look like on the skyline.

16 MEMBER NOLAND: Mr. Chairman, I object. I
17 want you to overrule me.

18 CHMN. CHENAL: I have to think about that,
19 Member Noland. He has to move for the admission of it
20 first.

21 MR. DERSTINE: I would move for the admission
22 of it. Please object.

23 CHMN. CHENAL: All right. UNSE has moved for
24 admission of UNSE-61. Any objection?

25 (No response.)

1 CHMN. CHENAL: Hearing none, it is admitted.

2 (Exhibit UNSE-61 was admitted into evidence.)

3 MR. DERSTINE: And that is all of applicant's
4 exhibits. Chairman has already moved and admitted his
5 exhibits.

6 CHMN. CHENAL: So just to summarize,
7 Chairman's 1 and 2 are admitted. UNSE-1, 2, 4 through
8 41, 44 through 61.

9 MR. DERSTINE: 61.

10 CHMN. CHENAL: 61, right.

11 Okay. I know before we break there's a
12 couple things that I'd like the applicant and maybe
13 even Mr. Cunningham to think about in terms of
14 conditions. I should just point them out to you so we
15 don't waste time tomorrow. It probably will take all
16 of about a minute tonight, and it will save a lot of
17 time tomorrow. So if you don't mind, I'll let you know
18 a couple things that are notes and on my mind and that
19 Committee Members have brought up, for example.

20 One is, if we were to use the western route,
21 there's the Golden Valley West RV Park. And I know
22 Member Noland, I believe, had talked about spanning
23 that. If that were to come up, we need to have a way
24 to deal with that and think that through so we're not
25 wasting a lot of time tomorrow on that were that to

1 come up.

2 I know that what I provided to Mr. Derstine
3 this evening were some very minor edits to the proposed
4 CEC. I know there will be others that we'll talk
5 about. But I know one in particular, I know it came up
6 today, was the idea that the BLM requirements as set
7 forth in the EA, including all the mitigation factors
8 that Mr. Warner talked about, would be applicable to
9 non-BLM land as well. And I don't think that's
10 covered -- we have a standard condition that the
11 applicant will comply with all the requirements of
12 BLM, city, state, federal, blah, blah, blah, but
13 there's that gap there where we want those to apply to
14 the entirety of the project, even if it's not BLM land,
15 so it's a continuation of those requirements
16 throughout.

17 We talked about the detuning equipment, and
18 Mr. Beck had -- number three is Mr. Beck had talked
19 about proffering a condition maybe that's akin to our
20 gas line provisions. And I want you all to discuss
21 that and come up with some language ahead of time
22 that's fair. You know how we are. You know how I am.
23 You know it's got to be enforceable and have teeth, but
24 something that's fair and reasonable from your
25 perspective.

1 Next -- and here is the thing I think --
2 maybe a discussion with Mr. Cunningham. There was a
3 comment made by Mr. Cunningham that -- about removing
4 distortion caused by the project. Okay. First of all,
5 that detuning -- some sort of a condition that
6 addresses detuning. I think it's another one that we
7 talked about that would provide or cover a number of
8 issues. One is the testing, if you will, for
9 interference would be at the applicant's expense and
10 not the expense of the tower -- of the owners of the
11 towers.

12 And the other is that there be a requirement
13 that the distortion be removed. And when I heard
14 Mr. Cunningham's comment, as an attorney, I can tell
15 you, remove distortion caused by the project -- those
16 words, "caused by the project," are a litigation black
17 hole that could go on for years. It becomes very
18 difficult to figure out whether it's caused by that or
19 not. And so I think something has to be worked out
20 that, you know, is fair that addresses that in some
21 way.

22 I can see why the applicant would not want
23 to have to deal with distortion unless it's caused by
24 the transmission lines, but I also feel for the owners
25 of the tower who are put to the proof of having to

1 prove that the distortion is, in fact, caused by the
2 power lines versus something else when, you know, it
3 may or may not be. But some fair way to deal with
4 that.

5 MR. BECK: Mr. Chairman, maybe something like
6 a time limit on that. So any distortion within the
7 first year or something or two years of operation,
8 because anything after that could be changed
9 conditions.

10 CHMN. CHENAL: Yeah. Something fair. And
11 I'd just like you to consult with Mr. Cunningham.

12 The last thing is, Mr. Cunningham made a
13 comment about road access, and he provided some
14 language, I think, to Mr. Derstine. Just make sure
15 that that's addressed as well so we're not wasting time
16 tomorrow crafting these. These can be prepared ahead
17 of time and to people's satisfaction. It seems to me
18 like if we go with an eastern route, that
19 Mr. Cunningham's comment about having access over roads
20 that are developed by the applicant may have some merit
21 and may be fair.

22 So those are the ones I had. That was my
23 little cheat sheet list that I thought we should at
24 least address tonight for a little more homework so we
25 save time tomorrow.

1 And I know, Mr. Derstine, we still have not
2 heard the close of your case. We can do that tomorrow
3 morning and have you just do your final -- your closing
4 argument tomorrow, if you'd like.

5 MR. DERSTINE: Maybe we can defer until
6 tomorrow morning just a short wrap-up and conclusions
7 from our witnesses, rest the case, I'll do a short
8 closing, and you'll be off to your deliberations.

9 CHMN. CHENAL: And I wanted to ask the
10 Committee Members if they have any issues that they
11 would like to see addressed, like I just did. But if
12 there's any other conditions or legal description,
13 anything that we normally get into that we might want
14 to just ask the applicant to address tonight or think
15 through.

16 Member Noland.

17 MEMBER NOLAND: I've got two things.
18 Number one, you need to put the right-of-way into the
19 CEC. You have the 500-foot corridor, but I didn't see
20 right-of-way.

21 Number two, I need to have a paper copy,
22 because I keep my notes and I keep the revisions on it
23 for each of these cases. So I don't want to chop down
24 trees, but I need at least one paper copy.

25 MR. DERSTINE: We can distribute in the

1 morning a paper copy of the proposed CEC that
2 incorporates the Chairman's -- he has some redlines and
3 edits to the proposed CEC. We'll also have crafted
4 language concerning the items that we've just talked
5 about.

6 MEMBER NOLAND: That's fine.

7 MR. DERSTINE: I'll circulate that, along
8 with the legal description format.

9 CHMN. CHENAL: Member Haenichen.

10 MEMBER HAENICHEN: Thank you. At the end of
11 the day, we have to have some language on what we are
12 voting for. Are we going to determine which of these
13 six -- I believe there's six -- options during the
14 deliberation phase?

15 CHMN. CHENAL: Yes, Member Haenichen. I
16 think the first order of business is to take a
17 preliminary vote on which route and see where we are,
18 and then we'll have those discussions. Because some of
19 the conditions might apply to one side and not the
20 other, so I think we have to kind of determine that.
21 And that could come to a vote, you know, and we'll just
22 have to go through that.

23 We haven't really had to do that yet. This
24 might be a case where there's a difference of opinion
25 and we have to vote on which route we're going to take

1 and then go through conditions.

2 MEMBER HAENICHEN: So we'll wind up having
3 two votes, one on which route and one whether to do it
4 or not?

5 CHMN. CHENAL: Yes, sir.

6 MEMBER HAENICHEN: Thank you.

7 CHMN. CHENAL: And I think, just to remind
8 everyone how we do it, we'll start on the left screen
9 with the proposed CEC with some minor edits that I
10 made. Really there's not that many edits on the
11 proposed CEC. And then we'll add to it and work
12 through it. On the right-hand screen will be a working
13 copy which will evolve through our deliberations with
14 the additions and changes we make.

15 And what we end up with at the end and vote
16 on will become the final CEC that will be taken and
17 sent to me with a clean copy that we sign and file.
18 And those will both be exhibit numbers so that someone
19 reading the transcript later will know we're referring
20 to -- which one we're referring to.

21 Anything else before we break for the
22 evening? Anything from the Committee Members, from the
23 applicant?

24 MR. DERSTINE: Nothing from the applicant.

25 CHMN. CHENAL: All right. So let's adjourn

1 for the evening. Thank you, everyone, and we'll see
2 everyone tomorrow at 9:00 a.m.

3 (The hearing recessed at 5:19 p.m.)

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1 STATE OF ARIZONA)

2 COUNTY OF MARICOPA)

3

4 BE IT KNOWN that the foregoing proceedings
5 were taken before me; that the foregoing pages are a
6 full, true, and accurate record of the proceedings all
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8 proceedings were taken down by me in shorthand and
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10 ethical obligations set forth in ACJA 7-206(F)(3) and
11 ACJA 7-206 J(1)(g)(1) and (2). Dated at Phoenix,
12 Arizona, this 4th day of May, 2021.

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KATHRYN A. BLACKWELDER
Certified Reporter
Certificate No. 50666

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19 complied with the ethical obligations set forth in ACJA
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