THE UNDER SECRETARY OF DEFENSE
3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

ACQUISITION,
TECHNOLOGY,
AND LOGISTICS

JUN 04 2014

The Honorable Neil Kornze
Director
Bureau of Land Management
Department of the Interior
1849 C Street NW, Room 5665
Washington, DC 20240

Dear Mr. Kornze:

Enclosed is the mitigation proposal offered by Secretary Hagel in his May 27, 2014, letter to Secretary Jewell on the SunZia Southwest Transmission Project.

Burial of the three identified segments of the proposed transmission lines, totaling at least five miles of buried line, is necessary to ensure that some low-altitude flight operations can occur in the area north of White Sands Missile Range identified as the Northern Extension Area (NEA). Secretary Hagel's letter also mentioned the need to implement other mitigation actions, which are also discussed in the enclosed proposal.

The SunZia Final Environmental Impact Statement (FEIS), which BLM published in June 2013, recognized the Department of Defense's unresolved concerns with the portion of the transmission lines traversing the NEA. The FEIS anticipated the possibility that continued discussions following publication of the FEIS could identify acceptable mitigation measures, including the potential undergrounding of portions of the transmission line (see, particularly, the discussion at Chapter 2, page 89, of the FEIS).

If you or your staff have any additional questions regarding this proposal, my points of contact are Dr. David Brown, Director of the Test Resources and Management Center, at 703-697-3443, and Mr. John Conger, Acting Deputy Under Secretary of Defense for Installations and Environment, at 703-571-9076.

Sincerely,

Frank Kendall

Enclosure:
As stated

cc:
Secretary of Defense
Secretary of the Interior

DoD Mitigation Proposal
SunZia Southwest Transmission Project

DoD has identified four mitigation actions needed to minimize impact to mission capability across the Northern Extension Area (NEA). These include (1) burial of a portion of the power lines to allow some low-altitude flight operations to occur; (2) hold harmless of the government for any claims for damage to the power line or damage caused from the construction, operation, or power disruption of the transmission line; (3) drafting of a Memorandum of Agreement (MOA) between DOD and the Applicant to allow for DoD testing during line construction and operation; and (4) micrositing structures and termination stations to minimize operational impact.

1. Burial of a Portion of the Power Lines

To mitigate some mission impacts, DoD determined that it is necessary to bury at least five miles of the power lines to accommodate a minimum required set of type and diversity of low-altitude tests possible in the vicinity of the lines. These burial sites are located along the Bureau of Land Management (BLM) preferred alternative route and maximize the use of valleys to maintain the ability of two-abreast target formations. The three burial site locations are in the central, eastern, and western regions of the NEA (at least 2 miles, at least 2 miles, and at least 1 mile respectively). Prospective coordinates have been identified for burial and are annotated on the attached chart. The exact details and locations of each buried segment will be confirmed following field verification, site evaluations and agreed to by DoD, BLM, and the Applicant in writing prior to the issuance of the Right of Way Agreement to ensure military operations and safe and efficient electrical practices are achieved.

2. "Hold Harmless" Clause for the Right-of-Way Agreement

A Hold Harmless Clause shall be mutually prepared by DoD and the Applicant for incorporation in any Right of Way (ROW) Agreement. The following Hold Harmless and was proposed in the August 2013 Technical Working Group report, and is considered a basis for further discussion:

> The grantee, its successors and assigns, by accepting this right-of-way, agrees to hold the United States, its officers, agents, representatives, and employees (in this clause "United States") harmless from any costs, damages both direct and indirect, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising out of, or in connection with, damage to grantee's property due to the acts or omissions of the United States in conducting training and testing activities on White Sands Missile Range and all of the Northern Extension Area (NEA) including any non-Federal lands within the NEA. Without regard to whether compensation for any damages or injuries giving rise to such costs, damages both direct and indirect, claims, causes of action, penalties, fines,

liabilities, and judgments of any kind or nature might be due under a theory of negligence, strict or absolute liability, or otherwise, the grantee assumes all risks of damage or injury to its property present in, on, or above White Sands Missile Range and all of the NEA including any non-Federal lands within the NEA, if such injury or damage occurs by reason of the activities of the United States being conducted as a part of, or in connection with, the programs and activities of the White Sands Missile Range. Grantee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States.

3. Procedures to Allow for Unimpeded Testing to Occur During Construction and Maintenance of the Power Lines

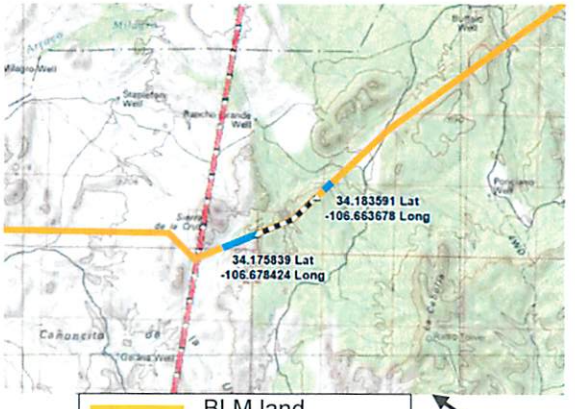
Procedures consistent with other construction operations that have occurred in and around WSMR have been developed. These procedures cover pre-construction, construction, and post-construction phases of the project and emergency access. Factors such as the following will need to be incorporated into an MOA between DoD and the Applicant, prior to issuance of the ROW, to address scheduling of construction activities and coordination with WSMR:

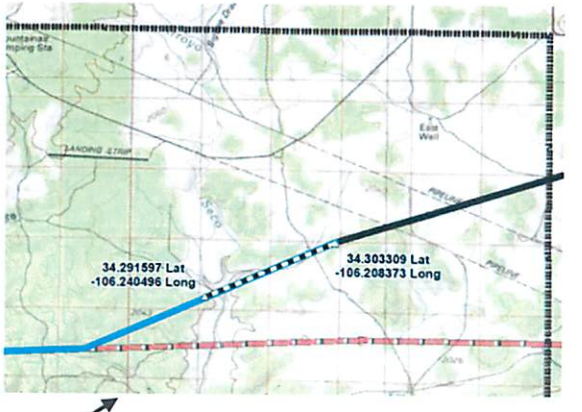
- WSMR General Contact Information: Contact the White Sands Test Center (WSTC) Commander or the WSMR Command Deputy Executive Director.
- Scheduling Information Required During Construction Phase: First day of each month, notify the WSTC Commander of all projected activities within the NEA for the following month (aircraft, blasting cranes, and other type of construction equipment that will extend above 50 feet in the restricted airspace and above 100 feet outside of the restricted airspace in order to identify airspace needs). The range test missions will have priority over any Applicant activities.
- Pre- and Post-Construction Phase: The proponent will schedule all activities with the WSTC Commander. WSTC and the proponent will establish a committee to craft and execute protocols and procedures to ensure that operationally sensitive test event data is not inadvertently garnered by the project's equipment and infrastructure.
- Emergency Access: Emergency access to the Right-of-Way. The proponent will contact the WSTC Commander or WSMR Range Control at (575) 678-2896 (24/7) to inform them of the situation and urgency of access. Emergency entry for ambulance, fire, or police will not be delayed. Range Control will inform the proponent if hazardous operations are ongoing. Range control will coordinate with the proponent on when/where to enter the Right-of-Way.
- Other provisions encouraging open communication and cooperation among DoD, WSMR and the Applicant.

4. Procedures for Micrositing the Power Lines to Minimize WSMR Operational Impact

Micrositing transmission towers, termination stations and other electrical equipment to minimize impact to military operations should be a goal by the WSMR staff and the Applicant. Following procedures identified in the ROW agreement, the applicant and the WSMR, working in cooperation with the New Mexico State Director's Office of the Bureau of Land Management staff, should work together to ensure the best operational layout consistent with safe electrical practices.

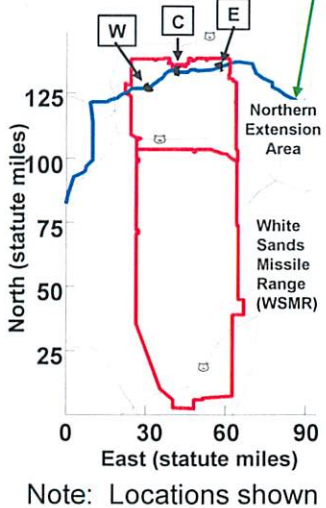
Northern Extension Area Burial Site Locations





BLM land
State of NM land
Private land
Burial section
Airspace boundary

Bureau of Land Management (BLM) Preferred Alternative Route



		Western Burial [W]	Central Burial [C]	Eastern Burial [E]
Minimum Burial Segment Distance (statute miles)		At least 1 mile	At least 2 miles	At least 2 miles
Location*	East Boundary	34.183591 -106.663678	34.26965 -106.48105	34.303309 -106.208373
	West Boundary	34.175839 -106.678424	34.27699 -106.514435	34.291597 -106.240496

* Exact coordinates will be determined by mutual agreement between DoD and Applicant

Note: Locations shown in WGS-84 Geographic Coordinate System (GCS) in signed decimal degrees

Burial Locations for Low Altitude Testing

[W] Western Location
- Geometric diversity
- Terrain diversity
- Low population density

[C] Central Location
- Favorable terrain features - Valley
- East-West buffer for target flight path and interceptor flyout flexibility
- Low population density

[E] Eastern Location
- Favorable terrain features - Valley
- Geometric diversity
- Low population density