

UNITED STATES OF AMERICA¹ 110 FERC ¶62,232
FEDERAL ENERGY REGULATORY COMMISSION

Arizona Public Service Company

Project No. 2069-013&-014

ORDER APPROVING REVEGETATION PLAN AND BIRD DISTURBANCE PLAN

(Issued March 08, 2005)

On January 14, 2005, the Arizona Public Service Company (licensee or APS) filed a Revegetation Plan and a Bird Disturbance Plan pursuant to paragraphs (L) and (T), respectively, of the Order Approving Surrender of License and Removal of Project Works, and Dismissing Application for New License for the Childs Irving Project, issued October 8, 2004.¹ The Childs Irving Project is located on Fossil Creek in Gila and Yavapai Counties, Arizona, on lands managed by the U.S. Forest Service (FS).

Paragraph (L) requires the licensee to file, for Commission approval, a detailed, site-specific final revegetation plan. Paragraph (T) requires the licensee to file, for Commission approval, a plan to avoid aural or visual disturbance of special-status bird species in the project area caused by project removal activities. The plan shall include: scheduling no project removal activities near the riparian areas of Fossil Creek and Stehr Lake from February 15 through August 31; if project removal activities must occur within 0.25 miles of riparian areas from February 15 through August 31, conducting bird nesting surveys; and if nests are identified, establishing 0.25-mile project removal activity buffers around those locations for the duration of the species-specific breeding seasons. Both plans shall be prepared in consultation with the FS, the U.S. Fish and Wildlife Service (FWS), and the Arizona Game and Fish Department (AGFD).

REVEGETATION PLAN

The Revegetation Plan outlines procedures to establish vigorously growing, resilient native plant cover to restore the function of the land in disturbed areas within the project site. All revegetation parameters were developed using specific site factors based on the following five descriptions: (1) flat areas around Childs/Irving Plant and buildings; (2) narrow, steep locations around Flume Road, primitive dirt roads and staging areas; (3) uncompacted disturbance areas around the flume, skid trails and dam sediment disposal site; (4) Stehr Lake's large, flat area of earth removal; and (5) steep slopes of low probability of successful revegetation (no permanently constructed steep slopes are

¹ 109 FERC ¶ 61,036.

planned). The appropriateness of planting techniques, including topsoil salvaging, surface preparation, seeding, mulching, timing, irrigation, and maintenance, as well as the specifications for their execution, are discussed in the plan. These were developed in consultation with revegetation and range experts with experience in the project region. Seed mixes will be primarily native grasses, but will also include early-to-mid successional forbs and woody plants in order to provide a heterogeneous variety of forms and root depths.

Maintenance and post-planting care may include weed control (addressed in the Noxious Weed Control Plan), irrigation, formal monitoring, and a program of adaptive management. Revegetation efforts will begin once removal and final grading is complete. Straw wattles will be installed after seeding and mulching, and no heavy equipment will be allowed once areas are reseeded.

Revegetation monitoring will consist of initial transect location and the setup of photo points, cursory inspections, and a measure of plant canopy cover at the end of the first monsoon season, and yearly thereafter. At the end of the third year, reseeded areas will occur in areas that have a native species cover of less than 60 percent.

BIRD DISTURBANCE PLAN

The licensee submitted the “Monitoring and Adaptive Management Strategy for Special Status Species and Habitat Associated with the Childs Irving Project Decommissioning”. This document was developed by the FS in consultation with other agencies and is supported by APS. Objective #4 in this document is to avoid deconstruction activities that could result in aural or visual disturbance of special-status bird species in riparian areas of Fossil Creek and Stehr Lake from February 15 through August 31. APS will conduct presence/absence surveys and search for nesting sites of common black hawks and yellow-billed cuckoos. If nesting sites are identified, a 0.25-mile activity buffer will be placed around the nesting sites for the duration of the species-specific breeding season (March 1 to July 30 for the black hawk; June 1 to August 31 for the cuckoo). All riparian habitat and any known or suspected nest sites will be surveyed for black hawks and yellow-billed cuckoos if they are located within 0.25 miles of areas of deconstruction and associated activities. The protocols to be implemented for the black hawk and yellow-billed cuckoo surveys are *Nesting Habitats and Surveying Techniques for Common Western Raptors* and *Draft Western Yellow-billed Cuckoo Natural History Summary and Survey Methodology*, respectively. The FS will cooperate with APS in conducting these surveys.

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AGENCY CONSULTATION

The FWS did not have any comments on either plan in its letter dated December 23, 2004, and the AGFD concurred with the plans in its letter dated January 4, 2005. Comments from the FS dated December 16, 2004 stated that the FS would like to meet with APS and the revegetation contractor prior to implementation of the Revegetation Plan. APS agreed to work with the FS in implementing the plan.

CONCLUSION

The Revegetation Plan will stabilize soil against erosion and help protect the project site from invasive weeds after the removal of project features. The Bird Disturbance Plan will ensure that project removal activities avoid aural or visual disturbances to special-status bird species. These plans satisfy the requirements of paragraphs (L) and (T) of the Order Approving Surrender; these plans should be approved.

The Director orders:

(A) The Revegetation Plan, filed January 14, 2005, pursuant to paragraph (L) of the Order Approving Surrender of License and Removal of Project Works, and Dismissing Application for New License for the Childs Irving Project, issued October 8, 2004, is approved.

(B) The Bird Disturbance Plan, filed January 14, 2005, pursuant to paragraph (T) of the Order Approving Surrender of License and Removal of Project Works, and Dismissing Application for New License for the Childs Irving Project, issued October 8, 2004, is approved.

(C) This order constitutes final agency action. Requests for rehearing by the Commission may be filed within 30 days of the date of issuance of this order, pursuant to 18 C.F.R. § 385.713.

John E. Estep
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Division of Hydropower Administration
and Compliance