

Cascabel Working Group  
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March 25, 2013

Mr. Jesse Juen  
Bureau of Land Management  
Authorizing Officer  
SunZia Southwest Transmission Project  
PO Box 27115  
Albuquerque, N.M. 87502-0115

Dear Mr. Juen:

We the undersigned, as representatives of Cascabel Working Group, are writing in support of the Winkelman and Redington Natural Resource Conservation Districts' request dated February 15, 2013 for a supplement to the SunZia Transmission Line Project Draft Environmental Impact Statement (DEIS). This supplement would address the purpose, need, and projected energy uses of the proposed project, as well as the analyses that were based upon the assumption of projected energy uses. Many commenters supplied the BLM with fundamental complementary information on these issues well before the DEIS was written and released, yet the BLM did not incorporate any of this into the DEIS for public review and comment. *We strongly protest the BLM's withholding from public review, objective third-party information that contradicts the assumptions underlying much of the analysis in the SunZia DEIS.* If a revision and supplement to a DEIS were ever warranted, this is such a case.

As noted in the Natural Resource Conservation Districts' (NRCDS') letter, the National Environmental Policy Act (NEPA) requires that the process for the development of an Environmental Impact Statement (EIS) must foster *informed participation* by the public and stakeholders, which is reaffirmed in the Council on Environmental Quality's Open Government Directive of 12/8/2009. Given that the DEIS did not include the information noted above for public comment, we, along with the NRCDS, assert that the requirement for fostering informed participation by the public, the stakeholders, and local governments has not been met. Critical information that was missing includes large-scale use of the project by natural gas generation, exemplified by the project proponent's Bowie, Arizona, power plant, and evaluation of SunZia's projected uses and feasibility by the High Plains Express Project. Not supplying this information to the public in a timely manner resulted in significant, avoidable deficiencies in the DEIS that warrant a supplement to it. Such a supplement is required to provide the public with an adequate comment period prior to the release of the Final EIS.

In their recent letter the NRCDS attached a timeline (see attached), starting on September 28, 2010, of their requests for accurate disclosure of the history, purpose and need of the SunZia Project. By July 12, 2011 they had submitted the High Plains Express (HPX) Project Economic Feasibility Study as the best available third-party analysis regarding the projected mix of energy resources necessary for economic success on a merchant extra high voltage line. SunZia was included as an integral part of that study, and the study's conclusions apply to SunZia. Meanwhile our organization also submitted information about similar issues to the BLM (see the attached letter). During this time the BLM did not acknowledge or reference this information

and continued making renewable energy claims for SunZia on its website that contradicted the best-available data.

The BLM's initial response to the NRCs' requests stated that the DEIS would address these issues. Instead, all analyses in the DEIS continued to be based upon the project proponent's highly idealized renewable energy development scenario, contrary to the HPX Economic Feasibility Study. More recently the BLM told the NRCs that these issues will be addressed in the Final EIS.

We along with the NRCs find this response unacceptable in light of this Administration's emphasis on open government and the intent of the Information Quality Act. Note that in all of its responses to the original request for corrections and subsequent appeals by the NRCs that the BLM did not acknowledge or address the specific points of correction raised by the petitioners. This has now occurred over a period of 20 months while the BLM has continued disseminating the most-significant challenged material both in print and on its website.

This treatment stands in stark contrast to the BLM's in-depth and timely response to a similar request for correction made on June 1, 2012 by SunZia proponent Tom Wray regarding the BLM's portrayal of the Southline Project. The BLM provided Mr. Wray with specific and detailed responses within 47 days, as intended by the Information Quality Act. Before responding to this letter, please compare the BLM's dismissive and perfunctory responses to the NRCs with its response to Mr. Wray ([http://www.blm.gov/wo/st/en/National\\_Page/Notices\\_used\\_in\\_Footer/data\\_quality.html](http://www.blm.gov/wo/st/en/National_Page/Notices_used_in_Footer/data_quality.html)).

The BLM withheld critical and influential information during the stages in the NEPA process when public and stakeholder input would have had the most influence. To include this information in the final stage of the NEPA process after withholding it from the public for nearly two years does not remedy the oversight agency's failure to exercise its role with transparency and objectivity.

For these reasons we strongly urge the BLM to develop and issue a supplement to the SunZia DEIS that incorporates this information, with an appropriate comment period. This would give the public and stakeholders the opportunity to address critical and relevant information that should have been included in the DEIS and used to analyze cumulative effects, alternatives to the proposed project, greenhouse gas emissions, and economic impacts.

Sincerely,



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Attachments:

Timeline submitted by NRCs

Cascabel Working Group letter of support for NRC IQA request (8/1/2011)

## **Timeline submitted by the Natural Resource Conservation Districts:**

- 1) September 28, 2010 -- Request was sent to Adrian Garcia by an NRCD cooperator during the scoping comment period, requesting corrections to the proposed project's statements of origin, purpose, and need, with a request to allow public scoping comment based upon an accurate description of the proposed project. References to SunZia project history were provided. Although Mr. Garcia acknowledged receipt, no response was provided. Petitioner then took his request to the boards of supervisors for his two local NRCDs.
- 2) July 12, 2011 -- "Request for Correction of Information Contained in Scoping Documents for the SunZia Southwest Transmission Project" was submitted under the Information Quality Act (PL 106-554-Section 515). The High Plains Express (HPX) Project Economic Feasibility Study was submitted to the BLM by the petitioners as the best available data regarding the projected mix of renewable and non-renewable energy resources necessary for economic success on a merchant EHV line. Ten specific corrections and disclosures were requested, as was a 45-day reopening of the scoping process.
- 3) August 17, 2011 -- Response to the July 12 request was sent by Jesse Juen, New Mexico BLM office. Reopening the scoping period was denied. None of the specific correction/disclosure requests were addressed in this letter. The challenged scoping documents continued to be disseminated on the BLM's SunZia website. Instead, Mr. Juen stated that our concerns would be considered and addressed in the Draft EIS at an unspecified future date.
- 4) September 6, 2011 -- Response by Jesse Juen was appealed to the Assistant Director, BLM Information Resources Management, as per the Information Quality Act (IQA), once again requesting that corrections to the concurrently disseminated scoping documents be made immediately. Specific language was cited from the BLM's Information Quality Guidelines and the IQA, supporting the appeal's argument for making the corrections in a timely manner. The request for a 45-day scoping extension was reiterated. Key information from the HPX Economic Feasibility Study was re-submitted. Response to this appeal was delayed for four months, two months longer than prescribed in the BLM's Information Quality Guidelines, requiring the petitioners to initiate an investigation through their Congressional representative. The challenged scoping documents continued to be disseminated through the BLM's SunZia website.
- 5) January 6, 2012 -- Response to the September 2011 appeal was finally provided by Ronnie Levine. Mr. Levine did not address any of the specific requests, except for denying the request to make any changes to scoping documents and stating that our concerns would be addressed through the public comment processes. The challenged scoping documents continued to be disseminated through the BLM's SunZia website, at the same time that new analyses, based upon the assumption of predominantly renewable energy usage on the proposed line(s), were being prepared and submitted to the BLM by the project proponents through the contracted environmental firm.
- 6) January 20, 2012 -- Response by Ronnie Levine was appealed to the Director of the BLM. This final appeal noted that corrections to scoping documents had been delayed for over 15 months since the original request, with the continuous dissemination of the challenged materials taking place during that period. It was again stated that the HPX Economic Feasibility Study

was relevant and contradictory to the renewable energy benefit claims that were continuously being disseminated by the BLM.

7) April 19, 2012 -- This response by BLM Director Robert Abbey was not dated, but was received by the petitioners on this date. In this response, Mr. Abbey agreed to add a disclaimer to scoping documents that had now been disseminated for over 18 months since the original request for correction. In this disclaimer, it was acknowledged that open access policies of the Federal Energy Regulatory Commission would affect the ultimate mix of renewable and non-renewable resources on the proposed line(s). Mr. Abbey did not acknowledge the likely projection of this energy resource mix, as modeled by the HPX Economic Feasibility study, and he did not address any of the petitioners' specific requests for correction or disclosure. Instead, he stated that comments received during the scoping period would be addressed in the draft EIS, and our next opportunity for comment would be during the draft EIS comment period. In essence, Mr. Abbey gave us no assurance that our specific requests, as well as the documentation that was submitted during our IQA process, would necessarily be considered or addressed in the draft EIS.

8) May 25, 2012 -- Release Date of draft EIS, shortly after Mr. Abbey's response. All analyses in the draft EIS continued to be based upon a predominantly renewable energy development scenario, contrary to the HPX Economic Feasibility Study. There was no evidence that five of our ten original requests were acknowledged or addressed in the draft EIS, and the challenges to the statements of purpose and need were not acknowledged as an area of concern in scoping comments or in the petitioners' IQA process. Thus, there was never any substantive response to the specific requests for correction and disclosure made by the petitioners through their IQA process, effectively delaying response to the petitioners for a period of over 20 months. Contrast this situation to the June 1, 2012 IQA requests of the SunZia project proponents regarding scoping documents for the proposed Southline Transmission Project, where a detailed response was provided by the BLM to SunZia within 47 days, acknowledging and addressing each of the requested corrections.

9) July 30, 2012 -- The NRCDs sent the BLM the list of five of their ten original requests for correction that were not addressed in the draft EIS. They requested that the BLM issue an errata appendix. The BLM did not respond to this request.

10) December 18, 2012 -- The NRCDs noted that the BLM had not responded to the request for an errata appendix. They requested that Jesse Juen, New Mexico BLM Director, issue a Supplement to the DEIS to address the outstanding information deficiencies.

11) March 14, 2013 -- Jesse Juen denied request for a Supplement, and stated that the corrections will be delayed again, this time until the issuance of the Final EIS.