



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning, and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

SPECIAL USE APPLICATION FOR APPEAL

NAME OF APPELLANT: Audubon Arizona

ADDRESS: 3131 S Central Avenue Phoenix, AZ 85040

PHONE NUMBER: 602 468-6470

EMAIL ADDRESS: sporter@audubon.org

NUMBER OF DOCKET APPEALED: SU- 13 - 04

DATE OF COMMISSION DECISION: April 10, 2013

DATE OF APPEAL SUBMITTAL: April 25, 2013 FEE PAID: \$ 300

In addition to the \$300 fee, the following information shall be provided before an appeal can be accepted. If more room is needed please attach additional pages.

- 1. Description of the decision being appealed. An appellant can appeal the Commission's decision for approval or disapproval or any conditions stipulated as part of docket approval.

Approval of the Special Use Permit for Red Horse 2, LLC and Torch Renewable

Energy, LLC without any of the conditions requested by Arizona Game & Fish

Department.

2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision was erroneous, arbitrary, capricious, or any abuse of discretion.

A complete statement is contained in Audubon Arizona's attached letter dated April 24, 2013. The special use permit should be modified to include a stipulation that a wildlife conservation plan be written in cooperation with the Arizona Game and Fish Department and necessary avian, bat and wildlife studies be completed and the results given due consideration prior to construction and final decisions for placement of the wind towers.

3. Written presentation of additional testimony & evidence. A full explanation of the additional testimony & evidence that will be submitted with explanation of why this was not presented to the Planning Commission.

A full explanation is contained in the attached April 24, 2013 letter. Audubon Arizona did not know that the matter was before the Planning Commission until after the special use permit was issued. Some evidence and arguments in favor of placing conditions on the special use permit were presented to the Planning Commission by the Arizona Game and Fish Department.

SIGNATURE

Sarah Dorth, exec. director
Audubon Arizona



Audubon ARIZONA

April 24, 2013

Via US mail

and facsimile (520) 432-5016 and (520) 439-9322

Chairman Ann English
Vice-Chairman Richard Searle
Hon. Patrick Call
Cochise County Board of Supervisors
1415 Melody Lane, Building G
Bisbee, Arizona 85603

Nina Mason Pulliam
Rio Salado Audubon Center
3131 South Central Avenue
Phoenix, AZ 85040
Tel: 602-468-6470
az.audubon.org

RE: Red Horse II Wind Farm Special Use Permit, Docket No. SU-13-04

Dear Chairman English, Vice-Chairman Searle and Supervisor Call:

Audubon Arizona is the state office of the National Audubon Society. We manage the Arizona Important Bird Areas program in partnership with Tucson Audubon Society and the Arizona Game and Fish Department (AzGFD).

We recently learned that the Cochise County Planning and Zoning Commission has approved a special use permit for the Red Horse II Wind Farm project.

We respectfully request that the County Board of Supervisors modify the Planning and Zoning Commission's approval of a special use permit for this project to include stipulation that a wildlife conservation plan be written in cooperation with the Arizona Game and Fish Department and necessary avian, bat and wildlife studies be completed and the results given due consideration prior to construction and final decisions for placement of the wind towers. As a general matter, Audubon supports renewable energy projects. However, as with all projects that directly impact the environment and particularly avian species, it is critical that the right studies be done of the environmental impacts, thereby identifying appropriate and reasonable mitigation measures. That is what we would like to see done for this proposal.

Audubon has spoken with representatives of Tucson Electric Power (TEP), the likely purchasers of the power generated by this project. TEP is willing to help facilitate the discussions concerning the environmental concerns associated with this project if needed. We are aware that the project proponent has completed preliminary wildlife studies that will be submitted to the Arizona Game and Fish Department. We greatly appreciate their willingness to do that work.

The Red Horse II project will be a 51-megawatt wind farm comprising 21 to 28 turbine generators up to 487 feet in height and with a blade diameter of 191.5 feet.¹ The project has a potential to adversely impact federally endangered species, primarily the lesser long-nosed bat, and birds, including nearby nesting golden

¹"Wind Farm Seeks County Approval," *Arizona Range News* (March 27, 2013) (http://www.willcoxrange.com/news/article_475b06de-9658-11e2-b7b5-001a4bcf887a.html).

COCHISE COUNTY

APR 25 2013

PLANNING

PAYMENT DATE

04/25/2013

COLLECTION STATION

Sierra Vista

RECEIVED FROM

Patricia Gerrodette 3327
Eagle Ridge Drive Sierra
Vista AZ 856

DESCRIPTION

Patricia Gerrodette 3327 Eagle Ridge Drive Sierra Vista AZ 85650-6631 520-378-4937



COMMUNITY DEVELOPMENT DEPARTMENT
Planning, Zoning and Building Safety

BATCH NO.

2013-10000366

RECEIPT NO.

2013-00001130

CASHIER

Ashley Harper

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT														
PLANNING FEES	PLANNING FEES SUA- 13-04 100 101.000 Cash with Treasurer \$300.00 100-1900-1910 341.630 Planning Dockets \$300.00	\$300.00														
<table border="1"> <tr><td>Total Cash</td><td>\$0.00</td></tr> <tr><td>Total Check</td><td>\$300.00</td></tr> <tr><td>Total Charge</td><td>\$0.00</td></tr> <tr><td>Total Other</td><td>\$0.00</td></tr> <tr><td>Total Remitted</td><td>\$300.00</td></tr> <tr><td>Change</td><td>\$0.00</td></tr> <tr><td>Total Received</td><td>\$300.00</td></tr> </table>		Total Cash	\$0.00	Total Check	\$300.00	Total Charge	\$0.00	Total Other	\$0.00	Total Remitted	\$300.00	Change	\$0.00	Total Received	\$300.00	
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Total Received	\$300.00															
Total Amount:		\$300.00														



Patricia Gerrodette
6327 Eagle Ridge Drive
Sierra Vista, AZ 86650-6631
520.378.4937

91-7458/3221
EZSign Plus
Protection & ID Resistor

1048

DATE April 25, 2013

PAY TO THE ORDER OF

Cochise County Treasurer

\$ 300.00

Three hundred and no/100

DOLLARS

AMERICAN SOUTHWEST
CREDIT UNION
P.O. BOX 370
SIERRA VISTA, AZ 85636

TO HELP SAVE BIG CATS VISIT
WWW.DEFENDERS.ORG

FOR Wind farm appeal

Patricia Gerrodette

⑆322174588⑆ 1048⑈0001253655⑈



Audubon ARIZONA

April 24, 2013

Via US mail

and facsimile (520) 432-5016 and (520) 439-9322

Chairman Ann English
Vice-Chairman Richard Searle
Hon. Patrick Call
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(http://www.willcoxrangeneews.com/news/article_475b06de-9658-11e2-b7b5-001a4bcf887a.html).

eagles and migrating golden eagles. The project's proximity to Willcox Playa—a globally important bird area that provides habitat for migrating sandhill cranes and other water birds—also raises grave concerns.

AzGFD noted that data previously collected for the site support the conclusion that an assessment of the project's risks to wildlife will necessitate studies of the project's impact on avian and bat species. Accordingly, AzGFD requested that the Planning and Zoning Commission place stipulations in the permit to ensure that studies are done and appropriate measures taken to mitigate adverse impacts on wildlife. We support this position so all involved can better understand the potential impacts as well as value of this project.

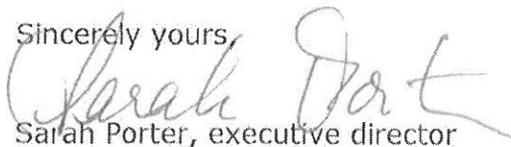
This is an economic matter as well as an environmental one. According to Planning Manager Turisk's March 28, 2013 memorandum to the Planning and Zoning Commission in this matter, "[t]he project would create an estimated 50 temporary jobs and at least four permanent jobs." This economic benefit pales in comparison with the benefits the county derives from wildlife viewing. In 2003, AzGFD reported that watchable wildlife brought in approximately \$1.5 billion to the state annually. The annual value to Cochise County was \$25.88 million, including \$13.72 million in retail sales, \$7.1 million in salaries and wages and approximately 273 jobs. About one third of this income was generated from out-of-state visitors and about one fourth from residents of other Arizona counties. Spending by wildlife watchers generates a cascade of revenue throughout the economy, with many direct and indirect impacts.²

Without the necessary biological studies, it is impossible to determine the project's potential negative impact on county wildlife including the potential impact on revenues. We believe it is in the county's economic interests to take action on this matter to assure the project's potential impacts on wildlife have been assessed and a management plan has been developed. We support renewable energy projects, properly studied and properly mitigated, and that is all we request.

Finally, it has been noted that stipulations of the kind we are requesting are not typically found in Special Use Permits issued by Cochise County. While this may generally be the case in Cochise County permits, stipulations are very common in Special Use Permits issued by other Arizona counties and are particularly compelled by the circumstances of this case.

We deeply appreciate your consideration of this request.

Sincerely yours,



Sarah Porter, executive director

² Southwick Associates. Economic Analysis of Non-Consumptive Wildlife-Related Recreation in Arizona (May 2003).