

**COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND RESOURCE MANAGEMENT PLAN FOR SUNZIA SOUTHWEST
TRANSMISSION PROJECT (MAY 2012, DES-12-26 AMENDMENTS)
BY WINKELMAN NRC D and REDINGTON NRC D
August 20, 2012**

To:

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Please accept and fully consider these comments submitted by Winkelman Natural Resource Conservation District (“Winkelman”) and Redington Natural Resource Conservation District (“Redington”) on the Draft Environmental Impact Statement and Resource Management Plan Amendments (May 2012, DES-12-26) for the proposed SunZia Transmission Project (“DEIS”). These comments supplement comments already submitted on October 9, 2011 by Winkelman and Redington, in meetings, and in written and oral communications with the Bureau of Land Management (“BLM”) in which Winkelman and Redington expressed numerous concerns about the potential environmental impact of the SunZia Project on their Districts.

Additionally, throughout the scoping process, Winkelman and Redington submitted comments and evidence relating to the impacts on the San Pedro watershed together with requests for correction of information contained in the scoping documents including its final appeal of January 20, 2012.

These comments also supplement the Districts’ specific requests for coordination of these adverse impacts with the long range plans of Winkelman and Redington

including the written requests directed to BLM on June 28, 2012, July 12, 2012 and July 17, 2012.

ARIZONA'S NATURAL RESOURCE CONSERVATION DISTRICTS

Winkelman NRCD and Redington NRCD (collectively "Districts" or "NRCDs") are the local political subdivisions of the State of Arizona with responsibilities that include the San Pedro River watershed and Aravaipa Creek habitat areas. The Districts were established by the Arizona Constitution, Article XIII, § 7 and A.R.S. § 37-1001, *et seq.* to protect the natural resources within their jurisdictions consistent with the natural resource policy of the State of Arizona and the Districts' own long range plans.

The Districts were established in 1941 by the State of Arizona as legal subdivisions of the State. They are organized by the vote of landowners within the District and management is by a Board of Directors elected by local citizens. The Districts are a form of local government authorized to identify and address resource conservation needs within their jurisdictions. There are 41 conservation districts spanning the entire breadth of Arizona, 32 of which are established under State law and 9 established under Tribal law. The elected District Board of Supervisors has the responsibility for determining the resource conservation needs for the District, for developing and coordinating long range plans and programs for natural resource conservation and implementing them under the Districts' annual plan of operation. The Districts work with and coordinate their efforts with Federal and State government, organizations, agencies and individuals to accomplish soil and water conservation. Arizona's conservation district law is embodied in legislation and establishes the State's natural resource policy, carried out on a local level by the Districts:

It is declared the policy of the legislature to provide for the restoration and conservation of lands and soil resources of the state, preservation of water rights and the control and preservation of soil erosion, and thereby to conserve natural resources, conserve wildlife, protect the tax base, protect public lands and protect and restore the state's rivers and streams and associated riparian habitats including fish and wild life resources that are dependent on those habitats, and in such manner to protect and promote the public health, safety and general welfare of the people. (Ariz. Rev. Stat. Ann. § 37-1001)

A. Winkelman NRCD

Winkelman NRCD is located in the eastern part of Pinal County, the southwest corner of Gila County, a small portion of the southwest corner of Graham County and a small area in northeast Pima County. To the north lie the Pinal Mountains, to the east the Galiuro Mountains, to the south are the Catalina Mountains and to the west lies the desert land near Picacho Reservoir. Substantial portions of two of Arizona's major rivers, the San Pedro and the Gila, wind through the District. Winkelman NRCD includes 1.6 million acres of land of which less than 1500 acres is irrigated farmland. The remaining acres not within towns, cities or mine lands are range land. The land ownership is a

combination of private, State and Federal lands. Portions of the Tonto and Coronado National Forests lie within the District's boundaries. Winkelman NRCD also includes BLM lands, Arizona State Trust Lands, and private lands.

Winkelman NRCD has established conservation district land management plans which are updated from time to time to carry out the public policy of the State on a local level. Winkelman NRCD is governed by five elected supervisors who meet on a regular basis to carry out its long range plans and statutory mandates. Winkelman NRCD coordinates its resource conservation efforts with Federal and State agencies including the BLM and takes its responsibilities seriously.

B. Redington NRCD

Redington NRCD was established in 1947 and encompasses 290,000 acres of land in the San Pedro River Valley of southeastern Arizona. It includes approximately 31 miles of the San Pedro River which runs north-northwest through the middle of the District and is the area's most defining geographical, ecological and social-historic feature. Redington NRCD's southern boundary lies just north (downstream) of the Narrows, a bedrock intrusion that divides the upper and lower San Pedro basins. The western boundary runs along the crest of the Rincon and Santa Catalina Mountains which separate the San Pedro and Santa Cruz watersheds. The northern boundary lies along the Alder Wash and Kielberg Canyon. The eastern boundary is an irregular north/south line through Range 20 East of the Gila-Salt River Meridian. It begins just north of the Narrows and ends on the southwestern flank of the Galiuro Mountains.

The single largest landowner in the area is the Arizona State Land Department holding trust lands for public schools and other trustees totaling 168,000 acres. Federal lands are approximately 77,000 acres and private lands are 45,000 acres.

INTRODUCTION

The NRCD's are legally recognized governmental subdivisions of the State of Arizona. As such, they have legal status under the Governor's Consistency Review. A 60-day Governor's Consistency Review is required by 43 CFR 1610.3-2(e) for all Resource Management Plans (RMPs) and RMP Amendments. The SunZia DEIS includes proposed RMP Amendments which require compliance with the Governor's Consistency Review as well as with the National Environmental Policy Act (NEPA).

The mission of the NRCDs is to protect, restore, and conserve the land, water, and soil resources, to preserve water rights and to prevent soil erosion, and to protect the tax base of public lands within District boundaries while assisting private property owners in making viable and responsible use of their private lands and of the public lands they use. The Districts' mission is derived from, and is consistent with, the mission statement of the State of Arizona set forth for all NRCDs organized under state law and is defined in statute.

The mission of the NRCDs applies to nearly two million acres which are within the NRCDs' boundaries. The NRCDs have practiced responsible environmental stewardship of District lands for more than 60 years. The consequences of the Districts' environmental stewardship are restored or recovering ecosystems, continuation of viable agricultural economies, and preservation of traditional rural lifestyles. Environmental stewardship on District lands is evidenced by a series of adopted management plans and policies, and by numerous implementation measures which have required investment of millions of dollars in public and private funds. The SunZia project is inconsistent with the NRCDs' adopted plans and policies. It is also inconsistent with the adopted land use plans and policies of Pinal County, Arizona, and with the recommendations of the corridor location recommendations of the West-wide Energy Corridor Programmatic EIS.

Nowhere is the environmental stewardship of the Districts more evident than in the San Pedro River Valley, which would suffer significant unmitigable impacts to the human environment if the SunZia Project is approved on the Preferred Alternative route through District lands. Our detailed comments on the SunZia DEIS support the conclusion that the Preferred Alternative should not be approved by the BLM, and that the proposed RMP Amendments conflict with BLM's policy as articulated in Instruction Memorandum No. 2011-059, "National Environmental Policy Act Compliance for Utility-Scale Renewable Energy Right-of-Way Authorizations," which directs the BLM to identify "appropriate project locations that conform with federal law, regulation, and policy, and with existing land use plans, minimizing the need for land use plan amendment."

FEDERAL NOTICES AND PROCEDURAL HISTORY

In September of 2008, SunZia Transmission, LLC submitted a Right-of-Way ("ROW") Application to BLM requesting authorization to construct, operate and maintain two new single-circuit overhead 500 kilovolt transmission lines originating in Socorro County, or Lincoln County, New Mexico, and terminating at the Pinal Central Sub-Station in Pinal County, Arizona.

On May 29, 2009, BLM published a Notice of Intent ("NOI") to prepare an EIS pursuant to the National Environmental Policy Act ("NEPA"), as required by Federal regulations promulgated for the Federal Land Policy and Management Act on 1976 ("FLPMA"), found at 49 CFR Part 2800, 74 FR 25764. BLM is the lead Federal agency for the NEPA analysis and preparation of the EIS. The initial proposal was to transport electricity generated by power generating resources, including primarily renewable sources, to the western power markets and load centers. The emphasis was on renewable energy resources which included wind, solar and geothermal generation.

BLM acknowledged in its NOI that the SunZia Project may require amendment to at least four of the local Resource Management Plans. BLM affirmed that if Resource Management Plan amendments are necessary, BLM would integrate that process with the NEPA process for the SunZia Project. In disregard of the very issues that BLM identified

in its May 29, 2009 NOI, BLM simply plowed ahead with a draft EIS giving lip service to the issues, concerns and impacts raised by the Districts in the scoping and public meetings initiated by the Districts over a two-year period. These District meetings were held for the purpose of providing meaningful information to the BLM so that the agency could address matters of inconsistency between the proposed action and local government planning. BLM simply trampled over these very issues. On May 29, 2012 BLM gave notice of availability of the Draft Environmental Impact Statement (DEIS) for the SunZia Transmission Line Project and the prospective draft Resource Management Plan amendments and announced the opening of a comment period of 90 days or until August 22, 2012 (77 Fed Reg. 31637).

The Districts have actively participated in the scoping and planning process, and have repeatedly sought coordination as required in the Federal Land Management Policy Act and NEPA. Oral and written analyses which reflect inconsistencies between federal and local planning have been repeatedly submitted raising critical impacts and resource specific issues adversely affecting the Districts. These issues have been specifically identified with particularity and include (i) effects on, and alteration of the San Pedro River watershed; (ii) effects to wildlife habitat areas, plants and animal species; (iii) effects on cultural resources and archaeological sites; (iv) effects to visual resources and existing viewsheds; (v) conflicts with current land use plans and policies of the Districts; (vi) impacts on wilderness areas; (vii) effects on rural lifestyle and socio-economic conditions; and (viii) a need for avoidance of sensitive areas. The Districts have presented alternate routings and No Action Plan alternatives to the BLM and its contractor EPG.

CORRESPONDENCE AND PUBLIC MEETINGS

To that end, in addition to various communications that were made over time, the Districts sent a letter on June 28, 2012 to the BLM and responsible individuals including the Project Manager, State Directors and others requesting a follow-up meeting to the release of the DEIS so that specific inconsistencies between local planning and the now-identified Preferred Alternative could be addressed. That June 28, 2012 letter identified the statutory, contractual and factual basis requiring coordination with the Districts. Having received *no response* to that letter another meeting request was sent to the BLM and all responsible individuals on July 12, 2012. *No response* was received to that request. That letter was again followed by another on July 17, 2012 with again no response, and therefore an assumed refusal of compliance with federal requirements to coordinate local and federal planning.

Concurrently, BLM gave notice of numerous public meetings in New Mexico and Arizona soliciting comments on the DEIS. In each of these meetings, public participation and public inputs and comments were foreclosed. For instance, approximately 100 members of the public appeared at the Tucson meeting and were specifically told that *public participation was foreclosed and that there would be no public comments received at that time*. At the scheduled Benson meeting on July 12, 2012 about 50 members of the public responded to the BLM's public participation request and several of them were

prepared to present their views on the adverse impacts of the SunZia transmission line project. Public participation was again foreclosed. This had a chilling effect on public participation and sent a strong signal that the BLM is not interested in public inputs, that public comments would be ignored and that any further written comments by interested parties would be disregarded as in the past. BLM's actions have made a mockery of the entire administrative process.

There were only two people who were authorized by the BLM to speak publicly at the DEIS public meetings, BLM Project Manager Adrian Garcia and EPG representative Mickey Siegel. Their presentation at the Tucson and San Manuel meetings was approximately 45 minutes in length, and the audience was given instructions that any questions or comments regarding their presentation would be addressed on a one-on-one basis between the members of the public and various members of the BLM and EPG staff that would be available afterward. When a member of the audience slipped from this protocol and requested a clarification or posed a question or even raised their hand during the presentation, they were quickly told that all questions would be handled afterward according to the protocol that had been described.

It was very disconcerting that the main person describing the project on behalf of the BLM was Mickey Siegel, who had in April of 2001 represented one of SunZia's owners (SWPG) in their application for a Certificate of Environmental Compatibility, for the routing of a connector gas line and a connector transmission line for SWPG's Bowie Power Plant. This placed Mr. Siegel in the position of potentially protecting his former client's interest in securing additional transmission capacity for the Bowie Plant by describing the SunZia project in a way that would promote acceptance of the proposed transmission project by the public.

Indeed, Mr. Siegel spoke exclusively about renewable energy resources during his presentations at the Tucson and San Manuel meetings. When he was speaking at the San Manuel meeting about renewable energy resources in the vicinity of the Bowie Plant, a member of the small audience asked, "What about natural gas resources in this region?" Mr. Siegel responded that he was only covering renewable energy resource zones, and that any questions needed to be held until after the presentation when they would be answered by a member of the staff.

By controlling the message about the purpose of the SunZia project, by ignoring much of what was submitted in written form regarding this issue in scoping, coordination, and IQA processes, and by forbidding any questions or comments during or immediately after the presentations at the public meetings, the BLM was denying the public and stakeholders any opportunity to effectively challenge the narrative about renewable energy that was being presented by the environmental consultant, EPG, in the public meetings and in the DEIS.

BLM has failed to identify the specific issues and existing conflicts with land and resource plans of the Districts, nor has it proposed any alternatives to resolve these issues as required by Federal law and regulations.

GENERAL COMMENTS ON THE DEIS

The statement of purpose of and need for the proposed SunZia project is fundamentally flawed. The DEIS cites the mandate of the Federal Land Management Policy Act (FLPMA) to accommodate multiple uses on BLM-managed lands as the need for the project. Multiple use is a policy, not a need. Multiple use policy could be implemented by a near-infinite range of possible alternatives such as increased minerals leasing or increased developed recreation areas, in addition to the SunZia project. A general multiple use policy does not demonstrate need for the specific proposed SunZia transmission project. Consequently, the SunZia project is a purpose which does not address a defined need. Need should be restated to define a problem which the SunZia project would resolve. (We provide detailed comments on the purported need and justification for the SunZia project in our commentary on cumulative impacts.)

The DEIS analyses only those existing conditions and environmental consequences which would occur on BLM lands. BLM lands comprise only 14.9 miles of the total 161.2 mile long Preferred Alternative Route (4C2c) through NRCD lands. The existing conditions and environmental consequences on the remaining 146.4 miles of State of Arizona and private lands are not addressed in the DEIS. The DEIS therefore presents a very limited and distorted picture of the full extent of the effects of the SunZia project. It would circumvent the spirit of NEPA to use the DEIS to support a grant of right of way on BLM lands when 90.8 percent of the route is not under BLM jurisdiction, and lands under BLM jurisdiction are randomly dispersed throughout the proposed transmission line route, so that route analysis in the DEIS is necessarily discontinuous and fragmented. A grant of ROW on isolated scraps of BLM land located along the proposed transmission line corridor would have the inappropriate consequence of putting the larger burden of fulfilling federal energy policy and project goals on state and private landowners to create a viable integrated ROW. The DEIS should be re-written to fully analyze and disclose effects to all lands—regardless of jurisdiction--which would be impacted by the SunZia project.

Throughout the DEIS, much of the discussion of environmental impacts is deferred to the Plan of Development (POD) which must be approved by the BLM. The location of access roads and housing camps, location and spacing of transmission line towers, location of intermediate substations, and many other particulars are discussed only generically in the DEIS, with details to be determined at some future date. This is an unacceptable level of analysis. Effects should be defined within the DEIS as the basis for agency decision making under NEPA, not in peripheral documents or in the future.

SPECIFIC COMMENTS ON THE DEIS

The expertise of the NRCDS applies to lands within the NRCDS' jurisdictions, so we limit our specific comments to the sections of the DEIS which discuss Route Group Four with the exception of comments on DEIS topics which affect all route alternatives.

Section 1.3 discusses the Energy Policy Act of 2005 with reference to Section 368 corridors. The discussion is misleading because the West-wide Energy Corridor Programmatic EIS (November, 2007) identified energy and multi-modal corridors in the 11 western states, but the proposed SunZia transmission corridor is not identified. None of the corridors identified within Arizona is within the southern quadrant of the state where the proposed SunZia project would be located. The SunZia project is not within a designated corridor.

Section 1.4 states that "New Mexico and Arizona are characterized as regional power exporting areas, due to the availability of power from renewable resources." This is an inaccurate and misleading statement which, as written, implies that these states have power from renewable sources to export. This section should be rewritten to note that Arizona and New Mexico are *potential* power exporting areas because of renewable energy resources, but that there is not at present a net power (developed energy) surplus available for export.

In Section 1.4 it is noted that the location of proposed power generation projects, or of interconnections, cannot be disclosed. The full environmental effects of the SunZia project cannot, therefore, be analyzed.

Section 2.2.2.2, Table 2-1 lists a data layer "Vacant/Undeveloped" and assigns this category a Low sensitivity level. This characterization and sensitivity rating reflect a pejorative urban bias that is present throughout the DEIS. It would be more accurate to rename the data layer "Open Space/Managed and Improved Rangeland" and assign sensitivity rating of "Moderate" or greater to be comparable to the sensitivity level assigned to Urban Areas. Use of the Low sensitivity rating skewed route selection.

This same table lists Cultural and Biological resources data layers, but omits other data layers like soils, hazards, and wildlife movement corridors. The GIS constraints analysis was therefore incomplete as a basis for selecting corridor route alternatives. If the constraints analysis had been unbiased and inclusive, other corridor alternatives which avoid the San Pedro River Valley would likely have emerged. The Preferred Alternative west of the San Pedro River traverses a large percentage of soils subject to Moderate water erosion. The resulting potential increase in soil erosion is a direct contradiction to one of the primary resource protection purposes of the NRCDS.

Section 2.4.9.1 states, "Access roads would be identified in the POD and approved by the BLM before construction," and that other temporary use areas will be required. The location and environmental effects of these roads and areas should be disclosed and analyzed in the DEIS. The need for this disclosure in the NEPA document

is reinforced by discussion in 2.4.10.1 which alludes to undetermined locations of access roads, and to-be-determined methods of construction which could have widely diverging ranges of effects on the environment, and on private landowners. Without inclusion of this information, the DEIS is insufficient as a basis for agency decision making. For example, there is reference to “drive and crush roads” on flat terrain within certain vegetation communities—such roads anywhere in a desert ecosystem have the potential to permanently destroy crusts on desert soils, resulting in increased erosion. The location of such roads should be part of the DEIS, not discussed generically with effects to be determined by “field testing” at the time of use.

What agency is responsible for approving access roads on state and private land? How will effects be analyzed on non-BLM lands? How will mitigation measures be monitored and enforced on non-BLM lands??

Section 2.4.11.1 has vague discussion of chemical treatment of noxious weeds with pesticides or herbicides that might or might not need to be used, and mechanical or hand cutting of woody vegetation. This is an example of the “either-or” ambiguity that is present throughout the DEIS, with analysis deferred to the POD. Will chemical applications be used on State and private lands?

Table 2-11, mitigation measure 4 notes that new access roads not needed for maintenance would be permanently closed. This measure is unlikely to be successful in preventing unwanted access in rural areas once a road has opened an area. Back-country users are very resourceful in circumventing “closures”—the effectiveness of the Arizona/Mexico border fence is but one notorious example of the difficulty of excluding determined travelers. Public and private lands would experience increase in trespass and damage to property and the environment.

Mitigation measure 12 notes that use of helicopter placement of structures reduces impacts by decreasing ground disturbance, but implies that “loss of vegetation, soil erosion, potential damage to cultural resources, and visual impacts” will occur in areas where helicopter placement will not be used.

Mitigation measure 14 refers to “timber resources.” Are there any? In a region characterized by low growing, sparse vegetation, this mitigation measure is of questionable effectiveness. In areas with riparian vegetation, any removal or thinning is conspicuous because of the limited area occupied by riparian species in the desert. Any removal is inappropriate because it introduces high visual contrast, as well as detrimental effects to biota, soils, and runoff characteristics.

Section 2.5.4 notes that route selection considered minimization of impacts to commercial and residential uses as a criterion. This is another example of the urban bias of the DEIS. Urban and commercial users in the region would get the benefits of the transmission corridor, but would automatically be protected against bearing any of the adverse impacts because of this bias. This externality is inequitable and disproportionately affects the residents of the San Pedro River Valley.

Section 2.6 discusses RMP amendments. The Safford RMP is more than 20 years old. The conditions which existed when it was adopted have very likely changed substantially. Urban growth around Tucson is one example of likely change. To amend the RMP to accommodate the SunZia corridor without a complete revision of the RMP updating it to reflect existing conditions and current policies and management objectives is inappropriate. In light of the fact that the Preferred Alternative route through the San Pedro River Valley is in a corridor avoidance area, amending the RMP without first updating the entire RMP is the equivalent of spot zoning.

Amending the RMP to allow the SunZia corridor has the potential for additional adverse impacts because of the co-location policy which encourages additional utilities to locate in existing corridors. Amendment of the RMP eliminates the present ROW avoidance area to create a new corridor zone which would open a Pandora's box of cumulative impacts from future utilities along the SunZia route. This potential adverse effect was not addressed in the cumulative impacts analysis.

Tables 3.3 through 3.7 –Climate Statistics, inexplicably omit any data on wind and insolation. Data on renewable energy development potential along the proposed SunZia route is relevant to informed decision making.

Section 3.5 does not address sustainability of water resource use in the San Pedro River Valley, nor does it discuss water rights. Water rights to the San Pedro River have been the subject of numerous lawsuits, some ongoing.

Where will water for dust suppression come from? The volume required could be very large, given the length of unpaved Redington Road and the length of the SunZia corridor itself, as well as ancillary facilities such as access roads, staging areas, and housing camps.

Water(s) of the US are not defined in discussion of 404 permits. New USACE protocols for jurisdictional determinations are not discussed.

Is the statement that Route 4C2c crosses 6.1 miles of perennial streams accurate, when there is only one crossing of the San Pedro River?

Table 3-40 Cultural Resources omits two important resource types, Historic Landscapes and Cultural Geographies.

Section 3.9 does not address visual resources on non-BLM lands. Therefore visual effects of the SunZia project on more than 90 percent of the proposed corridor cannot be evaluated.

Section 3.1.9.3 does not discuss the most recent Pinal County Comprehensive Plan, (2009) which has major sections on open space visual quality. The SunZia project should be in conformance with the Comprehensive Plan.

Section 3.10.10.1 notes the corridor restrictions of the NRCs' plans, but this information is not considered in evaluating impacts. The NRCs adopted by resolution a policy prohibiting corridors. The SunZia project would violate this adopted policy. This policy has been provided to the BLM by the Districts but has been ignored in selecting the Preferred Alternative route through District lands.

Table 3-47 needs to add the NRCs as State of Arizona land management agencies.

Page 3-229 first paragraph sixth line appears to be missing a verb between Interior to and corridors.

Page 3-233, subheading *Subroute 4C2c* mischaracterizes lands within the NRCs' jurisdictions as vacant/undeveloped. A more accurate description would be grazing leases and conservation areas. Page 3-236 repeats this mischaracterization, under *Subroute 4C2* which notes, "undeveloped areas used for ranching and grazing." There is a Department of Interior initiative to conserve "Large Landscapes"—which include ranches—because of their high value as intact blocks of habitat, among other values. To describe ranches as vacant/undeveloped conflicts with the intent of this Interior initiative. Moreover, the Sonoran Desert Conservation Plan in Pima County, immediately to the south of the SunZia project location in southern Pinal County, has acquired, and plans to continue to acquire, area ranches for conservation areas. The value of additional Pima County ranchlands for conservation is noted in the DEIS, which states that the County "proposes the Six Bar Ranch...and A7 Ranch... for preservation in the future." The DEIS is inconsistent in the acknowledgment of the conservation value of ranches on the one hand, and dismissal of their value as "vacant/undeveloped" on the other.

Page 3-263 subheading *Subroute 4C2c* states that the Preferred Alternative crosses the Arizona National Scenic Trail. After decades of volunteer work which built the trail and successfully achieved its inclusion in the National Trail system just a few years ago, this intrusion would be particularly unsuitable and degrading.

Section 3.13.8 is inadequate in its discussion of fire and medical emergency services. Construction crews are not the only possible source of demand for increase in emergency services, nor is the area of impact merely a narrow 500 mile corridor, as stated in the DEIS. A transmission corridor would introduce a new "superhighway" of access through land which previously had limited accessibility. The DEIS notes on page 4-310 that housing camps will be required for construction crews. This is the only place in the DEIS that housing camps are mentioned. These transient communities will have emergency services needs (and other impacts) that are not analyzed in the DEIS. Full discussion of the location, size and full range of environmental impacts and mitigation measures should be added to the DEIS. Construction activity will attract other economic opportunists, trespassers, and persons engaging in illegal activities which can profit from proximity to construction workers, as well as take advantage of newly created access along the entire SunZia corridor. It is interesting to note that the characterization of

demand for emergency services was so narrowly addressed in the DEIS that the Pinal County Sheriff's Office, the Department of Homeland Security, and Immigration and Customs Enforcement are not listed in the DEIS as having been contacted. This should be corrected by contacting these agencies and addressing the potential demand for additional services they foresee as a result of a new corridor close to the US-Mexico border.

In addition, fire-fighting capabilities are noted in Table 3-68. There is no discussion of response times, nor any evaluation of the capacity of the numerous volunteer fire departments listed to respond to fire emergencies, and especially their ability to respond to large wildfires. There is reference to the BLM and "other land management agencies." In a rural environment which is prone to serious wildfire events, more detail about the BLM's and other agencies' responsibilities and ability to respond to emergencies should be provided.

Section 4.1.1.1 makes reference to "*Resource quality*...including the local value and importance of a resource" as a measure of impact. Local value and importance does not appear to be used anywhere in Section 4 to evaluate impacts. The value and importance of numerous resources to the occupants and ecosystem of the rural San Pedro River Valley needs to be fully analyzed.

Table 4-5 "Criteria for Assessing Intensity of Impacts to Mineral Resources," lists "Areas with known active mines or mining claims with commercial value" as a measure of high impact. How has information provided in Section 3, which notes the Preferred Alternative crosses 16.4 miles of active mines--been used to correlate to this impact measure? Page 4-38 notes that the Preferred Alternative would restrict access to mines near San Manuel, but this restriction does not seem to be discussed elsewhere, or mitigation measures listed.

Page 4-38 has discussion of 100 year floodplains. Has the 100 year floodplain of all major washes in the Preferred Alternative corridor been mapped, or has 100 year flood plain mapping been limited to the San Pedro River? If washes have not been mapped, information is incomplete as a basis for determining impacts from geological hazards and the full extent of potential soil erosion.

Page 4-48 also has discussion of impacts to soil resources, including prime and unique farmland. Has the USDA concurred by letter with the assessment of impacts and mitigation measures on farmland conversion under the Farmland Protection Policy Act?

All impacts to soils along Subroute 4C2c have unmitigable residual impacts which result in increased erosion. This is unacceptable because of potential increase in adverse effects to water quality in the San Pedro River and other surface watercourses. It also has an incremental increase in PM10 and PM2.5 air quality degradation. Pinal County is nonattainment for PM10. Southern Arizona has experienced a prolonged

drought. How have drought conditions affected soils? Are pre-drought mitigation measures adequate in light of changes to soils and other biotic and abiotic resources?

Section 4.5.3.4 states that Subroute 4C2c has extensive sensitive water resources, yet discussion of mitigation of this potential set of impacts is scanty, despite the conclusion that this Subroute has the “highest residual impact to water resources.” This level of impact merits more detailed discussion because of the unique nature of arid region water resources—their scarcity, ecological value, and role in defining a region’s landscape. Why was 4C2c selected as the Preferred Alternative with this level of potential impact to water resources?

Section 4.6.2.1 has excellent discussion of the role of biological soil crusts—their vulnerability to damage, and inability to ever recover from damage. This information appears to be disregarded in assessing level of impact and corresponding mitigation measures.

Section 4.6.2.2 accurately states that “impacts of linear features on wildlife are mostly negative and may be difficult to mitigate.” Proposed mitigation is not in keeping with the severity of impacts discussed. The impacts of increased recreation which would result from new access into areas used by wildlife are not addressed.

When the San Pedro River Valley is world-renowned for its biological diversity, why was the Preferred Alternative route run through this immensely valuable habitat?

Page 4-68—*Passerines and Other Birds*—needs to add breeding and before nesting in the second line.

Section 4.9.3.4 - Amendment of the RMP to accommodate the SunZia corridor to be compliant with VRM objectives is inappropriate and the equivalent of “spot zoning” to let in an otherwise unacceptable prohibited development. In addition, as noted in a previous comment, the VRM analysis was performed only for BLM lands, so that visual resource impacts on more than 90 percent of the proposed corridor through NRCD administered lands has not been analyzed.

Page 4-191, Subroute 4C2c concludes, “There are no moderate, high-moderate, or high impacts to existing or future land use.” This is an erroneous and unsupported conclusion. The NRCDs have adopted land use plans and policies which do not include an industrial scale utility corridor. Impacts to existing land uses would result from increased trespassing, vandalism, and other illegal activities, degraded visual quality, degraded wildlife habitat, and degraded water quality,

and increased soil erosion, among other impacts. Completed and planned conservation projects would also be adversely affected within the NRCDs’ boundaries.

Future land use options would be compromised. The traditional economic base of the San Pedro River Valley and other lands within the NRCDs is mining and agriculture. Diversification will be essential to maintaining viable economies within the NRCDs. Agritourism and specialty wood harvesting are examples of diversification which have already occurred. Both of these economic activities depend on a healthy ecosystem and a visually intact rural setting. Future opportunities which expand the nascent ecotourism activity in the region would be compromised and would be inconsistent with the vision for the region developed by the citizens of Pinal County and adopted in the 2009 Pinal County Comprehensive Plan. A balanced discussion of existing and future land use impacts which includes the adopted plans and policies of the NRCDs and of Pinal County should be included in this section. Possible effects to the proposed new wildlife refuge should also be discussed.

Section 4.12.3.3 - Views from the Rincon Mountain Wilderness Area would be adversely affected. The conclusion that the SunZia transmission corridor would be visible from 17 percent of the wilderness area is the basis for the faulty conclusion that effects would be “minimal.

Section 4.13 - This section contains no discussion of social impacts, only of economic impacts. The impacts to traditional lifeways in rural communities should be addressed, including population decline, introduction of a temporary workforce which would contribute little to the local social or economic fabric, loss of economic vitality because of industrial scale intrusion through the landscape, and other social effects.

Section 4.13.4.4 - This section overstates the likely effectiveness of an on-site Fire Marshall to respond to fire emergency. Expert input from professionals with wildland fire-fighting responsibilities in the region, such as the BLM and US Forest Service, should be solicited and their recommendations included as mitigation measures.

Section 4.13.4.5 - This section does not anticipate effects to recreation and tourism, ranching, or property values. This conclusion is not supported, and the discussion is not sufficiently inclusive. For example, grazing impacts are assessed only for BLM lands, which are a small proportion of the whole corridor on NRCD lands. Ranching is of more than local importance; it provides essential products to residents of Arizona, and beyond.

Changes to the tourist economy would result from future degradation of the visual quality which is essential to the emerging ecotourism market.

The statement that minimal decline in property values results from transmission line location through an area is not defensible in an area which depends on high scenic quality and an intact natural landscape as the backbone of its present and future economy. The discussion should explain how this statement about property values was arrived at.

Section 4.14 - The entire discussion of Environmental Justice is flawed and permeated with an urban bias. Census tracts are not an appropriate unit of measure in a

geographically dispersed but socially closely-connected rural area. A census tract does not define a rural community; a 3 mile distance from the project centerline is an arbitrary distance to determine impacts. An example of the urban bias appears in Table 4-20, which lists High impacts as those resulting in property condemnations which are more likely to occur in urban areas. While this is true, it is inappropriate to displace impacts to rural areas merely to avoid impacts to urban areas. This section places the land values of urban property owners—who are highly transient—above the values of multi-generational rural land owners.

Section 4.14.3.4 - There appears to be a calculation error in Table 4-23 in determining the total population in Pinal County. If Hispanic population is 8,253 and Other minority population is

5,183, total population should be 13,436, not 10,782. This correction would affect the percentage calculations.

Section 4.14.3.6 - The conclusion that there would be no significant impacts to environmental justice populations is unsupported because of the too-narrowly defined criteria for identifying such populations in a rural community.

Section 4.17 - The discussion of Cumulative Effects ignores past and present actions. Lands administered by the NRCDs have had the effects of more than a century and a half of land-altering activities that have resulted in major effects to almost all regional resources.

The Energy Development Forecast Analysis used in the DEIS bears very little relationship to the only published economic feasibility study for an EHV line in this region, and bears even less relationship with an objective analysis of the most likely generation sources. On page 4-274 are two energy development scenarios that make the assumption that 81% to 94% of the developed energy along the proposed line will be renewable, with the rest being “other existing types of generation facilities”. Over a fourth of the Cumulative Effects discussion emerges from this unrealistic energy development scenario. It is misleading to portray the project as primarily (81 to 94%) a renewable energy project, which is the justification for the SunZia project.

The High Plains Express (HPX) Project Stage 1 Feasibility Study was cited by the local NRCDs in two of their Information Quality submissions to the BLM. This cited document makes the statement, “For this study, the SunZia project was considered to be an integral segment of the HPX Project.” The study concluded that the benefit/cost ratios for an EHV line in this region are most favorable with a renewable/fossil resource mix of nearly equal parts, due to the highly variable output of most renewable energy resources in the region. The conclusion was: “A ‘balanced’ scenario consisting of near equal amounts of fossil and renewable energy performed the best under a range of circumstances.”

The two facility scenarios presented by the BLM on page 4-274 bear little relationship to the optimum energy development scenario predicted by the HPX feasibility study, and thus bear very little relationship to what real investors and real regulators would accept as an economically practical energy development scenario. The BLM did not provide a feasibility study that would either support the economic feasibility of the SunZia project or contradict the conclusions of the HPX study. Thus the cumulative effects analysis has no basis in fact to support its justification of the SunZia project. The local NRCs also cited the “imminently pending” non-renewable energy resources located along the proposed route. These include the planned and permitted 1000 MW Bowie plant, as well as existing natural gas powered plants, located in southern New Mexico and southern Arizona, that cannot expand production without increased transmission capacity. One of the limitations of an EHV line is the high expense of providing “on-ramps and off-ramps” (substations) for transmission access. The proposed SunZia project only has six substations, and three of them are located in the region of the natural gas powered plants. The highest estimate for non-renewable energy development in either of the scenarios presented by the BLM is 580 MW, which is a gross misrepresentation of the probable development of non-renewable energy resources resulting from this proposed increase in transmission capacity. The Bowie plant would contribute 1000 MW on its own.

Since SunZia has not disclosed its “anchor customers”, a term used in the 2011 Federal Energy Regulatory Commission (FERC) decision, and since FERC will regulate access for all other generation sources mostly on a first come/first served basis, the BLM is in no position to speculate that only 290 to 580 MW of non-renewable energy would be developed as a result of the proposed transmission project. By grossly underestimating the development of non-renewable resources, the BLM also grossly underestimated their cumulative effects, and appears to have not discussed cumulative effects of new fossil powered generation at all.

This lack of objective analysis is especially evident in the section on Global Climate Change, where the BLM makes the speculative statement that “... construction of either of the proposed options could potentially result in a net decrease in GHG [greenhouse gas] emissions relative to the No Action alternative” (page 4-280). This assertion by the BLM totally ignores the burgeoning role that natural gas is playing in the expansion of energy resources in the Southwest. The only scenario that has any probability of reducing GHG emissions is one in which no new fossil fuel resources are built and existing ones are replaced by renewable resources. No objective observer would conclude that the SunZia project will accomplish this particular goal. The identical unsubstantiated assumptions about energy development were applied to the SunZia Economic Impact Assessment Supplement on the Impacts of Potential Renewable Generation Facilities, found in Appendix G1. This portion of the SunZia economic benefits study is 121 pages in length, all based upon the unsubstantiated claim that 81% to 94% new energy development along the proposed line would be renewable. Because of

the faulty assumption, this study only serves to reinforce a “renewable energy” marketing myth for the project.

The BLM’s guidance on cumulative effects analysis (“Example of Cumulative Effects Analysis”) has not been followed. An appropriate boundary should be determined for each resource. Normally, this is the watershed in a rural context. It can also be a community or a culturally valued landscape such as the San Pedro River Valley. Migratory wildlife such as birds might require a hemispheric context for appropriate analysis of cumulative effects. A Census tract or an arbitrary 3 mile limit from a centerline are not boundaries consistent with BLM guidance, which suggests numerous appropriate boundaries for resource analysis with emphasis on choosing those that will give the most complete picture of the effects. In the case of Mojave desert tortoise, for example, this could be the entire range of the species, not merely its occurrence within the project area. In the case of the NRCDs, the District boundaries are appropriate because adopted plans and policies apply to all lands within the Districts.

Time frames for the duration of effects are scantily noted throughout the discussion.

Adequate discussion of past actions is essential to determining cumulative effects. The discussion needs to be expanded to include, at the least, the effects of wildfire, past overgrazing, urban sprawl, severe loss of riparian habitat, groundwater overdraft, mining, and dams.

Reasonably foreseeable actions should consider known opportunities and trends. The opportunities and trends for expanded tourism which requires intact ecosystems and high visual quality on lands administered by the NRCDs has not been considered.

Table 4-31, “Present, Future, and Reasonably Foreseeable Future Renewable Energy Projects” lists projects in Arizona with a collective total of only 50 MW of solar energy production, and only one wind energy project of unknown power production. These projects are not in the vicinity of the SunZia project. With such low production foreseeable, what is the need for the SunZia pair of 500 kV transmission lines, unless undisclosed non-renewable projects will make up the bulk of energy wheeled by SunZia? If non-renewable energy is going to be developed, as it is logical to conclude given the capacity of the proposed SunZia transmission lines, this too should be discussed in the cumulative effects. Further, the financial feasibility of the SunZia project should be addressed in the context of the renewable/non-renewable energy production which would be wheeled to give a clear picture of the cumulative effects of future and foreseeable energy development. If the proposed Southline Transmission Project is approved, what would be the effect on the number of 500kV lines the SunZia project would have?

Figure 4-3, “Qualified Resource Areas for Solar,” has none in the vicinity of Subroute 4C2c. The area demarcated AZ-SO is west of Tucson and Eloy: a short transmission line from the AZ-SO QRA would be adequate to wheel power from this zone to the Pinal Central Substation, eliminating need for transmission lines through the

San Pedro River Valley and other lands administered by the NRCs. This would also be compatible with the Districts' suggestion of placing the line along I-10.

4.17.4.6 - The appropriate cumulative effects area for consideration of wildlife resources should be, at the least, the watershed and not the arbitrary limit of 4 miles each side of the SunZia corridor. The middle and lower San Pedro River Valley migratory bird corridor is unnecessarily restricted as the area of effect, when cumulative impacts to migratory birds will occur throughout the Southwest and beyond. When the SunZia corridor would impact Southwest Desert Willow flycatcher habitat, why is it the Preferred Alternative? Similarly, why was the Preferred Alternative selected when it could affect the Sonoran Desert Tortoise population in the San Pedro River Valley?

The discussion under *Construction* is good and notes the potential adverse effects of ground disturbance on invasive plants and erosion. However, mitigation does not seem commensurate with the level of effects, especially residual effects.

4.17.4.9 - This section accurately predicts the conversion of natural landscapes to industrial landscapes. Nonetheless, the severity of these effects in the context of the San Pedro River Valley is not adequately discussed, nor are mitigation measures in proportion, especially considering that the analysis is only for the small percentage of BLM lands which would be impacted by the SunZia project. A suggested mitigation is co-location of facilities and shared access. This does not carry the thought to its conclusion, that co-location doubles up on the effects because the SunZia corridor would in effect be growth inducing and attract additional development with increased impacts to resources. This should be discussed in the cumulative effects section. If the SunZia project is approved, there would be an EIS to tier off of. This cost-saving tiering for NEPA compliance would be an inducement for additional utilities to colocate in the SunZia corridor.

Page 4-312 - Discussion of agricultural impacts notes loss of permitted grazing and reduction of agricultural production. The conclusion that this would not be significant is based on a regional context. This is an inappropriate resource boundary. Impacts to local agricultural producers should be analyzed.

There is also discussion of increased roads opening new access to OHV use. The discussion under *Construction* should be expanded to include effects to existing roads such as pavement deterioration or rutting and erosion of unpaved roads (such as Redington Road) which would be subject to increased traffic and transport of heavy loads. Effects of required road reconstruction are not addressed.

There appears to be no discussion of traffic conditions, road networks or impacts to traffic or roads. This should be added as a separate section for analysis.

Section 4.17.4.13 - There is no discussion of the cumulative effects on existing ecotourism such as birding, wilderness use, hiking, and scenic drives, or future ecotourism which is an economic goal specified in the Pinal County Comprehensive

Plan. This economic opportunity would be adversely affected by degradation of local quality of life and natural resources/biodiversity at the ecosystem level.

Section 4.17.5 - The cumulative effects of proposed RMP amendments cannot accurately be assessed when the baseline conditions detailed in the RMP are more than 20 years old.

Section 4.18.1.2 - *Soil Resources* concludes that there would be direct and indirect impacts to soil resources if the RMP is amended to allow a corridor in a designated avoidance area. Why has the Preferred Alternative been located on soils which will be impacted adversely? Slope is not adequately analyzed. The Preferred Alternative is on much steeper terrain, with greater potential for erosion, than other alternatives.

Section 4.18.1.4 - The San Pedro River crossing should be discussed specifically.

Section 4.18.1.7 - This section continues the very generalized discussion of visual effects to historic landscapes. A detailed discussion of historic landscapes and culturally valued landscapes in the San Pedro River Valley should be added. Moreover, the potential ecotourism and scientific importance of the cultural resource context of the San Pedro River Valley is inadequately discussed. It has a high value because of numerous sites which provide evidence of prehistoric occupation, such as the numerous mammoth kill sites. It also has high value because it is a relatively undisturbed landscape which still conveys, in large measure, a sense of place in which prehistoric and historic human activities occurred.

Section 4.18.1.12 - Discussion of potential (temporary) job creation should be balanced by discussion of permanent loss of tourism potential through landscape and resource degradation.

Section 4.18.1.13 - Whether or not a place contains residences is not the appropriate measure of environmental justice impacts. Rural occupants can be affected by regional-scale impacts to quality of life, and from incremental additional impacts to existing conditions.

FEDERAL POLICY STATUTES AND BLM RULES MANDATE THAT BLM COORDINATE WITH THE DISTRICTS.

The FLPMA mandates that BLM coordinate administration of public lands with the land use planning and management of local governments within which such lands are located. This statutory mandate is detailed and explicit. The SunZia Project must be consistent with the local policies and plans. The specific directive is that “land use plans must be consistent with State and local plans to the maximum extent.” See 43 USC § 1712.

Pursuant to 43 CFR § 1610.3-1(a), BLM must assure coordination with local governments. That regulation requires BLM to follow a specific administrative process

and BLM must:

1. Keep apprised of non-Bureau of Land Management plans;
2. Assure that BLM considers those plans that are germane in the development of resource management plans for public land;
3. Assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and
4. Provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and federally recognized Indian tribes, in the development of resource management plans, including early public notice of final decisions that may have a significant impact on non-Federal lands.

The Districts have advised BLM at District-initiated coordination meetings and in writing that there are specific inconsistencies with the SunZia Project, its policies and purposes. Once having been advised of the specific inconsistencies, BLM must address those inconsistencies and wherever possible, attempt to resolve them. The DEIS must identify and resolve those inconsistencies, which it has not done.

43 CFR § 1610.3.2 mandates that the SunZia Project must be consistent with adopted resource related policies and programs of the Districts. Indeed, if there are any inconsistencies between the federal and local plans and policies, the Districts must be kept apprised of any such inconsistencies. In short, the responsible officer of BLM must comply with the requirement to work towards consistency of the Federal plans, mission statements and policies of the Districts through the coordination process. The administrative requirements are clear and the SunZia Project must conform to these regulations.

(a) Guidance and resource management plans and amendments to management framework plans shall be consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal laws and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise, and other pollution standards or implementation plans.

(b) In the absence of officially approved or adopted resource-related plans of other Federal agencies, State and local governments and Indian tribes, guidance and resource management plans shall, to the maximum extent practical, be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian

tribes. Such consistency will be accomplished so long as the guidance and resource management plans are consistent with the policies, programs and provisions of Federal laws and regulations applicable to public lands . . . (43 CFR § 1610.3-2 Consistency Requirements).

BLM should not be able to circumvent or curtail the required coordination with the Districts. BLM is required to integrate the NEPA process into “early planning” and FLPMA reasonably requires that the EIS be submitted to the Districts for review and identification of inconsistencies before the document is released for public review. 40 CFR § 1500.5. BLM has ignored this requirement and has ignored the requirement that BLM coordinate with the state and local agencies to the fullest extent possible to reduce duplication between NEPA and comparable state and local requirements. 40 CFR § 1506.2(b)(c). This mandate of coordination has been violated by BLM. This fundamental failure and deficiency could only be remedied if BLM coordinates the local policies and plans of Winkelman NRC and Redington NRCs with the SunZia Project. Therefore, any final EIS must be held in abeyance until there is compliance with these regulatory requirements.

BLM IS CONTRACTUALLY OBLIGATED TO COORDINATE THE SUNZIA TRANSMISSION LINE PROJECT WITH THE DISTRICTS

The State of Arizona has a strong public policy to provide for the restoration and conservation of its lands and resources, and the preservation of water rights and control and prevention of soil erosion. Ariz. Rev. Stat. Ann. § 33-1001. The Districts are political subdivisions in the State of Arizona created and existing pursuant to the Arizona Constitution, Article XIII, § 7 and Ariz. Rev. Stat. Ann. § 37-1001, *et seq.* As political subdivisions of the State, the Districts have a broad mandate to provide and care for the conservation of lands and resources within their respective jurisdictions and are delegated political subdivisions and local entities which carry out the State’s resource conservation policy.

The Districts have pre-existing mission statements, policies and plans for resource management to conserve natural resources, fish and wildlife and their habitat, rivers and streams and associated riparian habitats in such a manner as to protect and promote the public health, safety and general welfare of the people. The Districts have carefully constructed and balanced principles regarding the land use, planning and resource management in their respective jurisdictions in order to carry out the overall State of Arizona policy of resource conservation and management. To the extent that BLM’s NEPA process is inconsistent with or adverse to these principles, conflicts and inconsistencies arise with the Districts’ local plans. Such issues must be resolved by BLM through the mandate of coordination of land and resource planning efforts with those vital interests of the Districts.

Not only is BLM obligated to coordinate the SunZia Project with the Districts mandated by federal policy, laws and regulations, but also there is a specific contractual obligation to do so. BLM is contractually obligated to coordinate the SunZia Transmission Line Project and impacts of that Project on the Districts' resources and the Districts' local plans. These contractual obligations arise under the BLM's 1997-1998 Memorandum of Understanding with the State of Arizona ("Arizona MOU, Exhibit 1") and Winkelman NRCD's Memorandum of Understanding ("Winkelman MOU, Exhibit 2"). The obligations placed on the BLM to coordinate are concise, direct and contractually enforceable by the very terms of those MOU's. The Arizona MOU specifically authorizes the Districts to initiate this request at any time to coordinate such resource management. (Arizona MOU, § G-1). The Winkelman MOU specifically provides:

II. Policy.

It is the joint objective of all parties (BLM and Winkelman NRCD) to develop, coordinate and initiate resource conservation programs and to promote proper utilization and development of all lands subject to the respective jurisdictions of each.

The obligation to coordinate with the Winkelman NRCD is found throughout the Winkelman MOU. The very purpose of the Winkelman MOU is for BLM to coordinate the resource planning management and educational activities with that District.

A request for coordinated resource management plan can be initiated at any time by a resource management agency, a Conservation District . . .
(Arizona MOU, § G-1)

Pursuant to that Arizona MOU, the Districts hereby request that the coordination process be undertaken in a meaningful way to deal with the multiple issues raised by the Districts prior to the issuance of a FEIS. BLM entered into the Winkelman and Arizona MOU's in order to coordinate local resource planning and management activities. This obligation is enforceable in a court of law.

BLM has wrongfully taken a contrary position and has refused to coordinate critical issues with the Districts, notwithstanding BLM's obligation to do so. At the joint June 14, 2011 meeting in San Manuel, Arizona between BLM, WNRCD and RNRCD, Mr. James Kenna rejected the request to coordinate.

Transcript of Minutes of June 14, 2011 Meeting, pg. 7 (Exhibit 3):

B.Dunn: Well, you know under FLPMA, coordinating local government has a, a higher plane than either one of those, as far as you're responsibilities to 'em. And, and that's been our argument all along.

J.Kenna: Well, I understand that. And I did run it by the solicitors, including the national solicitor, and I think their feeling is, it's a misinterpretation of case law.

Throughout the process, BLM staff was directed *not* to coordinate inconsistencies with the Districts. The actions and decisions by BLM are reflective of that negative approach. BLM officials refused also to present to the Districts the solicitor's opinion in writing. Throughout the process, BLM only gave lip service to the interests and concerns of the Districts but chose not to even identify, address or attempt to resolve the issues and concerns.

Even though BLM gave assurances that the Districts' issues and impacts would be entered into the DEIS, it failed to do so.

Transcript of Minutes of July 12, 2011 Meeting, pg. 13 (Exhibit 4)

B.Bellew: You wouldn't, that's, I mean that's, I mean case in point, we just finished this over with Catron County, and they were cooperators throughout on the Land Use Plans for Socorro. Any what, back to where we mentioned earlier, the biggest thing is that the information that you have, that's entered into the document, and you have the assurance that it has, that's going to get entered into the document. The problem we're getting into right now is, since we, BLM doesn't recognize coordinating status within, NEPA planning, we don't, we're hit a certain point where we would be giving this body more information than our general public would be getting and that's not a good situation.

Transcript of Minutes of July 12, 2011 Meeting, pg. 16 (Exhibit 4)

G. Vinson: So you've read that. So how come in the records, they do say, in stuff that says, are you going to coordinate with us, and they say yes. But you guys keep telling us you cannot.

M. Warren: Well, I know that the State Director took it up to DC and it, and they're saying, no.

(multiple speakers) Ok.

(multiple speakers) Well

M. Warren: (multiple speakers) So I'm saying to you, I'm saying to you, in good faith, I'm saying to you.

(multiple speakers) Your boss said no.

G. Vinson: (multiple speakers, laughter) Yeah, basically yes. We know you're the messen-, well, you know . .

In the DEIS, BLM selected Subroute 4C2c (Subroute) as part of the new preferred alternative routing. That Subroute cuts through the heart of the Districts and unnecessarily parallels the San Pedro River for 45 miles adversely affecting perennial feeder streams with increased significant impacts. This Subroute was a complete surprise not contemplated by the Districts because the impacts were too far reaching and too serious. There was no purpose or realistic opportunity for the Districts to consider and analyze the impacts of the new Subroute.

Transcript of Minutes of June 14, 2011 Meeting, pg. 20: (Exhibit 3)

A. Smallhouse: Will you share that with us before it comes up in an EIS or will you share the EIS with us before, excuse me, before the plan, before it's given to the public?

J. Kenna: Yeah, we'll figure out a way to get this done, one way or another, and, that's people are chafing at you know, which option is going to get picked, but regardless of how whether you want to become a cooperating agency or not, I am going to ask these guys to come back and talk to you before we release the DEIS and at that point, we should have enough data on questions like that, about exactly how they are treated, and we can just resolve that.

While the Districts were undertaking their due diligence in providing specific inconsistencies and conflicts, these comments could only be provided based on the level of details shared by BLM which was at a minimum and non-existent with respect to the Subroute.

Not only because the law requires, but also because of the commitments made directly to the Districts by BLM, BLM should have provided draft documents and meaningful information regarding the impacts on the Districts. The Districts should have been provided substantive detail relating to the Subroute prior to the issuance of the DEIS. ***This was not done.*** Moreover, there was no coordination or even attempted coordination by BLM with the Districts relating to this new Subroute.

BLM must coordinate the following specific resource management issues:

1. Effects on, and alteration of, the San Pedro River watershed and negative impacts on critical areas;
2. Effects to wildlife habitat areas, plants and animal species and to special status species;

3. Effects on cultural resources and archaeological sites and on historic landscapes;
4. Effects to visual resources and existing viewsheds;
5. Conflicts with current land use plans and policies of the Districts and other local plans;
6. Impacts on wilderness areas and other special management areas;
7. Effects on rural lifestyle and socio-economic conditions and environmental justice;
8. A need for avoidance of sensitive areas;
9. Inputs to proposed changes to the Safford and Tucson Resource Management Plans;
10. Location of the SunZia Transmission Line corridor because the Preferred Alternative route requires an amendment to BLM's own Safford and Tucson Resource Management Plans;
11. Cumulative effects on resources and environment;
12. Impacts on critical areas of concern and avoidance of other sensitive areas; and
13. Impacts to mitigation properties, resources, values, ESA species and special status species, and investments.

We note with interest that applicant's June 13, 2012 letter from Mr. Tom Wray, the SunZia Project's Manager, to Mr. Adrian Garcia, BLM Project Manager, raises many of the same concerns and impacts as the Districts do. The applicant has identified negative impacts with significant damage to the environment of the Preferred Alternative Subroute 4C2c. That letter also acknowledges what the Districts have been saying throughout this process, that the San Pedro River watershed and the Districts are within a unique riparian habitat. The applicant concludes "such damage will be difficult to mitigate," letter page 2, ¶ 1. The Districts generally concur in Mr. Wray's assessment that impacts may be impossible to mitigate.

The DEIS has failed to identify the specific impacts to the Districts. Therefore, the impacts and damages have not been addressed or resolved.

ACTIONS REQUESTED

Accordingly, the Districts hereby request that BLM undertake meaningful coordination steps to identify, discuss, resolve inconsistencies and conflicts, address

those inconsistencies and conflicts and propose resolution of those issues or alternatives to resolve those issues. Specifically, the Districts demand that:

- (i) BLM must vacate the current August 22, 2012 DEIS comment period and reset it at some future date;
- (ii) BLM must coordinate all of the above-identified issues with the Districts;
- (iii) BLM must address and resolve the inconsistencies and conflicts with the Districts' plans in a Revised Draft Environmental Impact Statement ("RDEIS");
- (iv) BLM must address and resolve the issues raised by the applicant in the RDEIS; and
- (v) BLM must not issue a FEIS until there has been full coordination of all issues with the Districts and the impacts and damages are addressed and resolved.

The Districts are looking forward to hearing from BLM and its senior representatives to undertake good faith coordination issues with the Districts and suspend the current administrative process until the foregoing demands are complied with.

Thank you for your consideration of these comments,

William Dunn, Chairman Winkelman Natural Resource Conservation District P.O. Box 68 Mammoth, AZ 85618	Andrew Smallhouse, Chairman Redington Natural Resource Conservation District P.O. Box 585 San Manuel, AZ 85631
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