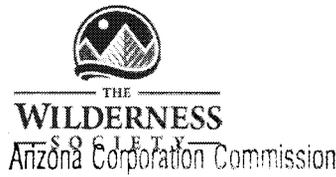


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RE: DOCKET NO. L-00000YY-15-0318-00171, Case No. 171, SunZia.

Dear Arizona Corporation Commission Line Siting Committee,

Please accept this letter and the attached document (these originals and 25 copies submitted) as comments by The Wilderness Society as you consider the issue of potential line siting for the proposed SunZia electrical transmission line.

The attached document is a Letter for Protest of Final Environmental Impact Statement and Proposed Resource Management Plan Amendments for the SunZia Southwest Transmission Project which The Wilderness Society and partners submitted to the Bureau of Land Management.

We would like to highlight for you that:

- The Wilderness Society supports the environmentally responsible development of renewable energy and associated infrastructure, including transmission lines, on public and private lands as a means to reduce threats from climate change and achieve a clean energy future. This type of development is not appropriate everywhere, however, and places with sensitive and important natural and cultural resources should be protected from development of any kind. (pages 2-3)
- In the case of the SunZia project, there are a number of other transmission lines proposed in the same geography that may, or may not, serve some of the same renewable energy benefits, and may or may not have lower impacts. It is not possible to make an informed comparative judgment about the multiple projects at this point in time due to the different timelines of the projects and the amount of information currently available for each proposal. (page 3)
- The Wilderness Society opposes the Aravaipa Canyon route for SunZia. (page 9)
- The Wilderness Society opposes the San Pedro routes for SunZia. (page 10)

Thank you for your consideration of these comments as you study the SunZia project.

Sincerely,

Mike Quigley
Arizona State Director
The Wilderness Society

July 15, 2013

Delivered by email and Regular Mail postmarked 7/15/13

Director (210)
Attn: Brenda Hudgens-Williams
P.O. Box 71383
Washington, D.C. 20024-1383
Brenda_Hudgens-Williams@blm.gov

Re: Protest of Final Environmental Impact Statement and Proposed Resource Management Plan Amendments for the SunZia Southwest Transmission Project

Dear Ms. Hudgens-Williams,

This correspondence constitutes a formal protest of the Bureau of Land Management (BLM) proposed action and Final Environmental Impact Statement (FEIS) and proposed Resource Management Plan Amendments (RMPA) for the SunZia Southwest Transmission Line Project, Bureau of Land Management.¹ BLM/NM/PL-13-04-1610 (June 2013) (hereafter "SunZia FEIS/RMPA"). BLM prepared this FEIS and proposed RMPA document to analyze and disclose potential effects of the proposed SunZia Southwest Transmission Project (SunZia). The proposed SunZia Project would include two 500-kilovolt (kV) transmission lines traversing over 500 miles of federal, state, and private lands between central New Mexico and central Arizona.

The FEIS for SunZia included three alternatives for the amendment of Resource Management Plans (RMPs) that would be affected by the proposed action (see Section 2.6 of the FEIS). They include the No Action Alternative, a 400-foot corridor alternative, and a 2500-foot corridor alternative. The BLM selected the 400-foot corridor as its preferred plan amendment alternative to be included as an amendment to RMPs for conformance with visual resource management and right-of-way management objectives. The resource management plans addressed include the following:

Socorro RMP, Socorro Field Office (2010) – BLM preferred alternative
Mimbres RMP, Las Cruces District Office (1993) – BLM preferred alternative
Final Safford District RMP and EIS, Safford District Office (1991)

This protest is made on behalf of members and supporters of The Wilderness Society and the Natural Resources Defense Council (NRDC). Our groups participated in the planning process and submitted public comments to BLM. The names, addresses, and phone numbers of contact persons representing our groups are contained in Section I of this letter. We incorporate by reference the comments submitted to the BLM on the Draft

¹ We believe that BLM's actions justify a protest and appropriate response; however, we would note that BLM's Land Use Planning Handbook (H-1601-1, Appendix E) also provides for BLM to respond to comments submitted on an FEIS, even if they are submitted as a protest.

Environmental Impact Statement (DEIS) for the Proposed SunZia Transmission Project submitted by these respective groups.²

A Notice of Availability (NOA) of the Final Environmental Impact Statement for the SunZia Southwest Transmission Project in New Mexico and Arizona and Proposed Resource Management Plan Amendments was published in the Federal Register by the Environmental Protection Agency (EPA) and the Bureau of Land Management (BLM) on June 14, 2013. Publication of the NOA by EPA began a 30-day protest period for the SunZia FEIS/RMPA. According to the EPA Federal Register notice the deadline for timely submittal of protests with the Director of BLM is July 15, 2013; therefore the submittal of this protest is timely.³

BLM planning regulations (43 CFR 1610.5-2) provide for any person who participated in the planning and environmental analysis process and who has an interest that is or may be adversely affected by the BLM planning decision, may protest the approval of the planning decision within 30 days from the date that the EPA publishes the NOA of the FEIS in the Federal Register.

Protests must be filed with the Director of the BLM in Washington, D.C., and must meet filing requirements prescribed in 40 CFR § 1610.5-2(a). According to this federal regulation, a protest must include: (1) the name, mailing address, telephone number, and interest of the person filing the protest; (2) a statement of the issue or issues being protested; (3) a statement of the plan amendment being protested; (4) a copy of all documents addressing the issue or issues that were submitted during the EIS process by the protesting party or an indication of the date the issue or issues were discussed for the record; and (5) a concise statement explaining why the State Director's decision is believed to be wrong.

This protest letter is organized to meet these filing requirements. Section II of the letter states the interests of the protesting parties and includes the name, mailing address, and telephone number of each contact person representing the groups filing this consolidated protest. Section III of the letter includes statements of the issues being protested by the parties. Section III also contains cross-references to comment letters or portions of the administrative record where the issues being protested were addressed during the planning process. Section III also contains citations to the SunZia FEIS/RMPA being protested where applicable. Section IV contains a summary of the reasons why protesting parties believe that the State Director's decisions with regard to BLM's preferred alternative and proposed plan amendments are wrong.

I. Introduction

Our groups support the environmentally responsible development of renewable energy and associated infrastructure, including transmission lines, on public and private lands as

² Comments of protesting parties incorporated by reference are found in Appendix J of the SunZia FEIS/RMPA. These comments are identified as Comment ID Number 1614 (p. J-292).

³ Available at: <http://www.gpo.gov/fdsvs/pkg/FR-2013-06-14/pdf/2013-14195.pdf>

a means to reduce threats from climate change and achieve a clean energy future. This type of development is not appropriate everywhere, however, and places with sensitive and important natural and cultural resources should be protected from development of any kind.

The Need for Better Models of Transmission Planning

Some of the West's best renewable energy resources are located in geographically remote areas that are not yet connected to the grid, and consequently some amount of new transmission infrastructure will be needed to help meet clean energy and climate goals at state, regional and national levels. The development of any large infrastructure project in the West must address many environmental and cultural resource constraints in order to obtain the necessary permits. Transmission lines are no exception, and may face greater hurdles than other projects because they have prominent visual impacts, typically cross numerous ecological zones, and often involve multiple administrative jurisdictions.

The difficulties in finding acceptable routes for the proposed SunZia project highlight the need for better transmission planning processes. Efforts are underway in the Western Interconnect to develop better processes where agencies, developers and stakeholders can engage in pro-active, coordinated regional transmission planning that will connect renewable resources to the grid and to load centers with the least amount of new infrastructure and lowest environmental and cultural resource conflicts.

Key principles of this kind of improved planning include:

- improved operation and expansion of the grid to better take advantage of existing infrastructure,
- early and meaningful engagement of stakeholders,
- better coordination among regulatory bodies, and specific strategies to reduce risks of environmental and cultural-resource conflicts – including designating corridors with lower resource conflicts
- designating appropriate low-conflict corridors at regional planning levels that correspond to energy market dynamics

In the case of the SunZia project, there are a number of other transmission lines proposed in the same geography that may, or may not, serve some of the same renewable energy benefits, and may or may not have lower impacts. It is not possible to make an informed comparative judgment about the multiple projects at this point in time due to the different timelines of the projects and the amount of information currently available for each proposal. Proactive planning that identifies new infrastructure needs at a regional level and guides them to the lowest conflict corridors would help avoid situations like this and help prevent un-necessarily redundant infrastructure with avoidable impacts. Engaging fully in these sorts of regional planning efforts will enable agencies and stakeholders and developers to make more informed decisions about what infrastructure is needed and where it is most appropriately sited.

II. Interests of Protesting Parties

The members of our groups have interests that will or may be adversely affected by BLM's proposed action regarding SunZia. Protesting parties have an interest in ensuring that BLM proposed action complies with the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 et seq., the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701 et seq., and BLM's 15-Year Strategy for the National Landscape Conservation System, BLM Manual 6320, and other federal laws and policies. The protesting parties have members who use public lands affected by the proposed action for activities such as hunting, hiking, camping, bird watching, nature viewing, and other forms of outdoor recreation and enjoyment. Protesting parties:

The Wilderness Society
1660 Wynkoop St Suite 850
Denver, CO 80202
Phone: (303) 650-5818
Contact person: Alex Daue, Renewable Energy Associate

The Wilderness Society's mission is to protect wilderness and inspire Americans to care for our wild places. On behalf of our over 500,000 members and supporters we contribute to better protection, stewardship and restoration of our public lands, preserving our rich natural legacy for current and future generations.

The Wilderness Society has participated in the planning process for SunZia since it started in 2008. Staff have participated in public meetings and we submitted scoping comments in 2009 and 2010 as well as comments on the DEIS in June 2012.

The Natural Resources Defense Council (NRDC)
111 Sutter Street, 20th Floor
San Francisco, CA 94104
(415) 875-6100
Contact person: Helen O'Shea, Director, Western Renewable Energy Project

NRDC is a non-profit environmental organization with 1.3 million members and online activists. NRDC uses law, science and the support of its members and activists to protect the planet's wildlife and wild places and to ensure a safe and healthy environment for all living things.

NRDC has participated in the planning process for SunZia since it started in 2008. Staff have participated in public meetings and we submitted scoping comments in 2009 and 2010 as well as comments on the DEIS in June 2012.

New Mexico Wilderness Alliance
142 Truman St. NE #B-1
Albuquerque, NM 87108
(505) 843-8696
Contact person: Judy Calman, Staff Attorney

New Mexico Wilderness Alliance (NMWA) is dedicated to the protection, restoration, and continued enjoyment of New Mexico's wild lands and Wilderness areas. NMWA represents more than 5,000 members and supporters who are concerned about the preservation of open spaces and public lands in New Mexico, as well as the wildlife which depends on them.

NMWA has participated in the planning process for SunZia since it started in 2008. Staff have participated in public meetings and NMWA submitted scoping comments in 2009 and 2010 as well as comments on the DEIS in June 2012.

III. Issues Being Protested

a. The SunZia FEIS/RMPA purpose and need description is inadequate

The final environmental impact statement (FEIS) fails to adequately describe or justify the need for the SunZia Transmission project. The FEIS Appendix J provides some commentary on the key issues that were raised in DEIS comments submitted by TWS and partners on August 22, 1012, but the commentary and analysis in the FEIS still falls short of fully addressing the following key issues:

- Meeting energy needs in New Mexico, Arizona and California
- Addressing grid reliability and congestion
- Evaluating factors that may influence the energy mix that runs on SunZia

The shortcomings of the analysis of these issues in the FEIS are summarized below.

1. Meeting energy needs in New Mexico, Arizona and California

The FEIS primarily discusses how SunZia will meet specific states' energy demands, relying on data provided by utilities in October 2010. This information has been subsequently updated through various integrated resource plans that detail what new energy resources utilities will likely pursue and factors influencing their mix of these resources.⁴

The FEIS does not adequately discuss how SunZia could facilitate the delivery of electricity products that would meet California's energy needs. Two important issues for SunZia are whether the line would help generators meet California's deliverability requirements for out-of-state renewable energy resources and whether the products shipped on the line would be cost-competitive. This discussion should explicitly consider how ongoing transmission planning and permitting efforts affect SunZia's linkages to

⁴ For example: APS, http://www.aps.com/_files/various/ResourceAlt/2012ResourcePlan.pdf PNM, http://www.pnm.com/regulatory/pdf_electricity/irp_2011-2030.pdf; SRP, <http://www.srpnet.com/about/pdfx/ResourcePlanFY2011.pdf>; TEP, (http://files.shareholder.com/downloads/UNIS/2014411930x0x557199/806B57DB-06CF-4E46-BB16-124E53DCAC74/2012_TEP_IRP_1.pdf).

California balancing areas, especially given the prioritization of critical congestion issues in this region.⁵

2. Addressing grid reliability and congestion

The FEIS does not clearly substantiate current congestion and reliability issues that SunZia will address. To document current or potential future reliability and congestion issues in a clear, credible fashion, the BLM should incorporate the most recent assessments conducted by Western Energy Coordinating Council (WECC), and Southwest Area Transmission planning group, looking only at state level assessments is not sufficient to determine larger, regional dynamics related to grid reliability and congestion.⁶ It would be helpful to compare available transmission capacity with potential demand in two regions: New Mexico and Arizona, and Arizona and California.

While the FEIS touches upon the issues of how distributed generation, energy efficiency, demand-side management, or proposed line enhancements and additions may modify or shape congestion and reduce the need for new transmission lines like SunZia, it does not fully and comprehensively address these important factors.

3. Evaluating factors that may influence the energy mix that runs on SunZia

The FEIS does an inadequate job of describing short- and long-term factors that may influence the energy mix delivered by SunZia. Simply citing the speculative nature of many of these factors in the FEIS Appendix I does not provide relevant information for stakeholders participating in the NEPA process, and there are sources of relevant information identified below that should be included in the analysis in order to provide as much information as possible, acknowledging that it is not possible to have complete certainty on this issue at this point in time.

The FEIS primarily relies on the status of interconnection requests in SunZia's project area as of September 2011, which provides a "snapshot" of potential SunZia customers. However, a fuller picture could be provided that gives the public a better understanding of the factors that may influence SunZia's financial viability as a transmission project and its ultimate energy mix. Given the current uncertainties and volatility surrounding energy markets, the FEIS should describe, at a minimum, the following factors:

- The forecast demand for new natural gas generation in relevant IRP documents and what, if any, transmission capacity would be needed to accommodate it;

⁵ The last completed national transmission congestion study was completed in 2009, available on line: http://congestion09.anl.gov/documents/docs/Congestion_Study_2009.pdf. The 2012 study is underway, and information on pre-study workshops and comments can be accessed: <http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/transmission-planning/2012-national>.

⁶ WECC's 10-year plan at: <http://www.wecc.biz/library/StudyReport/Wiki%20Pages/Home.aspx>. SWAT reports and presentations at: http://www.westconnect.com/planning_swat.php.

- Planned coal plant retirements in the region and potentially available transmission capacity;
- A description of federal and state policies that could stimulate development of wind and solar energy resources that might access SunZia;
- Trends in the cost and pricing of renewable and non-renewable resources that may influence development of these resources proximate to SunZia; and
- FERC's May 2011 order regarding SunZia's allocation of ownership rights and capacity to negotiate rates.

The BLM's initial characterization of the SunZia project conveyed the incorrect impression that SunZia would exclusively provide for the transmission of renewable energy power—a claim that few, if any, transmission lines could ever make. In this rapidly-changing energy market, exact assessments about the clean energy merits of a proposed transmission project are not possible. However, the FEIS could do much more to incorporate readily available information to create a more credible picture of the demand for renewable energy resources, how available transmission capacity constrains their development, and the degree to which SunZia is a viable solution to this issue in the context of region-specific infrastructure policy and market factors. In educating the public about this project's purpose and need, it is incumbent upon the BLM to provide as much information as possible to enable the public to arrive at a thoughtful conclusion about the project's merits.

Finally, to provide increased confidence that the line will principally carry renewable energy, BLM and SunZia should provide continuous, transparent updates on potential subscribers to the line and explicit statements of generation intent for the line in a manner that does not violate the Federal Energy Regulatory Commission (FERC) open access rules. This recommendation was adopted by developers of the Gateway West transmission line who are now posting updated subscriber information online.⁷

Requested remedy: The BLM should include in the ROD for SunZia a purpose and need description that addresses the issues above.

b. The SunZia FEIS/RMPA does not include a Final Plan of Development (POD)

The FEIS states that a Final POD would be required to be approved by the BLM prior to construction activities. The FEIS (p. 2-48) states that:

“The Final POD would include detailed engineering, mitigation, and environmental mapping upon approval of the final and approved route alignment. The POD would detail the methods and procedures that would be used in construction of the Project and serves as a reference for contractors,

⁷ Available at: <http://www.pacificorp.com/tran/tp/eg/gw.html>

construction crews, agency personnel, resource inspectors, and environmental compliance monitors. In addition to a detailed Project description, the POD would contain BMPs and mitigation measures; specify environmental compliance field activities; and include a number of plans developed to achieve regulatory compliance and resources protection, including:

- Construction Plan and Program
- Flagging, Fencing, and Signage Plan
- Transportation Management Plan
- Fire Protection Plan
- Blasting Plan Methodology
- Erosion, Dust Control, and Air Quality Plan
- Hazardous Materials Management Plan
- Emergency Preparedness and Response Plan Guidelines
- Environmental Compliance Management Plan
- Biological Resources Protection Plan
- Avian Protection Plan
- Noxious Weed Management Plan
- Cultural Resources Historic Properties Treatment Plan (HPTP)/Monitoring and Discovery Plan/NAGPRA Plan of Action/PA
- Paleontological Resources Treatment Plan (PRTP)
- Stormwater Pollution Prevention Plan Methodology
- Right-of-Way Preparation, Reclamation, and Monitoring Framework Plan

An Avian Protection Plan and migratory bird conservation strategy would be approved by the USFWS prior to the BLM's Notice to Proceed. The vegetation management plan will be included in the Final POD as part of the Biological Resources Protection Plan.”

The Final POD will clearly contain a huge amount of information relating to the impacts and mitigation measures for SunZia, yet the BLM has provided no commitment to provide an opportunity for public review and comment on the Final POD prior to issuing a Notice to Proceed. This effectively makes it impossible for the public to fairly evaluate the proposed action, and is unacceptable.

Requested remedy: The BLM should make the Final POD available for public comment for 90 days prior to approving the Final POD and making a decision on whether or not to issue a Notice to Proceed for SunZia.

c. The BLM-proposed action and alternatives in the SunZia FEIS/RMPA would unduly and unnecessarily impact resources

1. Arizona routes

Aravaipa Canyon: Aravaipa canyon is a remote area with significant environmental resources that could be impacted by SunZia. Aravaipa is part of a significant set of roadless areas running from the Apache Reservation down to Cochise County in a 100 mile long swath. An analysis by The Nature Conservancy found that the Aravaipa Canyon region is the second largest unfragmented area in the Arizona and New Mexico region, second only to the Grand Canyon. The Aravaipa Canyon route is not the BLM-preferred alternative. However, SunZia would unduly and unnecessarily impact these resources and the Aravaipa Creek watershed should BLM select the alternative route through this region as its preferred alternative in the ROD for SunZia. **The Wilderness Society and NRDC oppose the Aravaipa Canyon route for SunZia.**

As stated in our comments on the DEIS, specific impacts that SunZia would cause if the Aravaipa Canyon route is selected as the BLM-preferred alternative in the ROD include:

- *Direct habitat fragmentation* caused by installation of the transmission line and any associated roads and infrastructure.
- *Indirect habitat fragmentation* caused by:
 - *Increased access.* The creation of an infrastructure corridor of any kind (even with helicopter installation of transmission towers) is likely to increase human access and use, especially through off-road vehicle use, including illegal off-road vehicle use. If a road or trail is built for construction, operations and maintenance of the line, these impacts will likely be increased greatly. Experience with access along other Rights of Way has shown that controlling human access is extremely difficult.
 - *Invasive species.* Disturbance is known to provide increased spread of invasive species and associated habitat impacts.
 - *Preventing use of fire as a habitat management tool.* Natural fires and controlled burns are critical to maintaining the habitat in the Aravaipa Canyon region. However, fire is generally suppressed as both a reliability and health and safety risk near existing transmission lines. There are federal, state, and local regulations and plans that require projects to comply with fire suppression and prevention around power lines. The North American Electric Reliability Council standards and Institute of Electrical and Electronics Engineers standards apply to all transmission lines that are critical for electrical reliability in the region. The Sunrise Powerlink project has mitigation measures (BIO-APM-9, Sunrise Powerlink FEIS B-110) that involve brush clearing around the transmission tower structures for fire protection that adheres to those national standards as well as to US Forest Service land management plans and California Code of Regulations. (Sunrise Powerlink FEIS D.15 47-52) SunZia plans to suppress fire through buffer zones of at least 100 feet around conductors and vegetation treatment. (SunZia DEIS 4-107,108).
- *Erosion and other watershed impacts to Aravaipa Creek and its tributaries, as well as the San Pedro River.*

The FEIS states in response to these comments, "The DEIS acknowledges the potential impacts as discussed." (FEIS p. J-299) Despite acknowledging these serious impacts, the SunZia FEIS/RMPA fails to address them through avoidance (which could be achieved by eliminating this route alternative) or through impacts minimization and mitigation efforts (as detailed in Section III (c) of this letter).

San Pedro Valley (BLM-preferred alternative)

The San Pedro Valley has significant habitat value for avian and mammal species and has been a conservation priority for both public agencies and NGOs for several decades. The biological resources in this valley are particularly rich due to the convergence of the Sonoran and Chihuahuan deserts and the presence of numerous Sky Islands which act as connectors between the temperate Rocky Mountains and the semi-tropical Sierra Madres. Impacts to these resources and the San Pedro River and watershed are of serious concern. **The Wilderness Society and NRDC oppose the San Pedro routes for SunZia.**

As stated in our comments on the DEIS, specific impacts of concern include:

- *Direct and indirect habitat fragmentation.* Many of the same impacts described for the Aravaipa Canyon route would occur with the San Pedro Valley route. The overall fragmentation impacts would be worse for the Aravaipa route because the Aravaipa region is currently the second largest unfragmented area in the Arizona and New Mexico region.
- *Erosion and other watershed impacts to the San Pedro River.*
- *Impacts to the recently proposed Lower San Pedro National Wildlife Refuge.*
- *Impacts to parcels of land that are currently being managed protectively to mitigate for impacts from other development.*

The FEIS acknowledges that "Habitat fragmentation, erosion, and other direct or indirect impacts that may occur are discussed in the DEIS throughout Section 4.6 for each affected resource, and noted in the discussion of alternatives (Section 4.6.5)." (FEIS p. J-299)

The FEIS also acknowledges that SunZia would impact the proposed Lower San Pedro National Wildlife Refuge, a potential component of the Lower San Pedro River Collaborative Conservation Initiative which is currently being developed. "All alternatives for SunZia would cross portions of the Collaborative Conservation Initiative study area. The BLM preferred alternative would cross the study area approximately 0.5 miles north of The Narrows, near the southern boundary of the study area. After crossing the river, the BLM preferred alternative is located more than 2 miles from the river, with the exception of a brief approach to 1.9 miles near the town of Redington."

Citizen-Proposed Wilderness units:

In our comments on the DEIS, we noted that subroutes B153a and B153b intersect the corner of the Pinalenos Citizen-Proposed Wilderness (CPW) unit. In response to our

comments on the DEIS, BLM states that “Subroute 4A (links B153a and B153b) would not cross any portion of the Pinaleños CPW unit according to GIS data provided.” (FEIS p. J-299) Based on our analysis, a 400’ Right of Way (ROW) would intersect the Pinaleños CPW unit. BLM should not approve a ROW that intersects the Pinaleños or other CPW units.

The FEIS also notes that as part of the SunZia NEPA process, the BLM conducted an inventory of Lands with Wilderness Characteristics (LWC) as required per guidance in Conducting Wilderness Characteristics Inventory of BLM Lands Manual (MS6310). This inventory found that “The only potentially affected LWC inventory units in Arizona that were identified based on the manual (MS-6310) are within the Muleshoe area and would be crossed by Subroute 4C1 (not the BLM Preferred Route).” (FEIS p. J-299) The FEIS further details that “Link C361 of Subroute 4C1 crosses Inventory Unit 4-90 (Muleshoe), which was found to have characteristics meeting each of the three criteria noted in Section 3.12.3.” (FEIS p. 3-301) The BLM should not approve a ROW that crosses the Muleshoe LWC Inventory Unit or any other LWC Inventory Units that have wilderness characteristics.

Despite acknowledging these serious, undue and unnecessary impacts, the SunZia FEIS/RMPA fails to address them through avoidance (which could be achieved by eliminating the route alternatives in the San Pedro Valley) or through impacts minimization and mitigation efforts (as detailed in Section III (c) of this letter).

Requested remedy: The BLM should not approve a ROW for SunZia through the Aravaipa Canyon region or the San Pedro Valley. In the ROD, the BLM should either select the No Action Alternative or find a different, appropriate route which does not unduly and unnecessarily harm resources. In the ROD, the BLM also should not approve a ROW which intersects CPW units or LWC inventory units that have wilderness characteristics. If the BLM does approve a ROW through the Aravaipa Canyon region or the San Pedro Valley, or that impacts CPW or LWC units, the BLM should require a comprehensive mitigation program as detailed in Section III (c) of this letter.

2. New Mexico routes

Rio Grande River Corridor: the Rio Grande River corridor, and in particular the Middle Rio Grande, is a critical flyway for migrating birds and many other species. For this reason, we recommended in scoping comments that BLM use an alternative that would run down the east side of the White Sands Missile Range (WSMR) and cross the Rio Grande River near Las Cruces, where impacts would be much lower. The routes east of the WSMR have been dropped from consideration in the DEIS. All of the remaining alternatives would cross the Rio Grande in the Middle Rio Grande region between the Bosque del Apache and Sevilleta National Wildlife Refuges, an area that is particularly important for wildlife. Audubon New Mexico has significant expertise on these issues and is submitting detailed comments including information on the importance of this area for wildlife habitat and the likely impacts of SunZia. Though these impacts may be impossible to fully mitigate, Audubon New Mexico’s comments also include

recommendations on mitigation measures that should be employed if SunZia is approved and built in this area. We support the information and recommendations in Audubon New Mexico's comments and ask that BLM fully consider and address them.

Citizens' Wilderness Inventory units: many of the potential routes would intersect Citizens' Wilderness Inventory (CWI) units inventoried by the New Mexico Wilderness Alliance (NMWA). These areas have been found by NMWA to have "wilderness characteristics," including naturalness, solitude and the opportunity for primitive recreation. Beyond these core values, these lands also provide important wildlife habitat, cultural and scientific resources, invaluable ecosystem services including clean air and water, important economic benefits, and many other resources and values. The sensitive nature of these lands and their resources and values makes protection critical and transmission development on them inappropriate. The CWI units intersected by the SunZia routes in New Mexico (by SunZia subroute number) are:

- E101: Cibola Canyon, Stallion, Sierra de la Cruz
- E133: Veranito
- A111 and A112: Padillo Gonzales
- E90 and A90: Stallion
- A160: Chupadera Wilderness Addition
- E211: Magdalena Mountains 2
- A161B: Magdalena Mountains 3
- A270: Penasco Canyon
- A430: Sierra de las Uvas
- A361 and A400: Nutt Mountain
- A481: Good sight Mountains
- A430 and A500: Massacre Peak
- B150a: Lordsburg Playas North

The FEIS acknowledges that the BLM-preferred route would cross the following CWI units: Cibola Canyon, Stallion, Sierra de la Cruz, Lordsburg Playas North, Veranito, Magdalena Mountains (2 and 3), Nutt Mountain, and Massacre Peak. (FEIS p. J-297)

The FEIS also notes that as part of the SunZia NEPA process, the BLM conducted an inventory of Lands with Wilderness Characteristics (LWC) as required per guidance in Conducting Wilderness Characteristics Inventory of BLM Lands Manual (MS6310). According to the FEIS, "Within the SunZia study corridors, the Nutt Mountain LWC unit in New Mexico was identified based on the manual (MS-6310), and would be crossed by one of the SunZia transmission line alternative routes (not the Preferred Route)." (FEIS p. J-297) Further, the FEIS states that "According to the current inventory conducted in *September 2012, the Preferred Route would cross an LWC unit that was identified, located adjacent to the Stallion WSA.*" (FEIS p. J-297)

The BLM should not approve a ROW that crosses CWI units or LWC Inventory Units that have wilderness characteristics.

Despite acknowledging these serious, undue and unnecessary impacts, the SunZia FEIS/RMPA fails to address them through impacts minimization and mitigation efforts (as detailed in Section III (c) of this letter).

Requested remedy: In the ROD, the BLM should follow the Audubon New Mexico recommendations for minimizing and offsetting impacts to the Rio Grande River corridor. The BLM should not approve a ROW which intersects CWI units or LWC inventory units that have wilderness characteristics. If the BLM does approve a ROW that impacts CWI or LWC units, the BLM should require a comprehensive mitigation program as detailed in Section III (c) of this letter.

d. Efforts to avoid, minimize and mitigate impacts in the SunZia FEIS/RMPA are inadequate

The scale and intensity of likely impacts from SunZia demand a robust and comprehensive approach to mitigation if the project is approved and constructed. These efforts must include all the steps in the mitigation hierarchy, including avoiding impacts wherever possible, minimizing unavoidable impacts through the use of best management practices on-site, and off-setting remaining impacts through off-site, compensatory mitigation.

As part of its NEPA analysis, BLM must evaluate the direct, indirect and cumulative impacts of the SunZia project, regardless of whether those impacts occur to federal lands or lands owned by states. "Case law interpreting NEPA has reinforced the need to analyze impacts regardless of geographic boundaries." Council on Environmental Quality Guidance on NEPA Analyses for Transboundary Impacts (July 1, 1997), citing, *Sierra Club v. U.S. Forest Service*, 46 F.3d 835 (8th Cir. 1995); *Resources Ltd., Inc. v. Robertson*, 35 F.3d 1300 and 8 F.3d 1394 (9th Cir. 1993); *Natural Resources Defense Council v. Hodel*, 865 F.2d 288 (D.C. Cir. 1988); *County of Josephine v. Watt*, 539 F.Supp. 696 (N.D. Cal. 1982). BLM is also obligated to evaluate mitigation for such effects. 40 C.F.R. § 1502.16 Accordingly, in evaluating mitigation measures, BLM should evaluate how to mitigate impacts on these other lands. The mitigation measures required for the Desert Sunlight solar project approved by BLM in 2011 provide an example of mitigation for both air quality and water quality impacts to non-federal land and landowners.

BLM has recently published new draft guidance for regional mitigation.⁸ President Obama also recently issued a Presidential Memorandum on improving siting, permitting and mitigation for transmission development.⁹ Both of these documents offer valuable tools for continuing to improve the conservation outcomes for mitigation for project impacts, and should be used to help determine mitigation requirements for SunZia.

⁸ Available at:

[http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information Resources Management/policy/im_attachments/2013.Par.57631.File.dat/IM2013-142_att1.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information%20Resources%20Management/policy/im_attachments/2013.Par.57631.File.dat/IM2013-142_att1.pdf)

⁹ Available at: <http://www.whitehouse.gov/the-press-office/2013/06/07/presidential-memorandum-transforming-our-nations-electric-grid-through-i>

The mitigation measures in the SunZia FEIS/RMPA are wholly inadequate. We recommend a suite of mitigation measures that may apply in numerous places along SunZia below. **However, we want to emphasize that given the very significant impacts from SunZia along some parts of the route, it will be impossible to fully mitigate some impacts. Further, while mitigation measures can address some of our concerns, there is no set of mitigation measures that would win our support for the San Pedro and Aravaipa Canyon routes.**

Avoidance

- **Route selection:** If the BLM approves a ROW for SunZia in the ROD, the BLM should select a route that avoids as many impacts as possible. As noted above, avoiding impacts may be impossible in some areas where limited viable route options remain (such as in the Tucson area). Based on the information we have now, and among the routes included in the FEIS, we have identified the following subroutes that would have (relatively) lower impacts:
 - *San Pedro Valley:* The BLM should not approve a route through the San Pedro Valley (including the BLM-preferred route in the FEIS). The Wilderness Society and NRDC oppose routes in the San Pedro Valley
 - *Aravaipa Canyon:* The BLM should not approve a route through the Aravaipa Canyon region. The Wilderness Society and NRDC oppose routes in the Aravaipa Canyon region.
 - *Avoidance of CPW units in Arizona:* SunZia should not cross CPW units. The BLM should adjust subroutes B153a and B153b to avoid intersecting the Pinalenos CPW unit.
 - *Avoidance of LWC in Arizona:* SunZia should not cross LWC units which have wilderness characteristics. Link C361 of Subroute 4C1 crosses Inventory Unit 4-90 (Muleshoe), which was found to have characteristics. The BLM should not approve a ROW through the Muleshoe or other LWC units.
 - *Rio Grande River crossing:* Audubon New Mexico submitted detailed comments regarding the Rio Grande River crossing on the DEIS and we support their recommendations on this issue.
 - *Avoidance of CWI units in New Mexico:* SunZia should not cross CWI units. In some cases all of the routes in the DEIS would cross CWI units, increasing the importance of minimizing and off-setting impacts if they cannot be avoided. Among the routes presented in the DEIS, the BLM should select the following subroutes as the BLM-preferred route in the FEIS:
 - I-25 crossing north of Truth or Consequences: the BLM should select subroute A260 to avoid intersecting the Penasco Canyon CWI unit (subroute A260 is the BLM-preferred route in the FEIS).
 - Subroutes north of the proposed Midpoint Substation: the BLM should select subroutes A400, A440, A530, and A520 to avoid intersecting the Nutt Mountain, Sierra de las Uvas, and Good sight

Mountains CWI units (subroutes A400, A440, A530, and A520 are the BLM-preferred route in the FEIS). The BLM should also adjust subroute A400 to avoid the Nutt Mountain CWI unit (subroute A400 currently runs along the edge of the Nutt Mountain CWI unit). The BLM should also adjust subroutes A440 and A530 to avoid the Massacre Peak CWI unit (subroutes A440 and A530 run along the edge of the Massacre Peak CWI unit).

- Lordsburg Playa area: the BLM should select subroutes B160a and B160b to avoid intersecting the Lordsburg Playas North CWI unit (subroutes B160a and B160b are in the BLM-preferred route in the FEIS).
- *Avoidance of LWC in New Mexico:* SunZia should not cross LWC units which have wilderness characteristics. The BLM should adjust the routes to avoid the Nutt Mountain LWC unit and to avoid the LWC unit adjacent to the Stallion WSA.
- **Route micro-siting:** The BLM should include detailed maps of the BLM-preferred route in a Final Plan of Development (POD) for SunZia. The BLM should analyze specific impacts along the BLM-preferred route in the Final POD and adjust the route through micro-siting to avoid impacts to sensitive resources. The Final POD should be made available for public comment for 90 days.

Minimization

- **Helicopter installation:** Helicopter installation has been used to limit impacts in construction of numerous transmission lines, including the Sunrise Powerlink. The American Electric Power Company was the first to use helicopters in large-scale transmission line construction in 1960, and the use of this approach has continued in other projects. Helicopter installation can provide the benefit of eliminating the need to build roads or trails and eliminating the need to use vehicles or off-road vehicles to access tower pad sites for construction, operation and maintenance of the transmission line. In the Sunrise Powerlink project, helicopters, specifically the Erickson air crane, were used to install the transmission tower structures for an estimated 70% of the transmission route, which eliminated the need for cranes and road construction. In addition, the use of micropile foundations to drill holes for the tower structures and reduce the use of cement greatly reduced impacts to the site locations. The BLM should require helicopter installation with no construction of roads or trails and no use of vehicles or off-road vehicles to access tower pad sites in areas where habitat fragmentation is major concern. Specifically, the BLM should require the use of helicopter installation for all subroutes going through the Aravaipa and San Pedro watersheds if SunZia is approved and the final route traverses these areas.
- **Minimizing road and trail construction:** where significant impacts exist but do not require helicopter installation, the BLM should require that road and trail construction be minimized, and that any temporary roads be fully reclaimed. Best practices for limiting spread of invasive species should be used.

- **Limiting access to any roads and trails that are constructed:** where roads and trails are constructed, aggressive measures should be taken to limit access, including fencing, locked gates, use of natural terrain features to limit access, and security patrols.
- **Use of bird diverters:** The BLM should require the use of bird diverters and other mitigation measures to decrease the likelihood of bird strikes in areas of known heavy bird use. These include, but are not limited to:
 - The Rio Grande River crossing
 - The Aravaipa Canyon region
 - The San Pedro Valley

Off-site, compensatory mitigation

The compensatory mitigation plan for the SunZia project should include, but not be limited to, the following elements:

- **Purchase and permanent protection of private or State Trust lands:** the BLM should require the applicant to purchase land of high conservation value and protect it through a conservation easement or another mechanism that affords permanent protection from development of any kind. This should be required for impacts to numerous areas along the routes, including but not limited to:
 - *CWI and CPW units intersected by SunZia routes in New Mexico and Arizona:* if the BLM-preferred alternative in the FEIS includes any routes that intersect CWI or CPW units, the BLM should require purchase and protection of lands as mitigation.
 - *The Aravaipa and San Pedro watersheds and region:* There are nearby state trust lands that have been previously identified as having significant conservation values, including approximately 36,000 acres in the Catalina-Galiuro corridor, which could be subject to conservation acquisition as part of a mitigation strategy. Another potential opportunity would be to fund acquisition of lands which could be added to the proposed San Pedro National Wildlife Refuge.
 - *Lands managed by Pima County as a mitigation bank through the Pima County Multi-Species Conservation Plan:* the BLM-preferred alternative crosses a Pima County mitigation bank. Additional lands with equivalent resources and values should be purchased and protected to off-set these impacts.
 - *Establishment of a land acquisition or conservation easement fund to be administered by a council of local environmental organizations in consultation with county, state and federal officials.*
 - Another off-site mitigation opportunity would be conservation acquisition of lands at high risk of development that would draw down groundwater upon which the region's last remaining perennial rivers depend.
- **Administrative protection of BLM or Forest Service lands:** the BLM and Forest Service should amend relevant land use plans to add administrative protective designations to land of high conservation value. The management

prescriptions for these protected areas should preclude development of any kind. These protections could include:

- *Area of Critical Environmental Concern designations*
- *Managing BLM-identified lands with wilderness characteristics to protect those characteristics*
- *Special Recreation Management Area designations with a focus on non-motorized use*

In response to our comments on mitigation, the FEIS states that helicopter installation, limiting road construction and access, and use of bird diverters “would be a requirement in specific areas as defined in the final POD.” (FEIS p. J-302) The FEIS also states that “Off-site compensatory mitigation may be considered in addition to mitigation measures identified in the DEIS.” (FEIS p. J-302) While we appreciate the BLM’s conceptual commitment to these minimization and mitigation measures, without specific information about where and how they will be required it is impossible for the public to evaluate their effectiveness.

Requested remedy: As stated in Section III (b) of these comments, the BLM should make the Final POD available for public comment for 90 days prior to approving the Final POD and making a decision on whether or not to issue a Notice to Proceed for SunZia. The Final POD should include the mitigation measures suggested above.

IV. Summary: Why the State Directors’ Proposed Action and Preferred Alternative Selection is Wrong

1. The SunZia FEIS/RMPA purpose and need description is inadequate. The BLM must adequately address meeting energy needs in New Mexico, Arizona and California, address grid reliability and congestion, and evaluate factors that may influence the energy mix that runs on SunZia.

2. The SunZia FEIS/RMPA does not include a Final Plan of Development (POD). The Final POD will include a huge amount of information regarding the impacts and mitigation measures for SunZia, and the public cannot evaluate the proposed action without this information.

3. The BLM-proposed action and alternatives in the SunZia FEIS/RMPA would unduly and unnecessarily impact resources. The proposed action and alternatives for SunZia would unduly and unnecessarily impact sensitive and important resources including the Aravaipa Canyon region, the San Pedro Valley, the Middle Rio Grande River corridor, and wilderness-quality lands.

4. Efforts to avoid, minimize and mitigate impacts in the SunZia FEIS/RMPA are inadequate. The mitigation measures in the FEIS/RMPA are wholly inadequate, and it unacceptable to delay commitment to specific measures until the completion of the Final POD.

Thank you for your full consideration and response to this protest. We request the opportunity to discuss our requested remedies at your earliest convenience.

Sincerely,

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