



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
PHOENIX AREA OFFICE

P.O. Box 7007
Phoenix, Arizona 85011



IN REPLY, REFER TO:

Real Prop. Mgmt.
300.1 - (ER 74/1336)

December 11, 1974

W. H. Regan, Jr., Chief
Environmental Projects Branch 4
Directorate of Licensing
U.S. Atomic Energy Commission
Washington, D.C. 20545

STW 50-28/529/530

Dear Mr. Regan, Jr.:

Subject: Review of Applicant's Environmental Report, Volumes 1 - 5,
Including Supplements 1 and 2, for Palo Verde Nuclear
Generating Station, Units 1, 2, and 3, Maricopa County,
Arizona (AEC 50528, 529, 530) (ER 74/1336)

This office has reviewed those portions of the subject report only dealing with transmission line crossings of Indian reservations, inasmuch as other aspects of the project do not appear to directly affect Indian lands.

The information contained in parts 3.9.1.1.2 and 3.9.1.1.3 is extremely presumptive in assuming that the tribal governments will consent to the granting of rights-of-way across tribal lands. The Papago Tribe has not been contacted, and if past precedence holds, the Gila River Indian Community is not interested.

This procedure whereby the utility companies merely assume they will obtain Indian rights-of-way creates a great deal of difficulty for the Bureau of Indian Affairs and the tribes. Once the company publishes a report depicting transmission line corridors across Indian lands, the public assumes the Indians are in agreement on the alignment when they usually are not. This public exposure moreover places a certain amount of pressure on the Indians to consent to the alignment, for to do otherwise may lead to criticism and charges that the Indians are causing expensive and time consuming realignment problems.

It places the BIA in the position of reviewing and furnishing assistance in the compilation of an environmental statement and violating its trust responsibilities in so doing because no tribal consent has been obtained for the rights-of-way.



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A third consideration is that if no off-reservation alternative corridors are selected in the statement, the statement itself may require extensive reworking or revision in case a tribe refuses consent.

The report also illustrates one other important consideration; the fact that a tribe has granted one transmission line right-of-way does not necessarily mean they will grant others in the same corridor, and yet it is becoming easier to assume this because of the prior use concept.

A probable solution to this problem is to obtain tribal council consent to a right-of-way before publishing an environmental report or statement depicting transmission lines crossing Indian land. This, of course, will require early negotiations on the part of the utility companies, but will ultimately ensure that the environmental and right-of-way processing can proceed with greater efficiency because all uncertainties will have been eliminated in the process.

On pages 12.1-10 and 12.1-11, Table 12.1-2 requires correction. In the "Agency" column, the proper tribe identifications should be "Gila River Indian Community," and "Ak-Chin Indian Community" instead of "Maricopa Indian Tribe."

In the "Authorization Required" column, the entry opposite the BIA should read, "Grant of easement for rights-of-way on lands held in trust or restricted status for the Papago Indian Tribe and the Gila River and Ak-Chin Indian Communities." For the other entries in that column, substitute the word "Consent" for "Acquisition" where it is used opposite the three tribe designations.

In the "Statutory Authority" column, none of the present entries are correct. For the BIA and the tribes, the statutory authority for the granting of or consenting to rights-of-way across Indian lands is the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323-328). NEPA provides statutory authority for preparation of impact statements, but there is no provision for approval of impact statements. The "major Federal action" is approved under its own statutory authority which we have cited above.

Pursuant to the last column, we suggest that negotiations with the tribes begin immediately and the column entry changed accordingly.

Sincerely yours,


Acting Asst. Area Director



CITY OF TUCSON

The Sunshine City

CITY HALL
TUCSON, ARIZONA 85703

P. O. BOX 5011

A. J. Krause
Program Manager
Box 1899
Pittsburg, Pa 15230

Dear Mr. Krause:

Thank you for letting us know of the changes in the corridor areas for the proposed 500 kv line from the APS Saguaro Generating Station to the proposed Willcox Substation.

The City of Tucson owns and leases land in the San Pedro River Valley around Cascabel, and we've enclosed a copy of a map to show you how much and where.

There is the possibility of some conflict between the proposed line and the City's plans for the property, but a lot of that would depend on the specific location of the proposed line, its physical design, etc.

The plans for the property are not detailed at this time, but we'd like for you to keep in touch with us as the location selection process continues.

Sincerely,

Frank Sortelli
Planning Director

Monday, July 1, 1974

Enc.

FS:JDB/jb

R.19E R.20E

APS 500-kv TRANSMISSION LINE

T.12S

T.13S

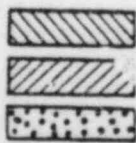
CASCABEL

TO TUCSON

45 MI

TO BENSON

24 MI



CITY OWNED LAND

STATE OWNED LAND LEASED BY CITY

US LAND UNDER LEASE TO CITY

CITY OF TUCSON - WATER DEPT.
LANDS OWNED AND
LEASED BY CITY OF
TUCSON IN VICINITY
OF CASCABEL ALONG
SAN PEDRO RIVER

TEB

ARIZONA



PUBLIC SERVICE COMPANY

P. O. BOX 21666 PHOENIX, ARIZONA 85036

February 24, 1975

Mr. Thomas W. Green
Argonne National Laboratory
9700 S. Cass Avenue
Argonne, Illinois 60439

STN 50-528/529/530

Dear Tom:

Enclosed is a copy of our Environmental Analysis on Project 2 of the PVNGS transmission system, prepared by Westinghouse Electric Corporation Environmental Systems Department.

Also enclosed is the information you requested on the City of Tucson's land holdings in the San Pedro River Valley.

If you need any additional information, please let me know.

Very truly yours,

Thomas J. Sullivan
Environmental Scientist

TJS/dd

Enc.

cc: J. Rassi
B. Petro



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