



MEMORANDUM

Date: May 28, 2014

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: C.H. Huckelberry
County Administrator 

Re: **Requested Modification to the Mitigation and Monitoring Plan of the Sierrita Gas Pipeline by Kinder Morgan through the Altar Valley**

Enclosed is a recent letter directed to Kinder Morgan Public Affairs Director Allen Fore. The letter discusses the minimum management and monitoring efforts we believe are appropriate to ensure that adverse long-term impacts of the Sierrita Natural Gas Pipeline are mitigated.

We continue to oppose any use of Buenos Aires National Wildlife Refuge (Refuge) access rights of way to gain access to the pipeline alignment that, at the very request of the Refuge, was diverted around the Refuge. It would appear the Refuge is now trying to benefit from Kinder Morgan's improvement and maintenance of internal existing roadways within the Buenos Aires National Wildlife Refuge. We believe this is a philosophically contradictory position and have written to US Fish and Wildlife Service Regional Director Benjamin Tuggle regarding this action.

We continue to believe that long-term habitat preservation is a necessary component of mitigation, something that has been opposed by Kinder Morgan to date. We will continue to request said mitigation.

It is uncertain as to whether all of the necessary approval documents will be completed for Board of Supervisor's action at the meeting of June 3, 2014. If not, I will recommend this item be continued to the June 17, 2014 meeting.

CHH/anc

Attachment

c: Diana Durazo, Special Staff Assistant to the County Administrator
Linda Mayro, Director, Office of Sustainability and Conservation



COUNTY ADMINISTRATOR'S OFFICE

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C.H. HUCKELBERRY
County Administrator

May 22, 2014

Allen Fore, Director, Public Affairs
Kinder Morgan Energy Partners
3250 Lacey Road, Suite 700
Downers Grove, Illinois 60515

Re. **Kinder Morgan/Sierrita Pipeline Project Long-term Monitoring Plan**

Dear Mr. Fore:

Thank you for providing your draft Sierrita Pipeline Project Long-term Monitoring Plan (the Plan). I asked our staff to review this document and to suggest any revisions that will better serve the Plan's principal goals and objectives. Attached is the revised document.

While much of the Plan was found to be suitable, we revised the Plan in the following ways, which we feel will improve its implementation and outcome:

1. Coordination and collaboration in deciding methodologies, measures, and data sharing among Kinder Morgan/Sierrita and its biologists and consultants; the Arizona State Land Department; private property owners; Pima County; and other stakeholders.
2. Use of stereoscopic aerial photography and photogrammetric mapping to establish baseline conditions, followed by annual over-flights and aerial photography and mapping, as necessary.
3. Complete removal of Buffelgrass whenever it is found.
4. Promptly perform remedial actions when erosion, restoration or other concerns, such as damage from border trafficking, are identified.

Mr. Allen Fore
Re. Kinder Morgan/Sierrita Pipeline Project Long-term Monitoring Plan
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We trust you will find these revisions consistent with the earlier draft Plan, and we look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "C.H. Huckelberry", with a long, sweeping underline that extends to the right.

C.H. Huckelberry
County Administrator

CHH/mjk

Enclosure

c: Linda Mayro, Director, Office of Sustainability and Conservation

Sierrita Pipeline Project

Docket No. CP13-73-000

Long-Term Monitoring Plan

Sierrita Gas Pipeline LLC
Two North Nevada Avenue
Colorado Springs, CO 80903

Pima County Revisions: May 20, 2014

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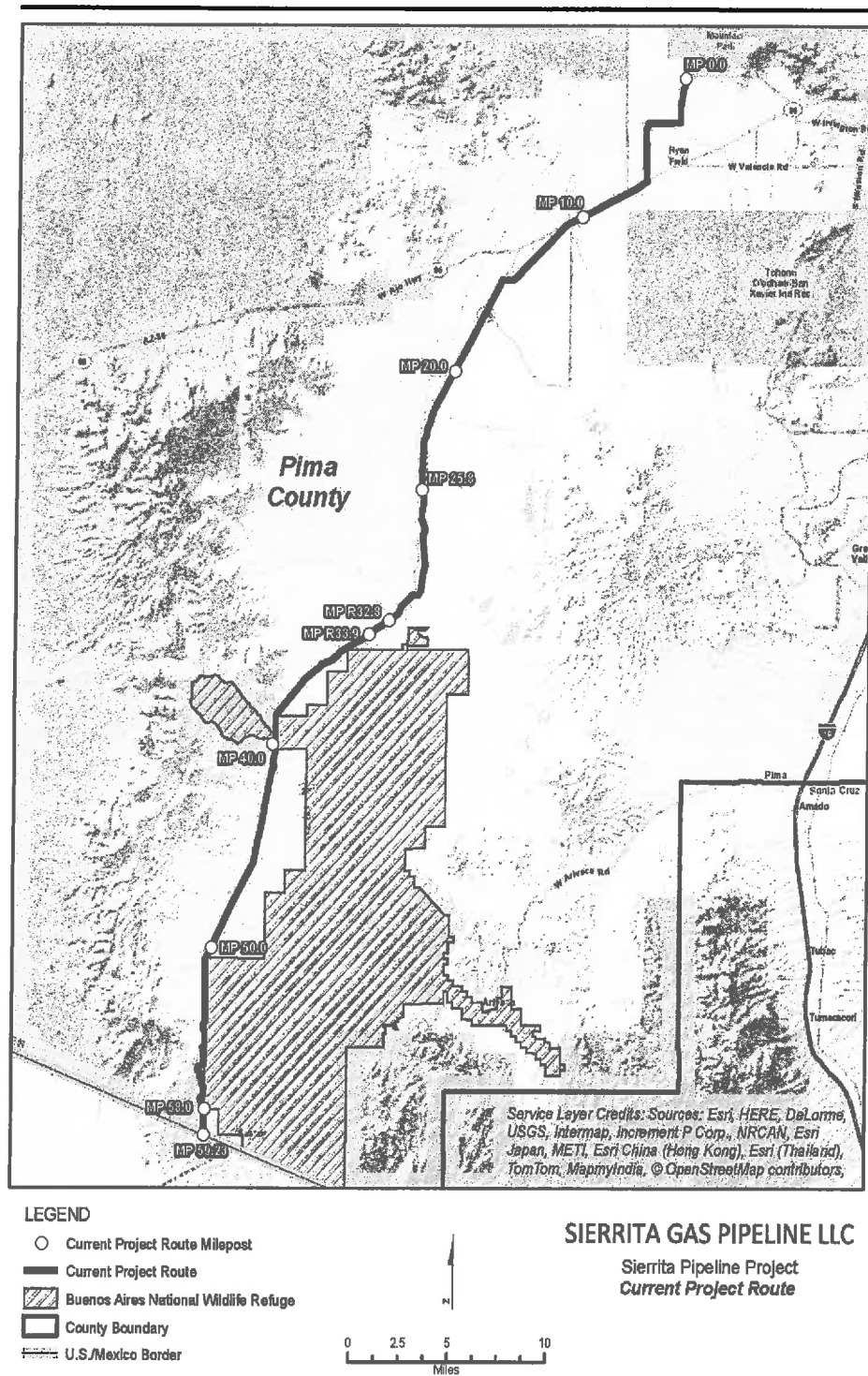
Abbreviations and Acronyms

ASLD	Arizona State Land Department
FERC	Federal Energy Regulatory Commission
GPS	global positioning system
OHV	off-highway vehicle
Project	Sierrita Pipeline Project
ROW	right-of-way
Sierrita	Sierrita Gas Pipeline LLC

1.0 Introduction

Sierrita Gas Pipeline LLC (Sierrita) proposes to construct approximately 60 miles of 36-inch-diameter, high-pressure pipeline and associated measurement facilities to deliver natural gas from El Paso Natural Gas Company, L.L.C.'s existing pipeline system to an interconnect point at the U.S.-Mexico border near the Town of Sasabe, Arizona (Figure 1) herein referred to as the Sierrita Pipeline (Project). A corresponding pipeline Mexico segment, known as the Sasabe-Guaymas Pipeline, would also be constructed in Mexico by a separate entity not associated with Sierrita. The U.S. and Mexican pipelines would serve to meet increased gas-fired electrical generation needs. Sierrita proposes to use a nominal 100-foot-wide construction right-of-way (ROW) for installation of the pipeline, and a 50-foot-wide permanent ROW to facilitate operation and maintenance of the pipeline, meter stations, and appurtenant installations. Sierrita has no plans for periodic vegetation maintenance of the ROW with the exception of large shrubs or trees located within 10 feet of the pipeline centerline with roots that could compromise the integrity of the pipeline or may interfere with periodic corrosion/leak surveys. Post-construction vegetation clearing would be performed by pedestrian means; no vehicles would be used for vegetation maintenance.

This Long-Term Monitoring Plan provides monitoring procedures that will be implemented in years six through 20 following the in-service date of the pipeline on lands managed by the Arizona State Land Department (ASLD) but will also apply to private lands or Pima County lands, if requested by the landowner or Pima County. Long-Term Monitoring of the Project ROW includes continued noxious weed monitoring and management, surveys of the monitoring sites established during post-construction monitoring, and erosion monitoring, as well as remediation to ensure successful environmental restoration as described in the following sections.



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Figure 1

2.0 Long-Term Monitoring Goals and Objectives

Vegetation

The establishment of perennial plant composition, cover, and density (herein measures) is essential to achieving soil stability, noxious and invasive weed abatement, and wildlife habitat restoration following Project construction. Establishment of desirable perennial plant measures will be the indicator of successful restoration. Therefore, the goal of the long-term vegetation monitoring program is to document progress toward meeting revegetation success targets and identify areas along the Project ROW that require additional treatments. Sierrita is responsible for success along the Project ROW until released by the FERC and ASLD, assuming that such release is not unreasonably withheld.

The long-term monitoring goals will be achieved by the following objectives:

- Conduct vegetation monitoring after in-service. Monitoring prior to the sixth year will occur as described in the *Sierrita Post-Construction Vegetation Monitoring Document*; with the following changes:
 - The number of sampling points will be established using statistically appropriate methods that account for the variation in vegetation resources over the approximately 60 mile pipeline and variation of resources within each plot. Sierrita will work with Pima County and statisticians to determine the number of plots needed. Stratification of sites will likely be appropriate and will add efficiencies to the sampling. Stratification based on dominant vegetation type (Figure 2) is an accepted and prudent approach.
 - Location of plots will be determined using a random design (either systematically or within appropriate strata) and not by way of convenience, as previously indicated.
 - The vegetation measurement objective, which will be used to compare restoration and reference sites, will be to estimate mean density, cover, and composition with appropriate levels of statistical power to determine restoration success.
- Each year, on the anniversary of project completion, aerial stereoscopic photography and photogrammetric mapping shall be completed of the entire pipeline corridor.
- Annually conduct ground photo documentation of monitoring sites by a qualified biologist (see Section 3.0);
- Travel the entire length of the project (by foot or horseback) to identify areas—outside of monitoring sites—where revegetation efforts do not meet the success criteria and implement corrective actions (adaptive management);
- Implement adaptive management strategies to achieve continued successful revegetation by establishing an Adaptive Management Team with members coming from FERC, ASLD, Pima County, and other interested parties. The team will confer

- regarding the status of revegetation, trend toward meeting success criteria, and appropriate remediation actions that may be required to meet success criteria; and
- Prepare an Annual Long Term Monitoring Report for submittal to FERC, ASLD, Pima County, and other agencies as appropriate after survey completion. This effort would include dissemination of raw data and data summaries.

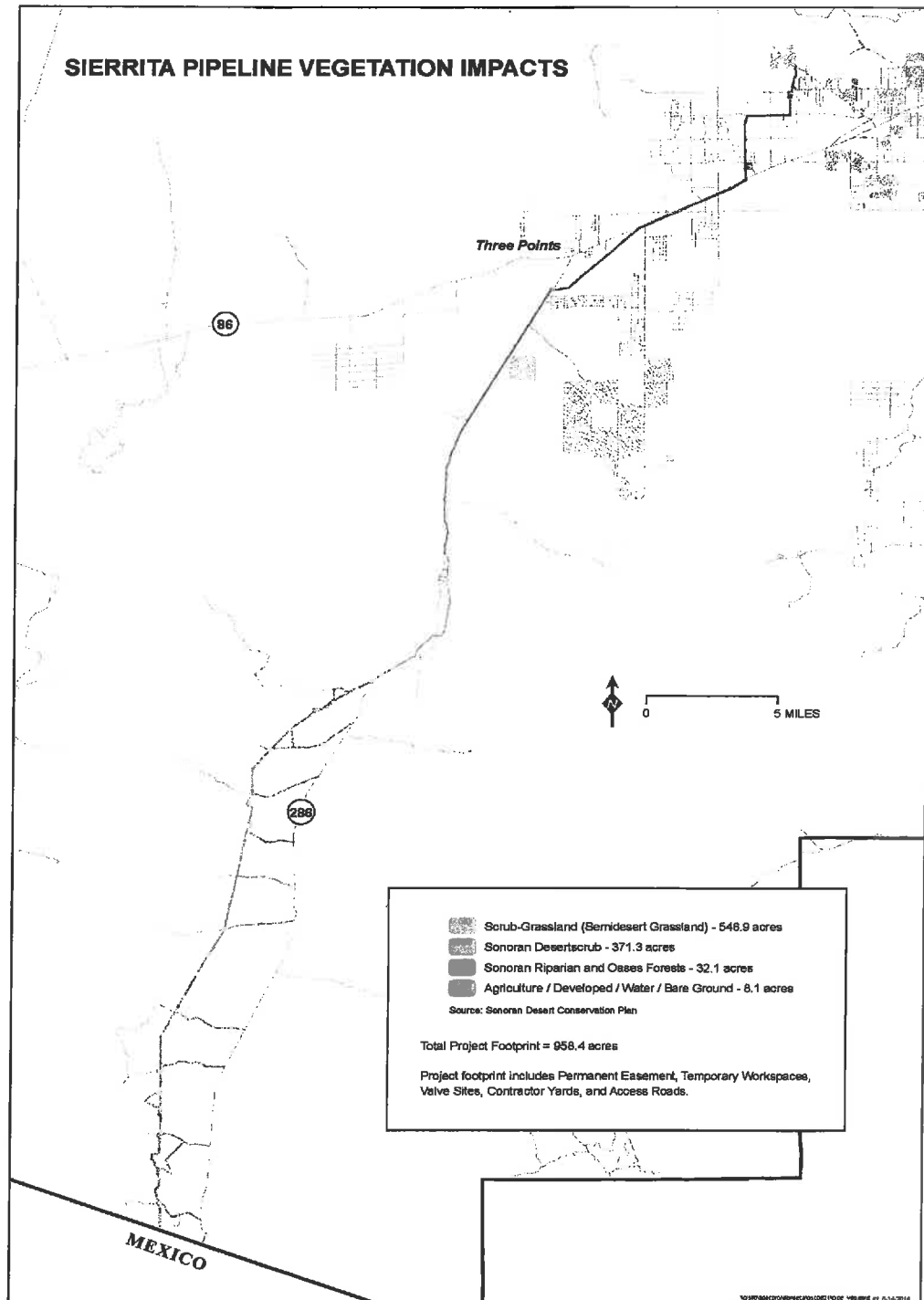


Figure 2. Dominant vegetation communities along the pipeline route.

While this document establishes the long-term monitoring processes that will be used to assess the Project's ongoing success with restoration, Sierrita remains responsible for overall restoration of the ROW. Should Sierrita personnel, agency personnel, or members of the public identify specific areas of concern on Sierrita's ROW not included in the monitoring program, Sierrita will assess the concerns at such locations and, if agreed, will take necessary corrective action.

Sierrita anticipates that successful restoration and revegetation efforts will vary because of differences in soil, rainfall amounts, terrain, and grazing. However, these factors will not be used as justification for not conducting monitoring and implementing corrective actions. Private landowners may request monitoring of revegetation success on their fee land.

Erosion in Washes and Access Roads

A key goal of the Sierrita project is hold soil in place to prevent excessive erosion, which takes the form of downcutting of washes, headcutting, and excessive soil loss in washes, on steep slopes and along access roads. To support this goal, monitoring will focus on all wash crossings (and buffer areas both upstream and downstream) and access roads. To support this, the Erosion Monitoring program element will have the following characteristics:

- All wash crossings and access roads will be photo monitored annually using LiDAR or stereophotogrammetry (or equivalent remote-sensing method) that is sensitive enough to detect at least 6-12 inches of soil loss in the channel and/or adjacent slopes. Ad hoc or subjective evaluations will not be employed as they are not reliable for detecting change.
- Monitoring will take place in October and data will be evaluated prior to the start of the following monsoon season so that any problem spots can be addressed prior to the onset of heavy rains.
- Based on these annual assessments, any deviations from the threshold will require a site visit, assessment, and plan of action. Particular attention will be directed to fixing both the proximate and ultimate cause of problem.
- Monitoring and remediation will be ongoing for 20+ years after construction.

Border Impacts

Impacts from illegal immigration, drug smuggling, and associated law enforcement activities in and adjacent to the right-of-way are an important concern. Therefore, Sierrita will undertake monitoring for both resource damage and human use. The goal of the monitoring effort will be to detect the degree of use of the ROW and adjacent areas by humans and off-road vehicles. As a departure from previous proposals that relied on qualitative measures, Sierrita will use quantitative measures of use. In consultation with law enforcement and land managers, these data will then be used to determine if additional steps need to be taken to halt the illegal use of the corridor.

3.0 Monitoring Approach

Long-Term Monitoring of the Project ROW includes continued noxious weed monitoring and management; repeat surveys of vegetation plots and visual surveys of additional sites established during post-construction monitoring; annual over-flights of the ROW to assess erosion in washes and access roads and overall revegetation and potential areas of concern; and illegal use monitoring. Monitoring will be performed using personnel from an organization or company under contract with Sierrita meeting the following requirements:

- a. Personnel leading the monitoring activities for a given monitoring team will hold a Bachelor's of Science degree in botany, range science, or other vegetation-related science field or will have ten years of equivalent professional or academic experience.
- b. Personnel should be able to demonstrate knowledge of local flora prior to fieldwork, including the identification of the range of native and non-native plant species expected to be encountered onsite. Personnel should be qualified to identify unknown plant species with a regional dichotomous key and/or herbarium work.
- c. Personnel will be trained how to estimate cover of plants prior to the field season. This is important because studies have shown that training can greatly increase the ability of observers to evaluate cover. Training will take place in teams of observers to reduce inter-observer bias and increase accuracy.

Aerial Photogrammetry and Over-Flights

As part of overall monitoring program, Sierrita will reimburse Pima County to conduct over-flights of the Project ROW in order to document how well restoration is progressing, where erosion is occurring, and where remediation is necessary.

Baseline Aerial Photographic Documentation

Stereoscopic aerial photogrammetric documentation of the project length will occur prior to construction. Aerial photographs are to have good metrical qualities and high pictorial quality for precise quantitative photogrammetric measurements, as well as qualitative analysis through photographic interpretation. The photo scale will be such that accurate topographic maps could be developed from the stereoscopic aerial photography with a scale of one-inch equals 100 feet, with a two-foot contour interval resulting in an overall accurate elevation determination of plus/minus one foot. The purpose of the baseline aerial photography is to document all conditions along the corridor prior to construction to establish baseline conditions for long-term comparative analysis and assessment of restoration.

Annual Aerial Photogrammetric Monitoring

Each year, on the anniversary of project completion, aerial photogrammetric mapping as described previously shall be completed. Sierrita will also reimburse Pima County to conduct over-flights and stereoscopic photography of the Project ROW annually following the monsoon season and after large storm events that cause flooding. These flights will be equipped with

appropriate remote sensing equipment to document ROW use and potential areas of concern resulting from erosion. Data from the flights will be reviewed by Pima County, Sierrita and the Sierrita's biological consultant to identify potential areas of concern and to identify appropriate corrective action. Such corrective actions will be reported to ASLD or the respective landowner(s) after the corrective action is taken.

Continued Noxious Weed Monitoring

The Project area was surveyed for noxious weeds in 2012. Project biologists conducted field surveys of the Project area from March to May and July to September 2012 to inventory native and non-native vegetation. Table 1 lists the plant species observed in the Project area prior to construction that are non-native, invasive, and/or noxious weed species.

It should be noted that repeated control measures are not always considered successful for certain weed species that are already well established and abundant. For example, most land management agencies recognize that the widespread distribution of some non-native species, such as buffelgrass and some other grasses, precludes the reasonable possibility of regional eradication. For this reason, those certain widespread invasive species that are not classified as noxious, such as Russian thistle, would not be treated unless treatment is needed to ensure the success of Project restoration and revegetation efforts. For example, it is possible that Lehmann's lovegrass will preclude restoration in some areas. This species will be treated, as needed.

Surveys and monitoring would be conducted as part of Project restoration and revegetation to identify areas where these invasive species would need to be treated. Project weed control contractors would treat noxious weed populations and invasive weed populations (not designated as noxious) as identified through such monitoring.

Sierrita will survey for invasive species along the entire pipeline route. Surveys should take place biannually (March and August). Treatment will take place at the same time as surveys. Monitoring and treatment should be ongoing through at least 10 years post construction.

Sierrita will focus its weed survey within the ROW and off-ROW. A weed population will be treated if the percent cover is greater within the ROW than the percent cover of the same species outside of the ROW. Prohibited species such as Buffelgrass will be removed wherever it is found within the right of way.

Table 1. Non-Native, Invasive, and Noxious Weed Species Observed in the Project Area In 2012

Scientific Name	Common Name	Arizona Management Status ^a
<i>Cuscuta</i> spp.	Dodder	1, 3
<i>Cynodon dactylon</i>	Bermuda grass	Non-native but not listed by ADA
<i>Eragrostis lehmanniana</i>	Lehmann's lovegrass	Non-native but not listed by ADA
<i>Ipomoea</i> sp.	Morning glory	1
<i>Ipomoea coccinea</i>	Redstar	1
<i>Mollugo cerviana</i>	Threadstem carpetweed	Non-native but not listed by ADA
<i>Pennisetum ciliare</i>	Buffelgrass	1, 2
<i>Salsola tragus</i>	Prickly Russian thistle	Non-native but not listed by ADA
<i>Sorghum halepense</i>	Johnsongrass	Non-native but not listed by ADA
<i>Tamarix ramosissima</i>	Saltcedar	Non-native but not listed by ADA
<i>Tribulus terrestris</i>	Puncturevine	1, 2
a - Arizona Management Status 1 - Prohibited: Noxious weeds (including plants, stolons, rhizomes, cuttings, and seeds) that are prohibited from entry into the state. 2 - Regulated: Noxious weeds (including plants, stolons, rhizomes, cuttings, and seeds) that are regulated and, if found within the state, may be controlled or quarantined to prevent further infestation or contamination. 3 - Restricted: Noxious weeds (including plants, stolons, rhizomes, cuttings, and seeds) that are restricted and, if found within the state, shall be quarantined to prevent further infestation or contamination. Source: SWCA 2012		

In areas where noxious weeds occur in undisturbed areas adjacent to the ROW, Sierrita will control weed densities on the ROW to a level that is at or below levels in adjacent areas. In areas where noxious weeds occur within the ROW, but not off the ROW, Sierrita will target areas for control when the weed cover exceeds 10 percent of the ROW. The percentages will be based on a visual estimate centered on representative weed populations. Sierrita will also monitor invasive species on plots as a part of the long-term monitoring. In areas where weed cover exceeds off-ROW by 25 percent, Sierrita will consult with the appropriate land management agencies to determine the need or level of weed control. Sierrita will discuss with the appropriate land management agency suitable noxious weed control methods and timing in these areas.

The need for treatment will be determined based on the relative cover of noxious or invasive weeds on the ROW, the potential to inhibit desirable plant establishment, and weed cover adjacent to the ROW of land not disturbed by the Project. The need for weed control procedures will be discussed with ASLD and grazing leasees prior to treatment application. Treatments could include physically pulling individuals and/or spraying herbicide. The reseeding of the

treated area may be necessary to reduce the chances of weed re-establishment after a treatment prescription. In the event that large weed infestations occur or reoccur, an evaluation (to be conducted in coordination with the Adaptive Management Team) would be undertaken to determine an appropriate strategy for abatement.

Noxious and Invasive Weed Performance Criteria

Performance criteria will require total relative cover of noxious and invasive weeds to be less than 10 percent. If herbicides are used, application will be conducted by a certified applicator. All applicable federal and state laws and regulations will be followed. All herbicides will be approved by the ASLD or landowner.

Monitoring Site Surveys

Long-term monitoring will continue to occur at the monitoring locations established as part of the *Sierrita Post-Construction Vegetation Monitoring Document*, and in areas where restoration has been problematic. Suggested changes to the design of that program element are noted in the goals and objectives section of this document.

In addition to continuing plot surveys, Sierrita will also conduct visual ground surveys to document continued revegetation performance. Visual monitoring will be conducted by qualified biologists (see Section 3.0) and will include visual assessment of cover, density, and composition of desirable vegetation both on and off the ROW. Photos will be used as a general assessment and outreach tool, but will not be used in lieu of more quantitative data collection methods. A minimum of two photos will be taken at established photo points (such photo points to remain consistent with photo points established during post-construction monitoring). The qualified biologist will review the photographs and combine them with field data to assess the current status of revegetation and erosion. Locations where vegetation or erosion concerns are identified will be further assessed for possible corrective actions.

Monitoring sites will consist of both ROW and control photo points. The photo points will be adjacent to the construction ROW and within the 300-foot biological survey corridor not disturbed by the Project. Photo points will not be located in known cultural sites. The monitoring and control photo points will be GPS located and the same points will be used throughout the long-term monitoring program. Results and associated adaptive management strategies will be included in Annual Long-Term Monitoring Reports (see Section 4.0).

Successful Revegetation

Sierrita will implement an adaptive management strategy to achieve successful revegetation. If success criteria are not satisfied, Sierrita will meet with the Adaptive Management Team to discuss the current status of revegetation, progress toward success, and appropriate action that

may be required to achieve success criteria. Possible actions that could occur to address areas not meeting success criteria may include one or more of the following:

- Evaluating problem areas to determine the reasons for the lack of success including such variables as low precipitation, grazing, surface disturbances, soil crusting, and/or weed colonization;
- Reseeding problem areas with the original seed mix or modifying the seed mix based on the success of the original seeding mix;
- Removing or limiting disturbing influences such as livestock grazing or potential unauthorized access to the ROW. Sierrita will work with grazing lessees to determine if deferment is needed and can be applied to specific locations along the ROW. Other applications, such as limited fencing of the ROW or specification placement of salt licks may be implemented;
- Determining the need to control noxious and/or invasive weeds;
- Discuss methods to improve the capture of surface runoff water from precipitation events; or
- Deciding that no action is appropriate if the area is trending in the right direction.

Revegetation Performance Criteria

Revegetation will be considered successful when vegetation on the restored ROW supports desirable plants that are similar to plant species composition, density, and cover to those growing on adjacent lands within the 300-foot survey corridor undisturbed by construction (Table 3). Sampling of all vegetation measures will be sufficient so that relative standard error estimates will be within 30% the mean. In this way, Sierrita will be sure that revegetation efforts have achieved their numerical goals.

The following criteria will be measured and assessed at long-term monitoring sites by the qualified biologists:

Species composition: Assessment of the percentage of the desirable species in the ROW versus off-ROW. The percentage of desirable species in the ROW will be $\geq$ to 70 percent of the mean number of desirable species located off-ROW.

Plant density: Assessment of the number (expressed as number per unit area) of the desirable species in the ROW versus off-ROW. The combined density of plants in the ROW will be $\geq$ to 70 percent of density of plants located off-ROW

Percent cover: Assessment of the foliar coverage of all species in the ROW versus off-ROW. The percent cover of foliar coverage in the ROW will be $\geq$ to 70 percent of the mean foliar cover located off-ROW and as documented in baseline aerial photography.

A visual and photographic assessment of the status of vegetation and erosion in the ROW and off-ROW will act as a communication tool.

Long-term monitoring will occur for twenty years after in-service and evaluations of performance criteria will begin after year one to identify potential trends. Reseeding may be necessary on some ROW segments over time, as determined by the FERC and ASLD.

Border Impacts

Monitoring will focus on the use of the right-of-way to determine the annual trends in use and trail formation. Monitoring use can be accomplished by employing pressure-sensitive or infrared devices at a number of key sites. Use trails within the right-of-way and adjacent areas can also be monitored using aerial multi-spectral imagery or photography, which can be collected at the same time as during annual LiDAR or stereophotogrammetric surveys during overflights (next section). Data from these efforts will also be provided to members of the Adaptive Management Team.

4.0 Monitoring Reports and Release from Monitoring

Sierrita will monitor revegetation, erosion, and use for 20 years after the Project is placed into service. Sierrita will provide an Annual Long Term Monitoring Report for submittal to FERC, ASLD, Pima County, and other agencies as appropriate after survey completion. This report will document revegetation status and will identify areas of concern and where corrective actions are implemented or proposed. Sierrita will also work with the Adaptive Management Team to seek remedies. Sierrita will report corrective action to FERC and the ASLD that might be taken separate from the data provided in the annual report.

The annual monitoring reports will include the following information:

- Noxious weeds and invasive weed locations and percent cover relative to the areas outside of the ROW and proposed actions or corrective actions taken;
- An assessment by a qualified biologist of the status of vegetation in relation to success criteria and erosion at the monitoring sites and generally along the ROW based on the results of the Monitoring Site Visual Surveys and Over-Flights;
- Photographs taken from photograph control points by monitoring biologists during visual surveys of vegetation at each monitoring location;
- Identification of disturbances that may hinder vegetation success along the Project ROW; and
- Areas requiring corrective action and proposed corrective actions or actions taken during the year;
- All raw data and data summaries produced a part of the project will be distributed to interested parties.

Release from Monitoring

Although a monitoring site will be deemed to be successful once it reaches the vegetation targets outlined in this documents (70 percent of mean composition, cover, and density of off-ROW areas, Sierrita will continue to monitor and report on revegetation advancement until it reaches 90 percent of vegetation coverage off-ROW. Once a monitoring site reaches 90 percent of the vegetation coverage that is off-ROW, Sierrita will discontinue monitoring and reporting of that site. Over-flights will continue for the full duration of 20 years.



COUNTY ADMINISTRATOR'S OFFICE

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C.H. HUCKELBERRY
County Administrator

April 16, 2014

Dr. Benjamin Tuggle
Southwest Regional Director
US Fish and Wildlife Service
P.O. Box 1306
Albuquerque, New Mexico 85103-1306

Re: Draft Compatibility Determination on Kinder Morgan's Proposed Use of Roads within the Buenos Aires National Wildlife Refuge for the Sierrita Natural Gas Pipeline Project

Dear Dr. Tuggle:

As I understand it, Kinder Morgan was issued a compatibility determination finding for the use and improvement of roads crossing the Buenos Aires National Wildlife Refuge (BANWR) during and after construction of the pipeline for maintenance access. If possible, please provide the County with copies of any agreements (special use permits or other agreements) issued to Kinder Morgan for the use of BANWR roads for the Sierrita pipeline project and any payment terms or conditions associated with their request. In addition, for how long is the special use permit or agreement valid?

The determination finding references the use of special use permits for the short-term and temporary use of existing roads for construction, operation, maintenance or termination of the pipeline. The Service policy states that special use permits can be issued for up to a 30-year term for both oil and gas pipelines. Understanding that the Sierrita gas pipeline assumes a 25-year project life, was there a written finding of 'short term and temporary use' that meets your policy for what is essentially the life of the project? Please provide additional information on how the Service justifies the long-term use of public lands for maintenance access to a private gas pipeline for the life of the project.

Additionally, the Draft Compatibility Determination mentions that the Service has coordinated with the County regarding impacts to County roads due to Sierrita's proposed

Dr. Benjamin Tuggle

**Re: Draft Compatibility Determination on Kinder Morgan's Proposed Use of Roads within
the Buenos Aires National Wildlife Refuge for the Sierrita Natural Gas Pipeline Project**

April 16, 2014

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use of these roads. This statement is inaccurate, as there has been no coordination from the Service to discuss the use or impacts of these roads with the County. Please provide information on what basis this statement was made.

I would appreciate a timely response to this request.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/dr

c: The Honorable Raúl M. Grijalva, Member, US House of Representatives
The Honorable Chair and Members, Pima County Board of Supervisors



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C.H. HUCKELBERRY
County Administrator

May 14, 2014

Dr. Benjamin Tuggle
Regional Director, Southwest Region
US Fish and Wildlife Service
P. O. Box 1306
Albuquerque, New Mexico 87103-1306

Re: Reconsideration of the Draft Compatibility Determination ("Sierrita Natural Gas Pipeline Project – Request for Use of Refuge Access Roads") Buenos Aires National Wildlife Refuge Published on March 31, 2014

Dear Dr. Tuggle:

This letter is to request that you, as Regional Director of the US Fish and Wildlife Service (Service) reconsider and reverse the Draft Compatibility Determination (CD) issued by the manager of the Buenos Aires National Wildlife Refuge (Refuge; BANWR) for use of Refuge access roads for the construction, operation and maintenance of the Kinder Morgan/Sierrita Gas Pipeline LLC that passes to the west of the Refuge. I understand a final CD has not yet been issued.

In order to construct, operate and maintain this pipeline, Kinder Morgan has requested permission from the Service to cross through the BANWR using some 11 Refuge access roads. The Final Environmental Impact Statement (FEIS) and the Draft CD issued by the Refuge indicates that Refuge roads would be improved to accommodate a diversity of vehicles; from a fleet of pickup trucks (90) to large and heavy stringing trucks (10), contractor buses (3), water trucks (13), fuel trucks (3), welding rigs (35), mechanic/fuel trucks (9), trucks using flatbed and lowboy trailers (4), hydro-testing equipment/dryers and compressors (2), and motor graders (1). During construction, vehicles would cross the Refuge using 12 miles of access roads for a total trip count of almost 500 trips.

The Service has rigidly objected to the Kinder Morgan pipeline passing through any part of the Refuge and issued an appropriateness determination that precluded any further consideration of the pipeline being sited along the less damaging State Route 286 corridor

Dr. Benjamin Tuggle

Re: **Reconsideration of the Draft Compatibility Determination ("Sierrita Natural Gas Pipeline Project – Request for Use of Refuge Access Roads") Buenos Aires National Wildlife Refuge Published on March 31, 2014**

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because it was not consistent with the mission of the Refuge system. However, in what can only be considered an inexplicable reversal of this position, the draft CD finds the proposed use of these roads by Kinder Morgan not only compatible, but beneficial to the Refuge mission.

Given the damage construction vehicles using these roads will cause to Refuge habitat, this is a surprisingly inconsistent decision considering the numerous negative impacts cited in the draft CD that include impacts to fish, wildlife, plants and their habitats; public use and safety hazards; adjacent landowners; cultural resources; air pollution, noise, aesthetics, and wildfire. The draft CD further notes very accurately impacts from illegal trafficking:

"The Altar Valley is one of the most heavily-used illegal immigration and smuggling corridors in the U.S. and this traffic continues to impact the Refuge. The resulting trash, trails, illegal roads, fence cutting, abandoned vehicles, arson, trespass livestock, human waste and human disturbance have been, and continue to be, major impediments to effective wildlife conservation on the Refuge. The cumulative impacts of ongoing border security projects and operations remain a critical concern for the Refuge. The combination of these activities and the illegal traffic has contributed to deterioration of the Refuge's landscape."

Because it is not necessary for Kinder Morgan to use Refuge roads to construct their pipeline (since they can use the right of way for access) and because of the undeniable damage use of the Refuge access roads will cause, I fail to see how the use of Refuge access roads can be found compatible with the Service's mission and provide benefit to the Refuge.

The County has repeatedly explained to both the Federal Energy Regulatory Commission and the Service that the Altar Valley is an unspoiled landscape that offers many ecological, cultural, and historical benefits; both inside and outside the boundaries of the Refuge. The Kinder Morgan pipeline will have devastating effects on the Altar Valley, and it is inconceivable the Service would allow additional damage within the Refuge itself and exacerbate the cumulative impacts of this pipeline.

I also understand the Service provides no opportunity to appeal a CD for a special use permit, yet the County remains hopeful you will reconsider this draft CD and deny issuance of the special use permit. The FWS Manual requires:

"The refuge manager must consider not only the direct impacts of a use but also the indirect impacts associated with the use and the cumulative impacts of the

Dr. Benjamin Tuggle

Re: **Reconsideration of the Draft Compatibility Determination ("Sierrita Natural Gas Pipeline Project – Request for Use of Refuge Access Roads") Buenos Aires National Wildlife Refuge Published on March 31, 2014**

May 14, 2014

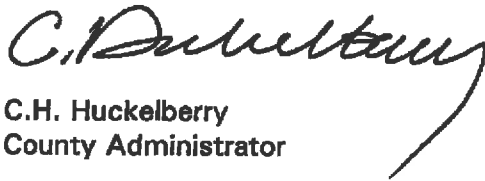
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use when conducted in conjunction with other existing or planned uses of the refuge, and uses of adjacent lands or waters that may exacerbate the effects of a refuge use."

These are factors that should clearly outweigh the faulty logic of the draft CD and provide sufficient reasons for the Service to deny the special use permit.

The County looks forward to your support in denying the Compatibility Determination.

Sincerely,



C.H. Huckelberry
County Administrator

CHH/mjk

c: The Honorable Secretary Sally Jewell, US Department of Interior
The Honorable Secretary John Kerry, US State Department
The Honorable Secretary Chuck Hagel, US Defense Department
The Honorable Secretary Jeh Johnson, US Department of Homeland Security
The Honorable Arizona Senator John McCain
The Honorable Arizona Senator Jeff Flake
The Honorable Arizona Congressman Raúl Grijalva, District 3
The Honorable Chair and Members, Pima County Board of Supervisors
The Honorable Ned Norris Jr., Chairman, Tohono O'odham Nation
Daniel Ashe, Director, US Fish and Wildlife Service