



MEMORANDUM

Date: February 13, 2026

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

From: Jan Leshner *Jan Leshner*
County Administrator

Re: **Additional Information and Request to Withdraw SunZia and El Rio Sol Items on the February 17, 2026, BOS Agenda – Items #22 SunZia Transmission Line Project Mitigation Agreement, #23 El Rio Sol Transmission Line Project Mitigation Agreement, #30 El Rio Sol Pima County Highway Maintenance Reimbursement Agreement, and #31 SunZia Agreement to Donate Real Property and Special Warranty Deed**

Background

At the November 4, 2025 meeting, the Board of Supervisors continued consideration of County agreements associated with the SunZia and El Rio Sol transmission line projects to January 20, 2026, and directed County Administration to monitor the pending federal litigation related to the SunZia project, and to communicate with the Tohono O’odham Nation (TON) and the Center for Biological Diversity (CBD) to evaluate whether County actions related to either project could adversely affect that litigation. The Board again continued the items from January 20, 2026, to February 17, 2026, at the request of staff.

The mitigation payments and land donation under consideration arise from approvals issued by the Arizona Corporation Commission (ACC), specifically Condition 37 of the Certificates of Environmental Compatibility for the SunZia and El Rio Sol projects. These mitigation commitments are intended to offset impacts to County-managed Conservation Lands and to support implementation of the County’s Multi-Species Conservation Plan (MSCP) and Section 10 permit issued by the U.S. Fish and Wildlife Service to County ensure compliance with the Endangered Species Act.

This memorandum provides updated information on these topics, including a timeline of the project approvals and litigation history. County Administration is requesting that the items on the February 17, 2026, agenda be withdrawn at this time and be brought back for consideration at a future date as noted at the conclusion of this memorandum.

Overview of Agenda Items

The SunZia and El Rio Sol transmission projects are sponsored by two corporate entities operating two transmission lines within a single Arizona Corporation Commission (ACC) certified corridor:

- SunZia Transmission, LLC (SunZia), associated with Pattern Energy; and
- El Rio Sol Transmission, LLC (El Rio Sol), associated with Southwestern Power Group

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The two transmission lines follow parallel alignments within the shared certified corridor. An [October 30, 2025](#) memorandum includes additional information on the overall project. Construction of the SunZia transmission line is substantially complete in Pima County, while construction of the El Rio Sol transmission line in Pima County has not yet commenced. Additional details are provided in the timeline summary below.

SunZia-Related Items- Items #22 and #31

SunZia has substantially completed construction of the first transmission line within Pima County. The current litigation with the Bureau of Land Management (BLM) concerns federal actions authorizing SunZia to proceed with construction in 2023.

- Item #22 is a mitigation agreement pursuant to Condition 37 of the ACC-issued Certificate of Environmental Compatibility. Under this agreement, SunZia would donate a 139.6-acre property and pay \$33,600 to compensate Pima County for impacts resulting in the loss of MSCP mitigation credit equivalent to 146 acres, based on the Condition 37 mitigation ratio.
- Item #31 is a donation agreement related to the 139.6-acre Bingham property, which would connect existing County holdings in the San Pedro Valley.

Rio Sol-Related Items - Items #23 and #30

El Rio Sol is currently engaged with the Bureau of Land Management (BLM) in federal review processes related to the future construction of the second transmission line. El Rio Sol is not involved in the pending federal litigation, which focuses on federal actions related to SunZia.

- Item #23 is a mitigation agreement pursuant to Condition 37 of the Certificate of Environmental Compatibility issued by the ACC. El Rio Sol would pay \$850,500 to compensate Pima County for impacts resulting in the loss of mitigation credit under the County's MSCP and Endangered Species Act Section 10 Permit on leased State Trust grazing lands, equivalent to 162 acres based on the mitigation ratio established under Condition 37.
- Item #30 provides for prepayment of \$200,000 by RioSol to Pima County to address anticipated maintenance needs resulting from construction vehicle traffic on County roads. This agreement is comparable to a similar road maintenance agreement previously executed with SunZia in October 2024 (see the [June 11, 2024](#) memo for information on this road maintenance agreement).

Background on BLM Litigation

The TON and the CBD, among other plaintiffs, are parties to ongoing federal litigation challenging actions taken by the BLM related to the SunZia transmission line in the San Pedro

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Valley. The litigation does not involve the El Rio Sol transmission line. The lawsuit alleges deficiencies in federal compliance with the National Historic Preservation Act and related consultation requirements, including the identification and evaluation of historic properties, prior to issuance of federal rights-of-way and associated authorizations for the SunZia project.

In May 2025, the Ninth Circuit Court of Appeals reversed the district court's dismissal of the case and remanded the matter for further proceedings. The appellate court concluded that the plaintiffs plausibly alleged that additional consultation and identification efforts could have resulted in recognition of the San Pedro Valley as a historic property prior to authorization of the SunZia project. The case is currently proceeding in federal district court. A substantive ruling by the federal district court would not be expected earlier than mid-2026.

Pima County is not a party to the litigation, and the ACC Condition 37 obligations and the subject associated agreements are independent of the federal actions challenged in the pending litigation.

County Outreach to Tohono O'odham Nation and Center for Biological Diversity

Consistent with the Board's direction, letters requesting coordination meetings were sent on November 17, 2025, to Chairman Verlon José of the TON and Kieran Suckling, Executive Director of CBD. Representatives of both TON and CBD communicated opposition to County acceptance of the agreements.

TON representatives expressed a preference that the County defer action until the litigation is resolved. CBD representatives expressed concern that County acceptance of the agreements could be cited by the project proponents as favorable public messaging related to the transmission projects.

Request to Withdraw Items

Staff request withdrawal of the SunZia mitigation and donation agreements and the El Rio Sol road maintenance and mitigation agreements. Staff will bring the corresponding items back for Board of Supervisors consideration at a future date when the following occurs: 1) the litigation related to the SunZia transmission line concludes; or 2) the ongoing tribal consultation on the El Rio Sol transmission line results in an agreement on mitigation requirements.

JKL/anc

c: Carmine DeBonis, Jr., Deputy County Administrator
Steve Holmes, Deputy County Administrator
Kris Gade, Director, Conservation Lands and Resources
Kathryn Skinner, Director, Department of Transportation

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Timeline of SunZia and RioSol Transmission Line Projects

Date	Project Milestones	County Involvement
May 2009	The Bureau of Land Management (BLM) published Notice of Intent to develop an Environmental Impact Statement (EIS) in the Federal Register and initiated a scoping period	County staff engaged in early discussions with project proponents and participated in NEPA and Section 106 processes
June 2013	BLM finalized EIS	
January 2015	BLM issued Record of Decision (ROD) and approved federal ROW	
November 2015	AZ Corporation Commission (ACC) Line Siting Committee (LSC) issued Certificate of Environmental Compatibility (CEC) (CEC No. 171)	County participated in the CEC process to ensure the project proponent was required to mitigate impacts to Conservation Lands as well as other conditions
February 2016	ACC approved CEC (Decision No. 75464). ACC approved right-of-way (ROW): 200 feet for each line and at least 50 feet in between, all of which must be located within the same 2,500-foot corridor certified by the ACC.	
September 2019		Pima County began negotiations over implementation of CEC Condition 37 in September 2019. In March 2023 the parties reached agreement on the total acreage of expected impacts and total mitigation acreage owed.
December 2020	SunZia filed an amendment to federal ROW due to route modifications, all of which were outside Pima County, instigating a new National Environmental Policy Act (NEPA) process for a Supplemental EIS	
May 2022	SunZia requested an amendment to ACC Decision No. 75464 to allow for separate ownership of the two lines and bifurcate CEC 171 into two separate CECs; also requested authorization to use different structure types and extend CEC expiration date from February 2026 to February 2028	
Summer 2022	Southwestern Power Group sold Line 1 and the "SunZia" name to Pattern Energy; Southwestern Power Group retained Line 2 and renamed it "El Rio Sol" (El Rio Sol).	
September 2022	The ACC Line Siting Committee recommended approval of amendment to ACC Decision No. 75464	
November 2022	ACC approved the amendment requested in December 2020 (Decision No. 78769). This	

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Date	Project Milestones	County Involvement
	decision officially bifurcated CEC 171 into two separate CECs (CEC 171-A and CEC 171-B).	
February 2023	BLM finalized the Supplemental EIS for the federal ROW amendment	
May 2023	BLM issued the ROD for the federal ROW amendment	
September 2023	BLM issued Limited Notice to Proceed (NTP) in San Pedro Valley for SunZia/Line 1; construction began immediately	
January 2024	Initial complaint filed against BLM by Tohono O’odham Nation, San Carlos Apache Tribe, Archaeology Southwest and the Center for Biological Diversity regarding the NTP for construction by SunZia	
June 2024	US District Court of Arizona dismisses the case against BLM	
July 2024		County, SunZia and El Rio Sol reached final agreement on the mitigation to be provided to satisfy Condition 37
December 2024	Pattern reached substantial completion of SunZia/Line 1 construction in Pima County	
May 2025	Ninth Circuit Court of Appeals remands the case against BLM and SunZia to the Arizona District Court for reconsideration	
September 2025		Condition 37 mitigation and donation agreements finalized
Current	El Rio Sol / Line 2 ongoing tribal consultation	