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Submitted electronically via the ePlanning site at: <https://eplanning.blm.gov/eplanning-ui/project/2011785/510>

**Re: Comments on the SunZia draft EIS**

These comments regarding the SunZia Southwest Transmission Project Draft Environmental Impact Statement and Draft Resource Management Plan Amendments are submitted in accordance with the National Environmental Policy Act (“NEPA”) mandate for meaningful public participation. They are submitted by the ***Lower San Pedro Watershed Alliance***, the ***Center for Biological Diversity***, the ***Cascabel Conservation Association***, the ***Cascabel Working Group***, and the ***Friends of Oracle State Park***. These organizations understand the importance of minimizing adverse ecological impacts and optimizing effective climate change response measures associated with major new electrical transmission proposals. Information about each of the organizations presenting these comments (referred to in total as the “Organizations”) is provided at the end of this document.

As will be demonstrated in the comments that follow, SunZia’s proposed changes to their 2015 Record of Decision (“ROD”) significantly increase adverse ecological impacts on two of our last remaining desert river ecosystems in the Southwest and prioritize SunZia’s immediate corporate interests over developing an effective response to the climate crisis. Our comments will also demonstrate that other transmission proposals have surpassed SunZia in obtaining necessary permits by minimizing ecological impacts ***and*** promoting the development of distributed renewable energy in the Southwest.

The Organizations preparing these comments actively work to protect the last remaining natural and intact desert river ecosystem in southern Arizona (the San Pedro River ecosystem). They also strongly support effective response to the climate change crisis and transmission projects that actually aid this effort.

Because of the severely limited range of alternatives offered for comment in this draft Environmental Impact Statement (“dEIS”), our Organizations must strongly advocate for the ***No Action*** alternative for the changes sought by SunZia. Transmission alternatives for New Mexico’s wind energy that were presented by various organizations in scoping comments were not included in this dEIS. As a result, without additional NEPA review this restricts the basic decision for the agencies to either the siting alternatives included in the dEIS that align with

SunZia's immediate corporate interests (but have unacceptable environmental impacts) or the **No Action** alternative.

Because some of the changes to SunZia's original Environmental Impact Statement ("EIS") of 2013 are not included for analysis in this dEIS, our comments will be focused on issues that SunZia would prefer to ignore:

- By changing the first phase of the project from an Alternating Current ("AC") line with multiple intermediate substations that provide access to the Qualified Renewable Energy Resource Areas described in the 2013 EIS to a "non-stop" Direct Current ("DC") line with all of the available transmission capacity reserved for a single Qualified Resource Area in New Mexico, this planning change suppresses the development of distributed renewable energy along the proposed route. This is a major change in the nature of the project, because access to distributed renewable energy development had been presented as a major benefit of the project in the 2013 EIS.
- By substantially increasing the size and complexity of the DC towers and the number of conductors from what was described for a DC line in the 2013 EIS, this significant change causes increased adverse impacts on biological and visual resources that are not analyzed in the current dEIS.
- By injecting 3000 megawatts ("MW") of New Mexico's wind energy in the middle of Arizona's electrical grid at a substation located only halfway to the ultimate California destination for most of the NM wind energy, this new change from the original plan for the first phase of line construction causes conflicts with planned renewable energy projects in Arizona that are also seeking available transmission capacity in the central Arizona electrical grid. These conflicts are not analyzed in the current dEIS.
- By not disclosing new information about lighting requirements likely to be mandated by the Federal Aviation Administration ("FAA") near the San Manuel Airport in the San Pedro watershed, impacts to a nearby International Dark Sky designation are not analyzed in the current dEIS. Since these FAA visibility requirements are a reasonably foreseeable connected action, NEPA requires an analysis of impacts.
- By not disclosing (in Appendix C of the dEIS) Applicant-Committed Environmental Protection Measures ("EPMs") specified in the 2016 Arizona Certificate of Environmental Compatibility, there is currently no analysis of how changes currently being pursued by SunZia would affect those EPMs.

Contrary to the NEPA mandate for meaningful public participation, scoping comments related to most of the above-listed changes were either not considered or were dismissed in this dEIS. At this point in the administrative process, we respectfully request that these changes be incorporated into a revised dEIS and that the public be given the opportunity to review and comment on analyses of these changes, as required by NEPA.

As a result of assessing new information and the substantial nature of scoping comments that were dismissed in the current dEIS, our organizations have identified two additional amendment components that must be included in a revised dEIS. One of them will have global impacts along the entire proposed route in both states, and the other will likely have more localized impacts in the San Pedro Valley of Arizona. Our organizations also identify additional resource issues/concerns that were raised in scoping comments but dismissed with insufficient justification in the current dEIS. A summary of these omissions is presented immediately preceding the comment conclusions.

As our comments in this document reflect, the changes proposed by SunZia and those that were not disclosed by SunZia will significantly increase adverse ecological impacts, suppress the development of distributed renewable energy by severely limiting transmission line access, increase greenhouse gas emissions by developing long-distance industrial-scale lines that are under-utilized due to lack of energy resource diversity, reduce resiliency to regional power outages by limiting energy resource diversity, and set a dangerous precedent for establishing centralized control of major new infrastructure corridors and electrical transmission capacity by private corporations.

We understand that if the agencies adopt the **No Action** alternative, the SunZia 2015 Record of Decision (“ROD”) will remain in place. However, we urge the agencies to adopt the **No Action** alternative because the changes currently sought by SunZia are unacceptable. When SunZia applied to initiate the current EIS process at the end of 2020, their primary corporate objective was to sell the first 3000 MW line with 100% of transmission rights to Pattern Energy as soon as possible. However, that corporate priority should not be the agencies’ priority—the agencies are tasked with protecting our public lands and resources from unnecessary and undue degradation and preserving wildlife and plants for future generations, which includes supporting a smart and effective response to climate change. We do not and have not opposed well planned and truly needed transmission projects on public lands, but we oppose the SunZia project and these proposed amendments because of the adverse impacts to ecologically sensitive landscapes and to the electrical grid.

Under NEPA, the public has just as much right to influence the final Record of Decision (“ROD”) as the corporate Applicant. We hope this federal administration will leave a positive legacy of developing a climate crisis response that places greater emphasis on the development of distributed renewable energy than on facilitating an irresponsible and highly impactful land grab for centralized control of transmission capacity by a single private corporation.

## **DETAILED SECTION-BY-SECTION COMMENTS ON THE dEIS:**

*All footnoted citations are linked to an on-line source for access during this administrative process.*

**Executive Summary**—This is the most important portion of every EIS, and it is likely the only portion ever read by many in a decision-making authority or in the mass communications industry. Upper-level decision makers may have staff that get into the details that follow the Executive Summary, but

the Executive Summary is the most influential portion of the EIS. This particular Executive Summary reads as if it were written from the biased perspective of the Applicant, rather than from a neutral perspective of the permitting agencies.

The narrative presented by SunZia in their application is almost identical to the narrative in the dEIS. It does not acknowledge major substantive points made in scoping comments from the public. It does not accurately articulate the interests of the applicant (SunZia, LLC) and the interests of the purchaser of the first and highest capacity line. Most of all, it does not articulate two major changes to the 2013 EIS.

A misleading Executive Summary that lacks full disclosure will mislead both the decision makers and the public, which violates the purpose of and rules associated with NEPA. Carefully consider the comments in this section and revise the Executive Summary so that it reflects interests other than those of the applicant and complies with the requirements of NEPA.

### **SECTION ES.1 (INTRODUCTION)**

Two major amendment components were not included in the dEIS, and this is reflected in the Executive Summary as well as other sections of the dEIS.

A major change that was not included in the four amendment components is SunZia's decision that the first constructed line would be a DC tie-line with no intermediate substations and with significant changes in the towers and conductors from what was described in the 2013 EIS [See section 2.4.2 for the prior description of DC tower structures, which were originally intended to support two conductors]. The new configuration of DC towers and conductors, are described in SunZia's Application to Amend its state permit (of May 13, 2022), which is available at [this link](#).<sup>1</sup> It is clear from [another federal document filed on March 8, 2021](#)<sup>2</sup> to the Federal Energy Regulatory Commission that the Applicant had this plan prior to the 2021 scoping period and subsequent development of this dEIS. Scoping comments explicitly referenced this significant change: ***"The SunZia proposal now indicates a DC line capable of 3,000MW would be built first, a change from prior indications that an AC line capable of 1,500MW would be built first."*** SunZia's application for amendments to its Arizona permit explicitly states, ***"SunZia plans to construct the two lines in phases and construct the first line as a nominal 500 kV DC line which is expected to be in operation prior to the second line"***. Section 1.1 in this dEIS states, ***"Following issuance of the ROD, SunZia awarded 3,000 megawatts (MW) of transfer capacity of wind generation under development by Pattern Energy pursuant to an Open Solicitation process as required by the Federal Energy Regulatory Commission (FERC). In March 2021, SunZia began a co-development relationship in New Mexico with the New Mexico Renewable Energy Transmission Authority."***

From the very beginning of the public rollout starting in 2009, this project proposal was portrayed as one that would provide transmission access for planned and future renewable energy generation projects located in multiple Qualified Renewable Energy Resource Areas in both New Mexico and Arizona. This narrative was presented in Power Point presentations at public meetings during the scoping and draft EIS processes that took place between 2009 and 2013. The 2013 EIS states in its Executive Summary, ***"The Project would be colocated [sic] with areas of undeveloped renewable***

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<sup>1</sup> <https://docket.images.azcc.gov/0000206750.pdf?i=1656538175377>

<sup>2</sup> [http://cascabelworkinggroup.org/downloads/FERC\\_SZ\\_filing\\_of\\_3-08-2021.pdf](http://cascabelworkinggroup.org/downloads/FERC_SZ_filing_of_3-08-2021.pdf)

**resource potential to provide a path for energy delivery, and would provide power to help meet growing demand in the western United States and enhance domestic security.”** [see page E-2 in the 2013 EIS]. A large portion of Chapter 4 in the 2013 EIS reinforces this narrative about accessing multiple areas of renewable energy in both Arizona and New Mexico.

In support of this narrative, the 2015 Record of Decision (“ROD”) refers to three intermediate substations along the proposed project’s route that would provide line access, stating. **“New substations would also be constructed in Luna, Hidalgo, and Graham counties.”** [see page 2 of the 2015 ROD]. The 2015 ROD also references President Obama’s policy initiatives, and concludes that paragraph by stating, **“The Project would encourage the development of additional renewable generation sources.”** [see page 3 of the 2015 ROD].

Regarding the requirement for the primary oversight agency to recognize Arizona’s planning activities and coordinate with state governments, the 2015 ROD states, **“To the extent practicable and consistent with the laws governing the administration of the public lands, the BLM must coordinate the land use inventory, planning, and management activities with other federal departments and agencies and of the states and local governments, in accordance with Section 202(c)(9) of the FLPMA.”** [see page 3 of the 2015 ROD]. After that ROD was issued in January of 2015, SunZia presented sworn testimony in the Arizona Line Siting hearings that the first line to be constructed would be an AC line, would provide an alternative transmission reliability route around the Tucson area between the Willow and Pinal Central Substations, and would provide uploading and downloading energy access at both substations in Arizona. Regarding these two substations, the [2016 Arizona permit states](#)<sup>3</sup>, **“These two (2) substations will provide Arizona utilities and load centers with access to renewable energy transmitted on the Project’s two (2) transmission lines.”** [see page 4 of the link-referenced Arizona Certificate of Environmental Compatibility] This planning and permit information from the state government of Arizona must be considered in the new dEIS.

The new plan for the SunZia proposal is to construct the first line as a 3000 MW DC line with no intermediate substations in Arizona and New Mexico. Throughout the entire public process for the SunZia project to this point, the Western Electricity Coordinating Council (“WECC”) has approved a total of 3000 MW to be delivered to the Pinal Central Substation by the SunZia project. The first line now planned to be constructed would consume the total amount of delivery capacity currently approved by the WECC. The second 1500 MW AC line must be considered speculative unless the WECC changes SunZia’s approved total capacity rating. In any case, what was previously understood to be two lines offering multiple access points for distributed energy resources and utility load in both states has now changed significantly.

The new tower structures described in the recent state permit application are significantly larger and more complex than what was described in the 2013 EIS. The new DC tower structures will support four conductors, not two. [The Arizona Corporation Commission has referred to these modifications as being “major changes”](#)<sup>4</sup> [see point 7 on page 3].

Beyond the change in tower structures and conductors, this change in the first line to be constructed also involves the ownership of the line, the rights to transmission capacity on the line, the substation

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<sup>3</sup> <https://docket.images.azcc.gov/0000166993.pdf?i=1656538175377>

<sup>4</sup> <https://docket.images.azcc.gov/0000207192.pdf?i=1657717735426>

configuration along the line, uploading accessibility for generators in Qualified Renewable Energy Resource Areas in southern New Mexico and southern Arizona (as identified in the 2013 EIS), the ability to address the identified objective of reducing transmission congestion, and the grid-related impacts to the development of distributed energy development within Arizona. These changes have not yet been analyzed for impacts along the entire proposed route, and must be considered as a **fifth component** of the requested amendments. This new information is a major amendment component that affects the validity of the many analyses in the current dEIS. SunZia will likely claim that there is nothing new, but that is not the case when you consider the new information about increasing the height of the towers by 11%, increasing the width of the cross structures by up to 63%, doubling the number of conductors from 2 to 4, awarding 100% of the transmission capacity to the new owner of the first line, and eliminating all intermediate substations for uploading renewable energy from qualified resource zones that were referenced in the 2013 EIS.

Another amendment component that was not analyzed in the 2013 EIS nor in the current dEIS is the [FAA lighting and visibility requirements for towers and lines](#)<sup>5</sup> [p.4] in the vicinity of airports, such as the San Manuel Airport in Arizona, and also where tower structures exceed 200 feet in height. This requirement was explicitly referenced in scoping comments by several parties because of statements made by SunZia and a consultant at a public meeting in Oracle, Arizona on April 24, 2019. These scoping comments about FAA lighting requirements were ignored in the dEIS. FAA lighting and visibility requirements would have substantial impacts on visual resources, biological resources, and an International Dark Sky designation associated with astronomical science and economic development. To comply with NEPA requirements for full disclosure in this EIS, FAA lighting requirements are a reasonably foreseeable connected action and must be considered as a **sixth component** of the requested amendments.

Since these two major areas of changes to the 2013 EIS were not disclosed and not analyzed in the dEIS, the Organizations submitting these comments now request that a modified dEIS be prepared with an opportunity for the public to comment on associated analyses. Non-disclosure and non-analysis of these significant amendment components and the associated denial of public review would violate NEPA. A 45-day objection filing period following the release of a final EIS is not a legitimate substitute for public review of amendment components that should have been included in the dEIS, because the non-disclosed components have impacts to resource concerns. These were not minor oversights, and both had been identified during the scoping process.

These additions to Amendment Components also need to be applied to the “Dear Reader” letter and the “Abstract” at the beginning of the dEIS.

## **SECTION ES.2 (APPLICANT’S OBJECTIVES)**

This section starts with a false statement that the “Applicant’s objectives have not changed” since the 2013 EIS was written. The Applicant of record (on Federal Form 299, dated December of 2020) for this new EIS process is SunZia, who at the time of application desired to change the structural configuration, ownership, transmission capacity allocation, and access capability to various qualified renewable energy resource zones on the first line planned to be constructed. This first line would be the highest capacity 3000 MW DC line, not a 1500 MW AC line with multiple intermediate substations as originally planned in 2013. The first line would be sold to Pattern Energy. These intentions to substantially change the plan

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<sup>5</sup> [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/Advisory\\_Circular\\_70\\_7460\\_1M.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/Advisory_Circular_70_7460_1M.pdf)

for the first line were stated in documents submitted to the Federal Energy Regulatory Commission (“FERC”) as early as March 8, 2021. This plan has been in the works for well over 16 months and was confirmed in a recent [statement to the public](#).<sup>6</sup> An [approval order](#)<sup>7</sup> was issued by FERC, and as of July 18, 2022, the [sale of the first and highest capacity line to Pattern Energy](#)<sup>8</sup> was consummated.

***The primary objective of the Applicant is to secure amendments that will allow Pattern Energy to build the first proposed line as a 3000 MW Direct Current line, with Pattern holding all of the transmission rights.*** This is obviously the Applicant’s primary objective, and must be disclosed as the first objective. Notably, the amendment component of changing the first line from AC to DC with a new plan for DC structures was not even disclosed in the dEIS, which is a major omission that is described in these comments.

The dEIS currently lists the Applicant’s first objective as “to increase available transfer capacity, including, but not limited to, areas of potential renewable energy generation.” With the applicant now proposing to use the entirety of its current 3000 MW reliability rating from the Western Electricity Coordinating Council (“WECC”) on a DC line that would have no intermediate substations to access various areas of potential renewable energy generation, this objective should be reworded from saying that they intend to increase transfer capacity to “areas” (plural) of potential renewable energy production to increasing transfer capacity to “at least one area” (singular) of potential renewable energy production. This objective should be listed as the second objective.

Regarding the last of the currently listed objectives, the first line now planned to be constructed is a DC line and will do nothing to alleviate AC transmission congestion in southern New Mexico. A 520-mile non-stop DC tie-line line offers no alternative routing for AC transmission in that area of southern New Mexico. Stating that alleviating local congestion in southern New Mexico is still a primary objective of the Applicant and that objectives have not changed since the 2013 EIS is misleading.

The BLM should be actively modifying this and other portions of the Executive Summary, and not leaving that important task to be handled by a contractor that is being paid by the Applicant. This Executive Summary must be composed by the lead permitting agency, who is ultimately accountable for complying with the requirements of NEPA.

### **SECTION ES.3 (AGENCY PURPOSE AND NEED)**

The last paragraph of this section needs to reference the Warranty Deed that was conveyed to The Nature Conservancy as a set of conditions by the Campbell Family Foundation and passed through to the U.S. Fish & Wildlife Service (“USFWS”). That Deed has legal relevance to the Applicant’s proposals and should be disclosed in the Executive Summary. The decision makers for the Record of Decision (“ROD”) should be aware of the potential legal and public credibility implications of the USFWS and/or The Nature Conservancy violating the terms of that Deed.

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<sup>6</sup> <https://www.utilitydive.com/news/sunzia-nv-energy-pinnacle-west-berkshire-transmission/623156/>

<sup>7</sup> [https://cascabelworkinggroup.org/downloads/FERC\\_final\\_order\\_of\\_5-24-2022.pdf](https://cascabelworkinggroup.org/downloads/FERC_final_order_of_5-24-2022.pdf)

<sup>8</sup> <https://www.prnewswire.com/news-releases/pattern-energy-acquires-sunzia-transmission-project-301587906.html>

## **SECTION ES.5 (PROJECT COMPONENTS)**

This section is missing the two major Amendment Components that were referenced in the previous comments. The new EIS must consider all major changes to the 2013 EIS, not simply the components that the Applicant wants the BLM to consider. It is the responsibility of the federal oversight agency to make sure that this happens.

Regarding Component 3 (segment 4 reroute alternatives) on page ES-5, the reasons for developing the reroute alternatives mention nothing about the fact that SunZia's state permit in New Mexico had been turned down by a 4 to 0 vote by the Public Regulatory Commission ("PRC") in September of 2018. The BLM should be including all facts in this historical summary of why SunZia needed new amendments. SunZia decided to renegotiate with the military because they needed more political support and because they did not want to incur the expense of burying three segments of lines north of White Sands Military Range ("WSMR"). The dEIS should disclose all of the facts so that the decision makers and the public are fully informed before a decision is made. The dEIS should not hide the fact that SunZia had been denied a permit by the PRC.

The dEIS also adopts the spin of the Applicant in explaining why running their lines through Sevilleta NWR this time is different from the rationale for *not* running their lines through that NWR in the 2013 EIS. That 2013 EIS explicitly references the section of the land grant deed that prohibits ***"any commercial purpose other than where deemed appropriate by the Bureau and The Nature Conservancy for the purposes of sound wildlife management."*** [page 2-31 in the 2013 EIS]. In order to approve this change, the USFWS *and* The Nature Conservancy would need to decide that quadrupling the height and doubling the complexity of two grandfathered rural electric lines in order to accommodate two new privately-held 500 kV electric lines is *not* a new commercial purpose, and/or that this new industrial scale change somehow supports sound wildlife management. The decision makers and the public must be informed of any decision by the USFWS and The Nature Conservancy about whether and how this new commercial use supports sound wildlife management on the NWR, as required in the Warranty Deed of 1973. NEPA was designed to make an ***informed*** decision, not to have the facts obscured by the spin of the Applicant. The dEIS must explicitly state in the Executive Summary the basis of any decision made by the USFWS and The Nature Conservancy regarding compliance with the Warranty Deed.

The flip-flop about running lines through the NWR is similar to the flip-flop on line burial feasibility that took place between the 2013 EIS and the subsequent 2014 Line Burial Environmental Assessment. In 2013, line burial was considered unfeasible. In 2014, it suddenly became feasible again. When the main oversight agency allows the environmental contractor to primarily represent the shifting interests of the Applicant, consistency and meaningful public participation are sacrificed, and the oversight agency loses credibility related to their responsibilities under NEPA.

Additionally, there is no evidence provided in this section that a 500 kV SunZia line could be sited on existing 50-foot and 100-foot easements in the NWR. It is confusing and misleading to state in the Executive Summary that ***"Due to the limited width of the existing corridors through the Sevilleta NWR, only one new SunZia transmission line could be routed within each existing corridor"***. SunZia has insisted all along that their right-of-way for each line must be at least 200 feet wide, and now the oversight agency is implying in the Executive Summary that this can be reduced to 50 feet or 100 feet for much more complex ***double-circuited*** lines. If this is the case, then the entire footprint of the SunZia



line could be reduced dramatically through ecologically sensitive lands along the route in both states. Either the dEIS must disclose that the easements on the NWR would in fact need to be widened (either officially or unofficially) or the agencies must provide a justification for not reducing the width of right-of-way through all ecologically sensitive lands that are located along SunZia's interstate route to no more than 50 feet.

#### **SECTION ES.6 (AGENCY PREFERRED ALTERNATIVE)**

There is no brief summary of the justification for the BLM's preferred alternatives, and two of the major amendment components raised during scoping were ignored completely. For Component 1, there is no brief statement about why the agencies would select all but one of the localized route modifications. For Component 2, there is no explanation about why none of the proposed access roads and workspaces in ecologically sensitive areas were even considered for the **No Action** alternative, as requested in scoping comments. For Component 3, there is no statement from the USFWS and The Nature Conservancy regarding compliance with the Warranty Deed at Sevilleta NWR. For Component 4, there is no consideration of any alternatives to the selected site for the new proposed SunZia West DC conversion station.

The dEIS also needs to include a preferred alternative for the two major amendment components that were raised during the scoping process, but ignored in this dEIS. Component 5 includes the substantial changes (from what was described in the 2013 EIS) associated with configuring the first line as a 3000 MW DC line owned and supplied by a single corporation. Component 6 includes the reasonably foreseeable connected action of FAA requirements for increasing the visibility of towers and lines with permanent lighting and other measures, particularly in the San Pedro valley (near an International Dark Sky designation) but with applications to other areas where there may be low flying aircraft.

#### **SECTION ES.7 (NO ACTION ALTERNATIVE)**

There is no mention at all of impacts that would be avoided. Under the **No Action** alternative, the impacts directly associated with all six of the above referenced amendment components would not take place. This should be stated.

It should also be stated that under the **No Action** alternative, other transmission alternatives that already have permits completed, such as the Southline Transmission Project, would become the main option available for export of some of New Mexico's wind resources, and that additional lower impact project proposals would need to be considered if Pattern Energy and others continue to seek export opportunities.

#### **SECTION ES.8 (DESIGN FEATURES AND APPLICANT-COMMITTED ENVIRONMENTAL PROTECTION MEASURES)**

The referenced Appendix C does not include measures that SunZia has committed to since the 2015 ROD was issued. This Appendix is incomplete, because the State of Arizona added additional measures in its 2016 state permit that are not included in Appendix C. If the States and the Federal government do not share knowledge of environmental protection commitments, one government entity can be played against the other during planning and construction. See comments on Appendix C. Also see map attached to Appendix C comments regarding the proximity of roads and work areas to conservation designations along the proposed route in the San Pedro Valley.

## **SECTION ES.9 (CONFORMANCE WITH LAND USE PLANS)**

The dEIS was issued in an incomplete format due to not including two major amendment components, as described previously. It was also released prematurely, because there is no basis for assessing the conformance with land use plans associated with Sevilleta NWR until the USFWS and The Nature Conservancy make definitive statements about conformance with the Warranty Deed conferred in accordance with the stipulations of the Campbell Family Foundation. This premature release of the dEIS denies the public an opportunity to comment on what is now described by the BLM as preferred routing alternatives. This is another reason why the dEIS needs to be revised and released again for public comment before the development of the final EIS.

## **SECTION ES.10 (ISSUES AND SUMMARY OF ENVIRONMENTAL IMPACTS)**

Table ES.4 does not include analyses of significant changes in lighting, wildfire risks, conflicts with planned renewable energy projects, access to Qualified Renewable Energy Resource Areas, and new planned impacts on conservation designations in the San Pedro watershed, all of which had been either identified in scoping comments or known to the Applicant prior to completion of this dEIS.

## **SECTION ES.11 (SCOPING, CONSULTATION, AND COORDINATION)**

This section needs to state the date of releasing the Scoping Report, which would help to explain to decision makers why significant issues and alternatives were so rapidly dismissed or ignored and why there was apparently very little review of the document by the NM Office of the BLM after the Report was drafted by the environmental contractor.

## **SECTION ES.12 (DECISIONS TO BE MADE)**

The paragraph regarding decisions to be made by the USFWS regarding Sevilleta NWR route alternatives must include a reference to compliance with the Warranty Deed that was developed as a set of conditions to protect the land donation made by the Campbell Family Foundation. The Warranty Deed lists The Nature Conservancy as the Grantor and the USFWS as the Grantee. It must be stated in this section that both The Nature Conservancy and the USFWS are required to make a definitive statement about whether the proposed new commercial use of the Sevilleta NWR is consistent with “the purposes of sound wildlife management”. The final EIS must include these two statements.

### ***[End of Comments on the Executive Summary]***

## **SECTION 1.1 (BACKGROUND)**

The historical summary in this section is written from the perspective of the Applicant, and does not reflect other stakeholder interests besides those of the Applicant and WSMR. This is extremely misleading to the decision makers and the public. The historical summary must accurately reflect the reasons why each of the six major amendment components must be analyzed (four that SunZia identified and at least two other components that have not yet been disclosed in the dEIS).

Starting in the second paragraph that begins with “Since 2016...”, a lot more has taken place than the Applicant was willing to disclose in the dEIS, including the granting of an Arizona permit with 37 conditions in February of 2016, the denial of a New Mexico permit in August of 2018, the public notification of previously undisclosed FAA requirements for increased line visibility and lighting near an

International Dark Sky Park in April of 2019, the change in plans for the configuration and ownership of the first SunZia line (first formally disclosed in March of 2021), and the initiative to obtain access roads and work areas in a special designation area of the San Pedro watershed (starting in 2019). There needs to be a complete timeline of these events in order to transparently inform the decision makers and the public why this project has been hung up for the past seven and a half years since the 2015 federal ROD was issued. The current dEIS narrative makes it seem that SunZia was only involved in negotiating with WSMR, and mentions nothing about the other events that led to needing six amendment components.

Regarding the historical summary of the proposed Sevilleta NWR routes, lacking definitive statements from The Nature Conservancy and the USFWS, it is misleading to state that, ***“As proposed and analyzed in this Draft EIS, co-location with existing utility lines within existing easements would address issues previously raised and provide a basis for the BLM’s consideration of these new alternatives.”*** The Warranty Deed cited in the 2013 EIS prohibits new commercial purposes that do not support sound wildlife management on the NWR. The Nature Conservancy and the USFWS would have to state that quadrupling the height of the infrastructure and doubling or quadrupling the impacts on the existing easements are part of an acceptable new commercial venture that supports sound wildlife management on the NWR. Furthermore, the 2013 EIS explicitly states that double-circuiting a DC line with an existing AC line is not feasible [see last paragraph on page 2-46 of the 2013 EIS].

The paragraph about tiering this dEIS to the 2013 EIS is very misleading. The new proposed project is fundamentally different from what was described in the 2013 EIS. The proposed changes in the ownership, transmission rights allocation, substation configuration, line and tower configuration, and accessibility for distributed renewable energy development associated with changing the first line to a 3000 MW tie-line are not “site-specific”. These changes are global in nature. Calling these changes “site-specific” would violate guidelines in the BLM NEPA Handbook.

This is not a “refinement or extension of the existing NEPA document”. It is a fundamental change in the nature of the project that affects the entire route from the proposed new initiation location in Torrance County, New Mexico to the new proposed DC conversion station near the termination point in Pinal County, Arizona, with significant ***negative*** effects on previously touted benefits to local communities along the route, opportunities for distributed renewable energy development in various locations along the route, opportunities to reduce transmission congestion in southern New Mexico and southern Arizona, and the avoidance of additional ecological impacts. With this degree of global change, this is essentially a new project description that requires full analysis and serious consideration of abandoning the entire proposal in favor of new and less impactful alternatives for transmitting additional wind energy from New Mexico that were identified in scoping comments but ignored in this dEIS. The current degree of narrative bias is what happens when the Applicant is allowed to dominate the narrative in three federal environmental review processes during the past 14 years.

Finally, in the last paragraph of this section, the oversight agency states, ***“This EIS does not revisit or reanalyze the previously analyzed and approved route from 2015 unless conditions have changed that warrant new analysis.”*** Conditions have changed along the San Pedro portion of the route, and these changes were identified in scoping comments related to new road and work area proposals in ecologically sensitive areas and new information about FAA lighting and visibility requirements near an International Dark Sky Park designation. Thus far, these scoping comments have been ignored, but we

are now requesting new analysis and a sixth amendment component related to FAA lighting and visibility requirements that constitute a reasonably foreseeable connected action.

### **SECTION 1.3 (APPLICANT’S OBJECTIVES)**

We request revisions in accordance with our comments on Section ES.2.

### **SECTION 1.4 (PURPOSE AND NEED)**

We request revisions in accordance with our comments on Section ES.3.

### **SECTION 1.6 (CONFORMANCE WITH LAND USE PLANS)**

We request that the Warranty Deed and the Comprehensive Conservation Plan (“CCP”) be described separately in Section 1.6.3 because the two documents conflict with regard to the conditions for an exception. The Warranty Deed has legal consequences that go beyond legal consequences associated with the CCP.

Also, this section ultimately will require definitive statements by the USFWS and The Nature Conservancy regarding their position on whether and how the terms of the Warranty Deed are being met.

### **SECTION 1.8 (ISSUES)**

We request revisions in accordance with our comments on Section ES.10.

We note the following errors in Table 1-2:

***“Impacts to night military flying from transmission tower lighting”***-- It is not accurate to say that no lighting is proposed for the transmission towers. Lighting was already identified as a reasonably foreseeable connected action by the FAA in April of 2019, and that was noted by numerous parties in scoping comments. Lighting must be considered as a sixth amendment component, and this concern should not be dismissed from analysis on the basis of the Applicant’s original desire to restrict analysis to the four amendment components specified in their original application. The FAA has made no public statement that lighting will not be required as a result of realigning runways at the San Manuel Airport. During the BLM’s public dEIS meeting of June 21, 2022, the Applicant was asked why these FAA requirements have not been resolved during the past three years. The response was that bureaucracies move slowly. We do not know how assertively the Applicant has been pursuing resolution of this issue or if the Applicant simply does not want to address this issue during the current federal and state permit processes. Therefore, the BLM should require that SunZia disclose all their written and dated communications during the past four years with the FAA in the dEIS. Other stakeholders and the oversight agency need to know if there is any basis for ***not*** addressing this sixth amendment component as a reasonably foreseeable connected action.

***“Wildland fire impacts from the four project components”***—There are at least six project amendment components, but two of them have not been recognized yet. Also, it is not clear that Arizona State Lands can block public access to hunters and others to power line roads that are constructed by SunZia or Pattern through sensitive habitats or resources. Lighting of towers and possibly lines near the San Manuel Airport would likely become an attractive feature for off-road vehicles and other human activities at night. Proposed new roads near San Pedro watershed conservation designations [see map

attached to comments on Appendix C] would increase wildfire risks associated with increased off road vehicle traffic. Cross structures that would now be up to 63% wider on the new configuration of DC towers for the first line will require a wider area of vegetation control. This concern about wildlife fire impacts should not be dismissed from analysis.

***“Conflicts with existing/planned wind and solar energy developments”***—It is not accurate to say that the amendment components “would not conflict with any existing wind or solar energy developments”. The fifth and most significant (but not yet recognized) amendment component involves eliminating all intermediate substations and dumping 3000 MW of New Mexico wind energy, most of which is bound for California, into the center of Arizona’s grid. There are currently numerous Requests for Proposals (“RFPs”) for renewable energy development that also will be competing for transmission capacity in the center of Arizona’s grid. In order to comply with NEPA, all planned renewable energy projects and RFPs located near the Pinal Central Substation must be listed and analyzed in the dEIS, with an associated opportunity for public comment. This resource concern should not be dismissed.

## **SECTION 2.1 (INTRO TO PROPOSED ACTIONS AND ALTERNATIVES)**

Due to the oversight agency rushing the development of the Scoping Report and ignoring relevant new information in scoping comments about the fundamental changes in the configuration of the first proposed transmission line **and** the reasonably foreseeable connected action of FAA lighting requirements, those two amendment components must be added to the four that are listed in this section.

## **SECTION 2.2 (DEVELOPMENT OF PROPOSED ACTION)**

Two additional amendment components must be added and analyzed, as described previously in these comments.

Regarding the justification for Component 2, access roads and work areas outside the granted right-of-way, the factor of improving “constructability” and minimizing variances during construction are obviously not the only factors that should be considered in ecologically sensitive regions of the proposed route, and yet the oversight agencies currently are stating that their preferred alternative is to grant almost all of these requested access roads and work areas. The justification statement for Components 1 and 2 [last sentence on page 2-3] should note that ***“the Applicant’s desire for ease of construction must be balanced with requirement to avoid new impacts in ecologically sensitive areas”***. Our Organizations will be presenting comments on some of the roads and work areas that the Applicant has requested near the San Pedro River.

Regarding the discussion on Component 3, we request that the justification for running two SunZia lines across the Seville NWR be revised in accordance with our previous Seville comments on Section 1.1. The justification provided in this paragraph is written almost exclusively to represent the Applicant’s interests, and falsely states that SunZia lines “...could be routed **within** each easement.” This justification paragraph also makes the unsubstantiated claim that ***“...co-location with existing utility lines within each easement would address issues previously raised [in the 2013 EIS]”***. In order to provide the basis for an informed decision, unsubstantiated statements like this must be eliminated from the EIS, unless the primary oversight agency provides evidence that double-circuiting with SunZia’s lines can be accomplished within the existing 50-foot and 100-foot easements, and provides definitive

statements that both the USFWS and The Nature Conservancy have taken the legal position that the Warranty Deed would not be violated by routing the SunZia proposal in this way.

It should be noted in the justification for Component 4 that the Applicant offers no other alternatives for the proposed new site of the SunZia West DC conversion station, thus restricting the analysis of alternatives to the possible new site the Applicant has identified on a map or the site originally specified in the 2013 EIS. Our Organizations will be presenting comments related to why the **No Action** alternative is superior to approval of the proposed new site with regard to avoidance of additional ecological impacts.

### **SECTION 2.3 (PROPOSED ACTION)**

The first two paragraphs and Table 2-3 do not reference other substantial changes to the 2013 EIS that were identified in scoping comments but have not yet been analyzed, including the new configuration and energy access plan for the first line planned to be constructed and the new information about FAA lighting requirements. This section must be modified to reflect all substantial change components, not just the four components that were identified by the Applicant.

#### **SECTION 2.3.1 (PROJECT DESIGN CHARACTERISTICS)**

The first statement in this section is false and misleading. Average height of the DC towers has increased by 11%. Width of the DC cross structures has increased by up to 63%. The number of conductors supported by the DC structures has increased from 2 to 4. The number of intermediate substations on the first line has been reduced to zero. The proposed structural changes to the first line are identified in [this link to SunZia's Application to Amend](#)<sup>9</sup> its Arizona state permit.

In Attachment A4 to SunZia's federal application, the Applicant states that DC towers are "similar" to what is described in the 2013 EIS. However, the Utilities Division of the Arizona Corporation Commission does not agree, declaring that the changes described above are substantial, and that [changes to the first line are "major"](#)<sup>10</sup> [see page 3 of this link].

There have been major changes to the configuration and accessibility plans for the first line now planned to be constructed from what was described in the 2013 EIS. Some of these changes to the first line were referenced in scoping comments, including the major changes related to accessibility and the decision to make the first line a 3000 MW DC line. The structural changes related to the first DC line were known to the Applicant before the dEIS was released. When new information is presented during a NEPA process, the oversight agencies have an obligation to recognize it in the dEIS and present an opportunity for public review of dEIS analyses before the final EIS is prepared.

Additionally, this section does not recognize new information about FAA lighting requirements that were not analyzed in the 2013 EIS, but were noted in scoping comments by numerous parties.

This section (including Table 2-4) must be revised to accurately present these two substantial amendment components that were not analyzed in the 2013 EIS.

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<sup>9</sup> <https://docket.images.azcc.gov/0000206750.pdf?i=1656538175377>

<sup>10</sup> <https://docket.images.azcc.gov/0000206996.pdf?i=1656538175377>

#### **SECTION 2.4.3.1 (COMPONENT 3 REROUTE ALTERNATIVES)**

The second and third paragraph on page 2-16 make unsubstantiated statements regarding co-location with existing utility easements on the Sevilleta NWR. See comments previously made on Section 2.2 regarding this issue. Unsubstantiated statements must be removed from the EIS, as indicated in our prior comments about this NWR.

Regarding the discussion of Alternative Route 1 on page 2-18, it is unrealistic to state that an Inventoried Roadless Area (“IRA”) would never be impacted by vehicles in the event of a line failure or tower collapse. IRAs and Areas of Critical Environmental Concern (“ACEC”), such as the ACEC on Alternative Route 1, should be avoided.

Regarding the discussion of Alternative Route 2 on page 2-20, consideration of this alternative is premature, because there is no indication that EPE will commit to co-locating their line with that of SunZia. Building these double circuited lines on a 100-foot easement would call into question why this cannot be done on other ecologically sensitive portions of the SunZia route in both affected states. Cutting the footprint of the project in half would be highly beneficial to all ecologically sensitive areas. Finally, construction along this route would open both the USFWS and The Nature Conservancy to significant legal and public credibility challenges.

Regarding the discussion of Alternative Route 3 on the same page, our comments duplicate what we have stated in the previous paragraph, but in this case the corporate Applicant is flip-flopping to a much greater degree on the previously made claim that all SunZia lines through ecologically sensitive lands must have a minimum easement width of 200 feet.

SUMMARY COMMENT ON THIS SECTION: Route alternatives and transmission project proposals were offered during the scoping period, but were not included in this dEIS. This leaves the decision makers in the position of choosing among three basic alternatives, a National Wildlife Area with a Warranty Deed that prohibits new commercial ventures, a route alternative that goes through both an Inventoried Roadless Area and an Area of Critical Environmental Concern, or the **No Action** alternative. Ecological impacts would increase significantly if either of the first two alternatives are approved.

Regarding Table 2-15 (Typical Design Characteristics of a 500-kV Transmission Line Project), this table should be modified to reflect **this** Project, not a typical project. Evidence already presented in these comments proves that the average tower height of the first line proposed to be constructed is 150 feet, not 135 feet.

#### **SECTION 2.4.4.1 (PROPOSED SUNZIA WEST SUBSTATION LOCATION)**

The Applicant wishes to have the option to move the location of the DC conversion station to land that has lower commercial real estate value, but the selected proposed site is in the middle of a remote and dense forest of saguaro cacti that has been identified as prime habitat for bird species that nest in the cacti. Approving this amendment would present another situation of favoring the Applicant’s corporate interests over avoiding ecological impacts, because the site would significantly increase vehicular traffic in this area. It should be stated in this section that the Applicant chose a location that would require new road access under Component 2 of the requested amendments as a connected action.

## **SECTION 2.5 (NO ACTION ALTERNATIVE)**

Currently this section emphasizes **positive** effects for the White Sands Missile Range. This section must include a description of the **adverse** impacts that would be avoided under the **No Action** alternative:

- a) the adverse impacts of new roads and work areas would be avoided, including along ecologically sensitive portions of the route in both states;
- b) adverse impacts to the Sevilleta NWR would be avoided;
- c) adverse impacts to the Inventoried Roadless Area and Area of Critical Environmental Concern in the Cibola National Forest would be avoided;
- d) adverse impacts to a remote saguaro forest in Arizona would be avoided by not establishing a new site for the SunZia West DC conversion station;
- e) adverse impacts to distributed renewable energy development in Arizona would be avoided by not allowing the first line to be exclusively used for export of New Mexico's energy by a single corporation operating in a single Qualified Resource Area.
- f) adverse impacts to an International Dark Sky designation would be avoided.

## **SECTION 2.6 (ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS)**

The primary oversight agency and the Applicant restricted consideration of route alternatives raised in scoping comments to such a high degree, that the **No Action** alternative has become the only option for avoiding additional new adverse ecological impacts.

### **SECTION 2.7.1 (AGENCY PREFERRED ALTERNATIVE)**

Regarding the justification for approving component 2, the oversight agency is essentially providing a blanket approval without any consideration of localized adverse impacts of roads and work areas on ecologically sensitive areas, including areas that were explicitly cited in scoping comments as requiring adverse impact avoidance. This blanket approval of over 700 miles of access roads and many work areas for a privately-held right-of-way that will provide transmission capacity to only a single corporation sets a dangerous precedent for use of federal and state lands.

Regarding the justification for selecting routes in the Sevilleta National Wildlife Area, it violates the terms of the Warranty Deed to allow a private corporation with exclusive transmission rights to use the NWR for this new commercial purpose.

The justification for approving Component 4 only takes into account the interests of the Applicant, and does not even consider minimizing ecological impacts to the highest degree possible. This should not be a case of selecting the site that would be least expensive to the Applicant.

This section does not include justifications for approving the two major amendment components that were not recognized by the oversight agency. What is the justification for changing the first line from an open access AC line with intermediate substations in both states to a DC tie-line with no intermediate substations that would be used exclusively by a single corporation and would create transmission congestion at the termination point in Arizona? What is the justification for allowing this corporation to increase adverse ecological and visual impacts along the San Pedro River and to Oracle's International Dark Sky designation by allowing the permanent lighting of towers and possibly lines? These are both highly relevant questions that must be addressed in the dEIS.



Justifications for all major changes since the 2015 ROD need to be provided, not just the four amendment components that are currently listed in the dEIS. The real problem is that this project has changed into something that is fundamentally different from what was described at length in the 2013 EIS. This is no longer the same project as the one that was described as benefiting the transfer of renewable energy from multiple qualified resources zones that were explicitly identified in the 2013 EIS. These are not minor changes, and if scoping comments had been taken seriously, the oversight agencies would recognize that these are not minor tweaks.

The project is now proposed to become a privately-held vertical monopoly, sited mostly on state and federal lands, and facilitated by the NEPA process. This sets a dangerous precedent for the federal government facilitating private centralized control of transmission capacity, with consequences on climate change resiliency that the oversight agency must consider. In Arizona, there is a limited availability of transmission capacity at the termination point of Pattern's proposed 3000 MW exclusive-use DC tie-line. As a result of dumping so much New Mexico energy that is ultimately bound for California at a single substation in the center of Arizona's grid, this project would suppress local development of renewable energy by consuming so much of Arizona's grid capacity to transfer New Mexico energy away from the Pinal Central Substation toward markets in California. This would reduce Arizona's ability to develop local energy resources that do not rely upon a long and vulnerable supply chain, thus reducing resiliency to regional power outages.

This new proposal gets New Mexico energy only halfway to its destination, and only benefits the production and transmission interests of a single corporation. Contrary to the last statement on page 2-30, ***this new proposal creates new congestion at the Pinal Central Substation***. This is a new project proposal, not a few minor tweaks of the project that was described in the 2013 EIS and the 2015 ROD. This project proposal has been hung up for a long time in permitting processes, not because of needless red tape, but because it has been conceived, planned, and coordinated with other interests in a haphazard way.

## **SECTION 2.10 (COMPARISON OF ALTERNATIVES)**

Instead of trying to reconstruct Table 2-19, Table 2-20, Table 2-21, and Table 22 with regard to comments on each of the currently listed resource concerns/issues as well as the resource concerns/issues that were identified during scoping but ***not*** included in the dEIS, our Organizations will be commenting on issues that are described in Chapters 3 of the dEIS, and leaving it to the primary oversight agency to make appropriate corrections to these tables.

Our Organizations reiterate at this time that it would be a violation of NEPA for the oversight agency to ignore or dismiss from consideration the following:

- a) The ***Amendment Component of changing the first line*** from a 1500 MW AC line with multiple intermediate substations to a 3000 MW DC line with no intermediate substations, with associated substantial changes in the size and configuration of the DC tower structures and number of conductors supported by these modified towers. Among all the amendment components, this amendment component would have the greatest impact on the nature of the project, and would cause additional adverse and global impacts with regard to visual resources, biological resources, conflicts with other planned wind and solar projects, and accessibility to the Qualified Resource Areas described in Chapter 4 of the 2013 EIS. Access to multiple

Qualified Resource Areas and to multiple planned renewable energy projects was described as a substantial SunZia benefit in the 2013 EIS. That has obviously changed.

- b) The ***Amendment Component of lighting towers and possibly lines*** in the vicinity of the San Manuel Airport, the Oracle State Park International Dark Sky designation, and anywhere else along the route where the FAA requires lighting and visibility modifications. This amendment component was not analyzed in the 2013 EIS. As new information and as a reasonably foreseeable connected action, it must be analyzed in this EIS, and the public must be afforded the opportunity to comment on this analysis before the final EIS is developed. This should be included in the EIS as a separate Amendment Component, because it will affect multiple resources.
- c) The ***resource concern of Conflicts with Planned Wind and Solar Development***. This issue is related to having limited transmission capacity at a termination point in central Arizona that is located only halfway to the California destination for most of Pattern's New Mexico wind energy and to the lack of accessibility of Pattern's line to other Qualified Resource Areas in both states.
- d) The ***resource concern of Wildlands Fire Impacts*** as a result of over 700 miles of new roads requested under Component 2 of the dEIS.
- e) The ***resource concern of Non-compliance with Applicant-Committed EPMs***. There will be increased adverse impacts on areas that the Applicant had previously committed to protect as a result of new roads and work areas requested under Component 2 of the dEIS and the planned use of existing roads in ecologically sensitive areas. SunZia is currently seeking to obtain permanent vehicular access and a work area in the Applicant-committed environmental protection designation of the Paige Canyon area of the San Pedro watershed [see comments on Applicant-Committed Environmental Protection Measures ("EPMs"), and see comments on Appendix C].
- f) The ***resource concern of Resiliency to Regional Power Outages*** must be Analyzed in Detail, because of the need for energy resources that are located close to the load that they serve. Congestion created by Pattern's DC tie-line in central Arizona would restrict development of local energy resources in the highly populated Sun Corridor of Arizona.
- g) ***Dark Skies must also be analyzed as a resource concern.***

#### **SECTION 3.1.1 (INDEPENDENT REVIEW PROCESS)**

Table 3-1 must be modified to reflect the resource concerns/issues that have not yet been included in the dEIS for analysis, as well as other changes raised in comments regarding each of the resource concerns/issues that are subsequently discussed in comments on Chapter 3.

### **SECTION 3.2.1 (REASONABLY FORESEEABLE ENVIRONMENTAL TRENDS AND PLANNED ACTIONS)**

The currently planned action of making the first constructed line a 3000 MW DC tie-line with no intermediate substations directly conflicts with 36 pages of the referenced Chapter 4 in the 2013 EIS. This is a fundamental change in the way the project was described to the public and to the decision makers in the 2015 ROD. Therefore, it is not valid to claim that this fundamental change can simply be tiered to the 2013 EIS, because the purpose of the project has changed. The project is no longer primarily designed to access areas [plural] of potential energy development along its proposed route. It is now primarily designed to provide a tie-line between one area of potential wind energy development in central New Mexico and a single substation in Arizona which is located far from the ultimate destination of most of the NM wind energy. Analysis of cumulative effects related to accessing multiple Qualified Resource Areas and various planned energy generation projects must be revised completely, not simply tiered to prior analyses in the 2013 EIS. This must be disclosed in the dEIS, with associated new analyses then submitted to the public for review before development of the final EIS. The new configuration of the first line is the most significant Amendment Component of the new EIS, but still has not been disclosed, analyzed in detail, and reviewed by the public.

### **SECTION 3.2.2 (IMPACT DURATION DEFINITIONS)**

The first paragraph of this section does not define permanent impacts and implies that adverse impacts would ultimately be reversed by “successful decommissioning”. The term ***permanent impacts*** must be defined and identified as a major consequence of routing a new industrial scale infrastructure project of this type through ecologically sensitive landscapes.

### **SECTION 3.2.3 (MITIGATION AND RESIDUAL IMPACTS)**

The last sentence of this section contains an invalid assumption, and must be corrected. It cannot be assumed that all necessary design features and EPMs would be applied. In fact, EPMs are already being undermined during the planning process, and construction has not even been initiated [for example, see later comments regarding Component 3 route alternatives and plans for access roads and work areas in the San Pedro watershed]. It must be explicitly stated that ***residual impacts*** are those that remain after an ***actual assessment of conformance*** with EPMs and design features takes place.

### **SECTION 3.3 (ISSUES ANALYZED IN BRIEF)**

***General comments that should be applied to all issues that are analyzed in brief in this section:*** Each issue must include an analysis of the two Amendment Components that were not included in the initial dEIS, i.e., ***Amendment Components 5***—New structural and accessibility configuration of the first constructed 3000 MW line; and ***Amendment Component 6*** – Reasonably foreseeable lighting and visibility changes mandated by the FAA.

Other section-specific comments follow.

### **SECTION 3.3.9 (AIB-5 SENSITIVE SOILS)**

Due to the fact that the soils on slopes near the San Pedro River are highly subject to erosion, that sediment loads have been increasing in the River during rain events because of drought and human activities, and that prior commitments by the Applicant to avoid additional new vehicle impacts are being undermined in Amendment Component 2 and in planned violations of prior commitments by the

Applicant to protect the sensitive areas of the San Pedro conservation corridor, this issue must be analyzed in Detail, not analyzed in Brief. Because of the many conservation investments in the San Pedro conservation corridor, it is inappropriate to analyze this issue in Brief. The current plan for access roads, new work areas, and significantly increased vehicular traffic in the most ecologically sensitive areas of the San Pedro watershed must be assessed in coordination with soil mapping data that notes erosion potential for each of the newly proposed access roads and work areas, as well as the use of existing roads within areas that have received special designation status since the 2013 EIS was released. See map in comments on Appendix C showing proximity of roads and work areas to conservation designations in the San Pedro Valley.

#### **SECTION 3.3.10.4 (AIB-5 IMPACTS OF ACCESS ROADS AND TWAs OUTSIDE OF GRANTED RIGHT-OF-WAY)**

This is an invalid analysis, because it does not take into account prior commitments of the Applicant to avoid new additional vehicular traffic in ecologically sensitive areas. Limiting the analysis to new roads stipulated under Amendment Component 2 does not take into account current plans by SunZia to do less helicopter-facilitated construction and more vehicular based construction in the San Pedro Valley where soils are highly erodible and where there is already a major erosion problem taking place. In the San Pedro Valley alone, the acreage of all planned access roads and work areas has increased by over 100 acres since the commitment was made to the Arizona Corporation Commission in 2016 to avoid vehicular access along the San Pedro River, and yet Table 3-9 lists only 207 acres of water erosion susceptible soils for an entire interstate project that has over 700 miles of new Component 2 roads plus a similar amount of ground disturbance from work areas..

The analysis of POWER Engineers, Inc, must be reviewed by a **third-party** contractor. POWER was employed directly by the Applicant, so this cannot be considered as third-party analysis. Also, POWER did not consider all access roads—it only considered new roads located outside of the original federally-granted ROW. The analysis must also consider the undermining of EPMs that has taken place during the past six years since commitments were made to the Arizona Corporation Commission [see comments on Appendix C and associated map of ground disturbance impacts in the San Pedro Valley].

#### **SECTION 3.3.11 (AIB-6 WATER QUALITY)**

Due to the increasing problem of sediment loads in the San Pedro River during major rain events, the erodibility of soils on the slopes above that River, the addition of new access roads and work areas, poor compliance with EPMs that have not yet been included in Appendix C, and the shallow depth to groundwater along this River, this issue must be Analyzed in Detail, not in Brief. The same comments apply here as in the previous three paragraphs. The significant increase in runoff caused by all these factors will increase the potential for groundwater pollution.

#### **SECTION 3.3.14.4 (AIB-7 SEDIMENTATION TO SURFACE WATER RESOURCES--SUMMARY)**

For all the reasons described in the previous four paragraphs, this resource concern also needs to be Analyzed in Detail, particularly with regard to portions of the San Pedro River that flow for most of the year.

### **SECTION 3.3.23 (AIB-12 DESERT BIGHORN SHEEP HABITAT)**

Due to the presence of bighorn sheep in the vicinity of the Seville NWR and the Cibola National Forest and the position of this population in relation to Amendment Component 3 route alternatives, this issue should be Analyzed in Detail and not in Brief. The analyses of impacts of Alternative Routes 1, 2, and 3 on page 3-80 are ***extremely perfunctory*** and provide no mention or citations regarding fragmentation impacts on migration and movement of the sheep, nor of the impacts of tripling or quadrupling the height of the transmission structures and increasing the noise level on routes 2 and 3 (Seville NWR). This must be analyzed in detail with associated citations to literature and/or relevant third-party wildlife experts.

The current analysis of impacts on bighorn sheep does not meet NEPA standards. All impacts are lumped into a simplistic mapping metric and excused as “less than 1% of the mapped features within their respective analysis areas”, without analyzing actual movement patterns and fragmentation impacts within that mapping area.

### **SECTION 3.3.27 (AIB-14 SENSITIVE TIME PERIODS AND HABITAT FRAGMENTATION)**

With new proposals to run this project through a National Wildlife Refuge, an Inventoried Roadless Area, and an Area of Critical Environmental Concern, as well as construct over 700 miles of new access roads, it is unacceptable and demonstrates Applicant bias that Habitat Fragmentation is only being analyzed in Brief. This must be analyzed in Detail. With regard to Sensitive Time Periods, emergency repairs of the lines and collateral use of access roads on state lands will take place year-round, as they currently do on every major power line in the two affected states. The only activities that could possibly have discretionary selection of disturbance timing by humans would be construction and routine maintenance activities. However, beyond that, these lines, their associated ground disturbance, associated audio disturbance, and in some cases associated lighting disturbance, will persist 24 hours per day every day of the year. This must be Analyzed in Detail.

### **SECTION 3.3.28.8 (SUMMARY OF FRAGMENTATION IMPACTS)**

In order to actually inform the decision makers and the public, the final line in this section needs to be in the Executive Summary, not buried in a section that is “analyzed in brief”: ***“The cumulative impacts to wildlife and increased habitat fragmentation would be long term and adverse.”***

### **SECTION 3.3.29 (AIB-15 WILDLIFE CORRIDORS)**

For the same reasons cited in the prior discussion on AIB-14, this resource concern must be Analyzed in Detail. We are talking about a National Wildlife Refuge and other conservation designations in both states, not simply lands with no particular wildlife corridor designation status.

### **SECTION 3.3.30.6 (NO ACTION ALTERNATIVE TO IMPACTS ON WILDLIFE CORRIDORS)**

This section is worded in a very misleading way. It actually states that impact of ***No Action*** would be similar to the impacts of the new Component 2 and 3 amendments. It must state the truth, that the ***No Action*** alternative would prevent impacts on approximately 134 acres within the wildlife corridor analysis area. The differential impacts between ***Action*** and ***No Action*** must be stated in detail. This demonstrates an additional problem with analyzing a resource concern in Brief.

### **3.3.31 (AIB-16 SANDHILL CRANE HABITAT)**

With world renowned crane activity taking place in the middle Rio Grande and Sulphur Springs valleys, this resource concern must be considered in Detail, not in Brief, and a differential analysis of impacts must be done comparing the **Action** alternatives and the **No Action** alternative.

### **SECTION 3.3.34.7 (AIB-17 SONORAN DESERT TORTOISE HABITAT SUMMARY)**

There is no analysis of the **No Action** alternative associated with this species. This is a significant omission, because the No Action alternative must be considered for new road construction in the San Pedro watershed under Amendment Component 2. Before construction has even been initiated, SunZia is already showing indications that they are not willing to avoid additional new vehicular impacts in the San Pedro Valley, contrary to commitments they made to the Arizona Line Siting Committee in 2015 and to the Arizona Corporation Commission in 2016. They are requesting from private landowners vehicular access and a work area in the specially designated Paige Canyon area. They are pressuring one landowner (the Michael Whitt family) to get access through his Forest Legacy Conservation Easement near that special designation area. They are currently requesting in this dEIS to add many new access roads all along this valley. The **No Action** alternative needs to be analyzed and seriously considered regarding this and other resource concerns in the San Pedro Valley.

### **SECTION 3.3.38.7 (AIB-19 NECTAR BATS NO ACTION ALTERNATIVE)**

The last statement in this section is false. The agencies are not required to approve Component 2 roads and work areas that are not approved in the 2015 Selected Route. Therefore, the **No Action** alternative is not “similar” to impacts caused by approving Component 2 roads. In fact, there is a vast difference in impacts that would occur between new roads and work areas and the **No Action** alternatives. It almost seems that the people writing these **No Action** analyses in this dEIS are operating on automatic pilot.

### **SECTION REGARDING AIB-20 Traditional Cultural Properties and Resources with Tribal Importance**

We incorporate by reference the dEIS comments of Archaeology Southwest regarding this section.

### **SECTION 3.3.42.8 (AIB-21 RECREATION SUMMARY)**

In this analysis of impacts to recreation, there was no mention of the impacts of project lighting on the International Dark Sky designation at Oracle State Park. FAA lighting and visibility requirements must be considered as an additional amendment component that has not yet been disclosed in the dEIS.

### **SECTION 3.3.48.8 (AIB-24 TRANSPORTATION IMPACTS SUMMARY)**

First, the **No Action** analysis that immediately precedes this section is written entirely from the financial perspective of the Applicant, who has committed to the Arizona Corporation Commission to using helicopter-facilitated construction and maintenance wherever possible in the most ecologically sensitive areas of the San Pedro Valley. Certainly, it would be less expensive for the Applicant to use a vast network of roads and new work areas with vehicular access to build and maintain these lines, but that is not consistent with what they committed to do in these ecologically sensitive areas. The **No Action** analysis needs to reference this commitment.

The Summary is also written from the perspective of the Applicant’s interests. Helicopter-facilitated construction and maintenance in the San Pedro Valley was specified as a way to avoid adverse ecological

impacts, not to make construction and maintenance easier for the private corporation that will own and profit from this line. This is another indication how hired environmental contractors in an EIS process tend to adopt the perspective of the corporation that is paying for their work on analyzing impacts.

Helicopter-facilitated construction and maintenance was specified in the Paige Canyon area of the San Pedro Valley and recommended for other ecologically sensitive areas by the Arizona Corporation Commission to **avoid** use of the vast network of roads and work areas that are now proposed by SunZia and shown on the map attached to our comments on Appendix C.

#### **SECTION 3.3.50.5 (AIB-25 CIVILIAN AIRPORTS & FLIGHT PATHS, NO ACTION ALTERNATIVE)**

There is no mention in this section of the reasonably foreseeable connected action of lighting and visibility requirements along flight paths in close proximity to the San Manuel Airport. Since the FAA has allegedly not responded to a modified layout plan that was developed over two years ago, and since FAA regulations state that lines and towers lower than 200 feet in height can be required to have permanent lighting when located close to an airport, this must be analyzed as a reasonably foreseeable connected action. Also, the possible lighting requirement must be analyzed with regard to all other airports referenced in this section on AIB-25.

#### **SECTION 3.4 (ISSUES ANALYZED IN DETAIL—GENERAL COMMENTS ON THIS SECTION)**

##### **These omissions must be incorporated into a revised dEIS:**

- a) Any resource concerns Analyzed in Detail that consider biological and visual resources must be reanalyzed with regard to the yet undisclosed Amendment Component related to the substantial ***changes in the tower structures and the conductors of the DC line from what had previously been described in the 2013 EIS.***
- b) Any resource concerns Analyzed in Detail having to do with visual resources, biological resources, economic impacts, social justice, International Dark Sky designation, and recreational resources must be reanalyzed with regard to the yet ***undisclosed Amendment Component of FAA lighting and visibility requirements near an airport.***
- c) The resource concern of ***Dark Skies*** must be Analyzed in Detail due to the reasonably foreseeable connected action of FAA lighting requirements near airports.
- d) The resource concern of ***Conflicts with Planned Renewable Energy Projects*** must be Analyzed in Detail. These conflicts will mainly take place at the western end of the proposed project where there will be competition for available transmission capacity caused by injecting 3000 MW of New Mexico's wind energy at a substation that is located only halfway to the ultimate California destination for most of this NM energy.
- e) The resource concern of ***Accessibility to Qualified Resource Areas*** must be Analyzed in Detail, because of the abandonment of all intermediate substations on the first and highest capacity SunZia/Pattern line. This is a major change that has taken place since the 2015 ROD.
- f) The resource concern of ***Resiliency to Regional Power Outages*** must be Analyzed in Detail, because of the need for energy resources that are located close to the load that they serve. By injecting thousands of megawatts of NM wind energy that is ultimately bound for California into the center of the Arizona grid, transmission capacity for other purposes will be reduced, thus significantly reducing the development of local energy resources that increase resiliency to power outages, particularly during the hottest daylight periods of the summer.

#### **SECTION 3.4.2.7 (AID-1 CLIMATE CHANGE-- NO ACTION ALTERNATIVE)**

The second paragraph on page 3-154 is misleading and no longer applies, because the plan for the first and highest capacity SunZia line has fundamentally changed. It would no longer be open to all future interconnection requests, because 100% of the transmission capacity has been approved for Pattern Energy's transfer of energy from a single resource area located in central New Mexico. It would no longer resolve "transmission congestion" associated with any other qualified resource area along Pattern's exclusive-use tie-line. It would no longer support interconnection for other projects that could contribute to diversity in energy supply and provide local resiliency to power outages. The concluding statement in this paragraph is an opinion, not a data-supported statement [see next set of comments]. This paragraph is not an objective assessment of changes that SunZia is actually seeking at this time. This paragraph does not even acknowledge that a fundamental change in the plan for the first line has taken place, a change that will consume all of SunZia's current 3000 MW capacity allocation from the Western Electricity Coordinating Council.

#### **SECTION 3.4.2.8 (AID-1 CLIMATE CHANGE-- SUMMARY OF IMPACTS)**

The Summary of Climate Change Impacts arrives at very misleading conclusions, because the analyses that precede this summary involve incomplete and invalid input data and a spurious argument about "Net-short transfer capacity":

- a) The preceding AID-1 sections do not consider relatively low line utilization on the first planned DC tie-line associated with an energy transmission scenario that depends primarily on intermittent wind energy generated in a single resource area in New Mexico. The low (50% range) line utilization and the lack of energy resource diversity associated with this wind energy dominated transmission scenario was studied in the [2008 High Plains Express Feasibility Study](#)<sup>11</sup>. See pages 29 through 37 for a discussion about the relative line use percentages associated with intermittent renewable energy resources. Citations to this study were raised in at least two comment documents [see pages J-441 and J-554 in Appendix J of the 2013 EIS]. However, the oversight agencies (and/or environmental contractor) ignored these citations and did not even mention the ***only third-party feasibility study*** associated with the proposed project in the main volume of the 2013 EIS. Because there is a new plan for the first SunZia/Pattern line, there would be zero opportunities for accessing other Qualified Renewable Energy Resource Areas along what would become a single corporation's exclusive-use tie-line. Thus, there would be very little energy resource diversity and low line utilization relative to major interstate projects that have intermediate substations for uploading diverse resources from other generation plants and Qualified Resource Areas. The 2013 EIS cites these various Resource Areas in Chapter 4, but the new plan for SunZia's first and highest capacity line renders those citations irrelevant. This is a fundamental change in the plan for the SunZia project.
- b) The AID-1 analysis does not consider the greenhouse gas emissions that are embedded in the manufacturing of construction materials necessary for the proposed project.
- c) There is no analysis of the greenhouse gas emissions associated with the transportation of materials from the manufacturing site to the project site.

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<sup>11</sup>

[http://cascabelworkinggroup.org/downloads/High\\_Plains\\_Express\\_Transmission\\_Project\\_Feasibility\\_Study\\_Report.pdf](http://cascabelworkinggroup.org/downloads/High_Plains_Express_Transmission_Project_Feasibility_Study_Report.pdf)



- d) The AID-1 analysis does not consider the greenhouse gas emissions that would be embedded in decommissioning the project.
- e) Section 3.4.1.1 of this analysis refers to “Net-Short transfer capacity” referenced in the 2013 EIS. This particular metric is not applicable to the determination of net increase or decrease in greenhouse gas emissions as a result of the Applicant’s proposed changes to the SunZia project (from what was described in the 2015 Record of Decision). There are other alternatives available for renewable energy delivery that do not involve very long exclusive-use tie-lines. Other alternatives will likely cause far less greenhouse gas emissions and still fulfill renewable energy production and storage goals in states that have an ample supply of renewable energy. The long-supply-chain and exclusive-use model currently being proposed by the Applicant needs to be analyzed for net greenhouse emissions through a valid process

The conclusion about GHG emissions in this summary is, ***“Therefore, despite short-term increases in GHG emissions during construction and minor levels of ongoing operational emissions, it is anticipated that the proposed project components would result in beneficial effects with respect to climate change through offsetting of fossil fuel-fired electric generating unit emissions over the life of the project.”***

For the reasons we list in the comments above, this conclusion is not supported by a valid analysis of greenhouse gas emissions. The current conclusion in this AID-1 Summary is merely an opinion that is not based on a valid analysis of greenhouse gas emissions.

#### **SECTION REGARDING AID-2 PALEONTOLOGICAL RESOURCES**

We incorporate by reference the dEIS comments of Archaeology Southwest regarding this section.

#### **SECTION 3.4.6.7 (AID-3 AVIAN COLLISIONS—SUMMARY OF IMPACTS)**

This summary is not valid, because the analysis it is based upon did not consider a major amendment component that was not disclosed in this dEIS. As stated in prior comments, there has been a significant change in the DC line from what was described in the 2013 EIS. The average height of the DC towers has increased by 11%. The width of the top structure has increased by up to 63%. The number of conductors supported by these towers has been doubled. None of these significant changes were referenced or analyzed for probable increase in avian collisions, not only with regard to Amendment Components 1 and 3, but also with regard to the entire interstate route. This is a global change for the entire route, not simply a change that affects localized changes in the route.

This analysis of AID-3 needs to be redone with regard to the substantial change in DC tower structures and lines and must be applied to the entire interstate route.

#### **SECTION 3.4.10.8 (AID-5 FEDERALLY LISTED WILDLIFE SPECIES—SUMMARY OF IMPACTS)**

The conclusions in the summary for avian species are not valid, because the analyses did not take into account the substantial changes in the DC tower structures and conductors that have taken place since the 2015 ROD. This change is global in nature, also affecting baseline analyses in the 2013 EIS.

There was insufficient analysis on the impacts of the proposed siting of SunZia West (Amendment Component 4) in prime Cactus Ferruginous Pygmy-Owl habitat (proposed DC conversion station and access roads sited in a high-density saguaro forest). There was no justification provided for why this site

was chosen over sites further to the east or west that are located in areas of lower habitat quality and where access roads are already available.

Regarding all listed species in the San Pedro area, there was no disclosure of SunZia's recent efforts to increase vehicular traffic through a Forest Legacy Conservation Easement owned by the Whitt family, to build a permanent work area nearby, and to increase vehicular traffic in the ecologically sensitive Paige Canyon area that received a special designation in Condition 26 of SunZia's 2016 Certificate of Environmental Compatibility [see comments regarding Appendix C of the dEIS]. All of these changes would negatively affect certain listed species.

The analyses associated with AID-5 need to take into account these significant changes and need to be subjected to public review.

#### **SECTION REGARDING AID-10 CULTURAL RESOURCES**

We incorporate by reference the dEIS comments of Archaeology Southwest regarding this section.

#### **SECTION 3.4.24.11 (AID-12 VISUAL RESOURCES—SUMMARY OF IMPACTS)**

The conclusions in this summary are incomplete, because two amendment components were not disclosed and not analyzed in this dEIS:

***Amendment Component 5*** was not disclosed in the dEIS. This amendment component includes all the changes to the configuration of the first SunZia line that have taken place since the 2015 ROD. Among other changes are the significant increase in visual profile of the towers and lines on the 3000 MW DC tie-line that have been cited in these comments. These changes were disclosed in SunZia's Application to Amend its state permit in Arizona, but were not disclosed in this federal dEIS. The Arizona Corporation Commission has determined that these changes are substantial, not minor. This substantial change in visual impact must be analyzed with regard to the entire route of the proposed project.

***Amendment Component 6*** was not disclosed in the dEIS. This amendment component is the reasonably foreseeable connected action of FAA lighting and visibility requirements near airports (and also on individual towers that exceed 200 feet in height but are not necessarily near an airport) along the proposed route. Impacts of these FAA requirements on visual resources must be analyzed. Note that the 200-foot height criterion does not necessarily apply to towers and lines that are located close to possible lower flight paths near airports, and that the FAA may require lighting on towers and lines that are significantly lower than 200 feet.

AID-12 needs to be reanalyzed with regard to these two amendment components and resubmitted to the public for review before the final EIS is developed.

#### **SECTION 3.4.26.8 (AID-13 EXISTING AND FUTURE LAND USES—SUMMARY OF IMPACTS)**

The conclusions in this summary are incomplete:

- a) The Summary does not consider the yet undisclosed amendment component of lighting requirements near San Manuel Airport, which would affect the site suitability of a planned observatory at the International Dark Sky Park in Oracle. This impact must be analyzed as a reasonably foreseeable connected action. The resulting analysis needs to be submitted to the public for review and comment before the final EIS is prepared.

- b) The Summary does not consider changes to Appendix C in the dEIS involving Applicant commitments to minimize vehicular traffic in the special designation Paige Canyon Area. Currently, efforts are underway by the applicant to violate the terms of the Whitt family's Forest Legacy Conservation Easement, increase vehicular traffic, and build a new permanent work area adjacent to the special designation area. This would affect future wildlife habitat restoration efforts and must be analyzed in a revised dEIS that would be resubmitted to the public for review.

#### **SECTION 3.4.32.6 (AID-16 BLM SPECIAL DESIGNATIONS-- SUMMARY)**

The conclusions in this Summary are incomplete, because the impacts of Amendment Component 2 and the impacts of lax conformance with EPMs on the [Cascabel BLM Ecosystem Management Plan<sup>12</sup>](#) have not been analyzed. See the Plan and associated Environmental Assessment in the preceding link. This Plan was initiated to protect a major wildlife connectivity corridor and wildlife habitat zone located between the Galiuro and Rincon Mountain ranges. This area was recognized in Condition 26 of the 2016 Arizona Certificate of Environmental Compatibility as requiring special designation and minimization of new vehicular impacts [see comments on Appendix C].

#### **SECTION 3.4.34.8 (AID-17 USFS INVENTORIED ROADLESS AREA—SUMMARY OF IMPACTS)**

In the second paragraph of this summary, it cannot be concluded that there would be “no impact” on undisturbed soil, diversity of plant and animal communities, and other locally unique characteristics at the Scott Mesa IRA. There would be some impacts due to construction, even if the construction were carried out on foot or with helicopters. Also, if a line ever needed to be replaced or if a tower came down during an extreme weather event, there would be even greater impacts.

#### **SECTION 3.4.35 (AID-18 SEVILLETA NWR—AFFECTED ENVIRONMENT)**

In order to inform the decision makers as required by NEPA, this section must include the penalties associated with breaching the terms of the Warranty Deed of 1973 [see section 4, page 8 of the Deed, related to the Title reverting to the Grantor]

#### **SECTION 3.4.36.8 (AID-18 SEVILLETA NWR—SUMMARY OF IMPACTS)**

This section is incomplete, because there has been no disclosure or analysis of the new structural plan for DC towers and lines subsequent to the 2015 ROD. The original plan for DC structures and lines were presented in Section 2.4 of the 2013 EIS. The modified plan for DC towers and conductors, including all tower types to be used and number/location of conductors on each tower type, must be presented in a revised dEIS and analyzed with regard to all issues and resource concerns related to the new design, including this Sevilleta NWR resource concern.

Also, this Summary should include statements from The Nature Conservancy and the USFWS that the new proposed commercial use would either support or not support “sound wildlife management”, as required in the Warranty Deed.

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<sup>12</sup> [Cascabel BLM Ecosystem Plan.pdf \(cascabelworkinggroup.org\)](#)

#### **SECTION 3.4.38.1 (AID-19 FISCAL ECONOMICS AND JOB CREATION—METHODS AND ASSUMPTIONS)**

The stated purpose of analyzing this issue is: ***“What fiscal and economic impacts would the development, construction, and operation of proposed project Components 3 and 4 have on the economies of New Mexico, Arizona, and the counties in which the proposed project would be located?”***

With that stated purpose, the impact indicators used in this analysis are all biased in favor of the Applicant. This analysis only assesses economic benefits and jobs associated with construction. There is no assessment of jobs and economic benefits likely to be **lost** as a result of habitat degradation, loss of existing and future ecotourism revenue, increased costs to local governments to deal with road maintenance and law enforcement, increased costs associated with wildfires and invasive species, loss of real estate value, loss of opportunity to develop distributed renewable energy (particularly near the termination point of the project), and loss of astronomy education and recreational opportunities near Oracle State Park.

This is a blatantly biased and invalid analysis, because it is focused almost entirely on alleged economic benefits. The analysis must be repeated in a way that considers economic losses and costs to people and communities based along the portions of the route that would be affected by all four of the currently listed amendment components as well as the two amendment components that have not even been disclosed.

This is a situation where a single private corporation would own 100% of transmission rights on a tie-line that offers no or very little benefit to those who live along the line, and with most of the energy being bound for California markets. This grossly biased analysis of economic benefits is an insult to the people and communities that would be negatively affected.

#### **SECTION 3.4.40.6 (AID-20 ENVIRONMENTAL JUSTICE—SUMMARY OF IMPACTS)**

The conclusions in this summary are incomplete, because the analysis of this issue did not take into account the populations that would be affected by the reasonably foreseeable connected action of lighting requirements in the Oracle/San Manuel area, an amendment component that was identified in the scoping process but ignored or dismissed in the dEIS. The people in this region were left with enormous impacts when foreign mining corporations abandoned their mining operation, and now another foreign corporation is planning to exploit the area’s resources in another impactful way. These Environmental Justice impacts must be analyzed.

#### **SECTION 3.4.42.1 (AID-21 NOISE—METHODS AND ASSUMPTIONS)**

With this project now proposed to run through a National Wildlife Refuge and/or an Area of Environmental Concern and Inventoried Roadless Area, there must be an impact indicator that assesses noise impacts on wildlife movement and migration. With this indicator, the measured difference between operational noise levels caused by current lines present on the NWR should be compared with the level of 500 kV DC and AC lines (operating at full transmission capacity) that are proposed to be constructed in a double-circuited fashion, thus requiring a summation of expected noise. On Alternative Route 1, the noise assessment through the ACEC and IRA would be assumed as equal to new 500 kV line installations for both DC and AC configurations.

The analysis in this section needs to include consideration of noise impacts on various types of wildlife that currently move around in the affected environment of those three special ecological designation areas.

#### **SECTION 3.4.44.1 (AID-22 ELECTRIC AND MAGNETIC FIELDS—METHODS AND ASSUMPTIONS)**

The comments on the prior section (AID-21 NOISE) also apply to electric and magnetic fields. It is very intimidating for certain wildlife to approach 500 kV lines running at full transmission capacity for a number of reasons, but EMF factors must be included in the list of possible factors. This section should include a literature search regarding the impacts of expected EMF levels on wildlife movement.

#### **SECTION 4.3 SEVILLETA NWR COMPREHENSIVE CONSERVATION PLAN (“CCP”)**

This section needs to reference the Warranty Deed, because if the terms of that Deed are not met and the Deed reverts to the Grantor, the CCP becomes irrelevant. Both The Nature Conservancy and the USFWS will need to make a definitive statement in the EIS about whether use of the NWR for this new commercial purpose would support “sound wildlife management”.

#### **LAYOUT OF VOLUME 2 OF THE DEIS**

There is no table of contents with relevant page numbers at the beginning of Volume 2.

#### **APPENDIX A (MAPS)**

These maps do not identify all work areas currently being planned by SunZia. Disclosing all work areas is critical to analyzing whether Applicant Committed Environmental Protection Measures have been followed since the federal ROD was issued in 2015.

For example, in Map 35, the Applicant does not disclose that they have obtained an option to purchase the Fruitman property that is located in a cluster of other properties that are formally being managed for conservation purposes, and along a road that the Applicant is planning to use to access a tower that lies within a special designation area identified by the Arizona Corporation Commission in 2016.

See the map we have provided in the comments below regarding Appendix C. The Fruitman property is identified in yellow on this map.

The Applicant must identify all planned work areas on their maps, including, but not limited to the Fruitman property. This includes, but is not limited to, all properties and easements that the Applicant has obtained or is pursuing an option to purchase. Total impacts cannot be analyzed without a full description of the ground impacts of this proposed project that have been planned since the 2015 ROD.

#### **APPENDIX B (TABLE B-1)**

There is no reference to the Warranty Deed at Sevilleta NWR. If it is determined that the terms of this Deed are not being met, the Sevilleta NWR Comprehensive Conservation Plan would become moot, because the property would no longer be held by the USFWS and would revert to the Grantor in the Deed. Both the Grantor (The Nature Conservancy) and the Grantee (USFWS) need to be listed as the decision makers in determining if the proposed new commercial use of the Sevilleta NWR supports sound wildlife management practices, and both would need to go on record with a definitive statement.

## **APPENDIX C-- DESIGN FEATURES & APPLICANT-COMMITTED ENVIRONMENTAL PROTECTION MEASURES (EPMs)**

Although text in Appendix C references state laws and regulations affecting mitigation measures, EPMs adopted for the SunZia project by the Arizona Corporation Commission in 2016 were not included in the second of the two unlabeled tables in this Appendix. The two critical tables in Appendix C need to be labeled as C-1 and C-2 and should be included in the table of contents at the beginning of Volume 1 and Volume 2 of the dEIS. With the proposed project now in its seventh year since the issuance of the 2015 ROD, the agencies should inform the decision makers in this EIS about conformance with all EPMs by the Applicant during the past seven years of the planning process.

On February 24, 2016, the Arizona Corporation Commission approved SunZia's application for a Certificate of Environmental Compatibility by a 3 to 2 vote of the Commissioners. In [this decision and the accompanying dissent<sup>13</sup>](#), the Arizona Commission incorporated by reference the [Certificate of Environmental Compatibility \("CEC"\)<sup>14</sup>](#) that was approved by the Arizona Line Siting Committee on November 24, 2015. Various conditions in this CEC emphasize the importance of using existing roads, not building new access roads or causing other disturbances, and compensatory mitigation measures, including Conditions 2, 3, 4, 5, 6, 7, 9, 10, 11, 15, 17, 18, 26, 27, 28, 29, and 37. All of these CEC conditions need to be included in the EPM table of Appendix C.

Condition 26 designates an 8-mile-long area in the Paige Canyon area of the San Pedro Valley as warranting special ecological consideration for the avoidance of access roads by using aerial construction to the highest degree possible. This special area has been recognized by the BLM as warranting special ecological consideration since at least 1996 when the [Cascabel BLM Ecosystem Management Plan<sup>15</sup>](#) was signed by all parties to the Plan, including the BLM. An Environmental Assessment of the Plan was subsequently developed and was approved in August of 2000.

Throughout the middle and lower San Pedro Valley, mitigation designations have been established to offset the impacts of development that have taken place around the State of Arizona. The map that follows shows the proposed SunZia transmission project in relation to lands that are formally being managed for conservation purposes. The conditions specified in SunZia's CEC were established to protect the watershed-wide habitat value that makes these conservations and mitigation designations possible. Observe the web of roads that SunZia is now proposing to use for construction and maintenance purposes. Observe that the Applicant recently bought an option to purchase a property to use as a construction/maintenance staging area (the Fruitman property, highlighted in yellow) right in the heart of the Cascabel conservation zone, and immediately adjacent to cluster of conservation designations, including the Whitt family's Forest Legacy Conservation Easement.

The impacts of these proposed changes have not been analyzed in the draft EIS. If these impactful changes can take place without recognition by the oversight agencies before construction even begins, the prospects for continued violations of EPMs during the construction and maintenance of this project would be assured, and the decision makers would be oblivious to these impacts when reviewing the EIS.

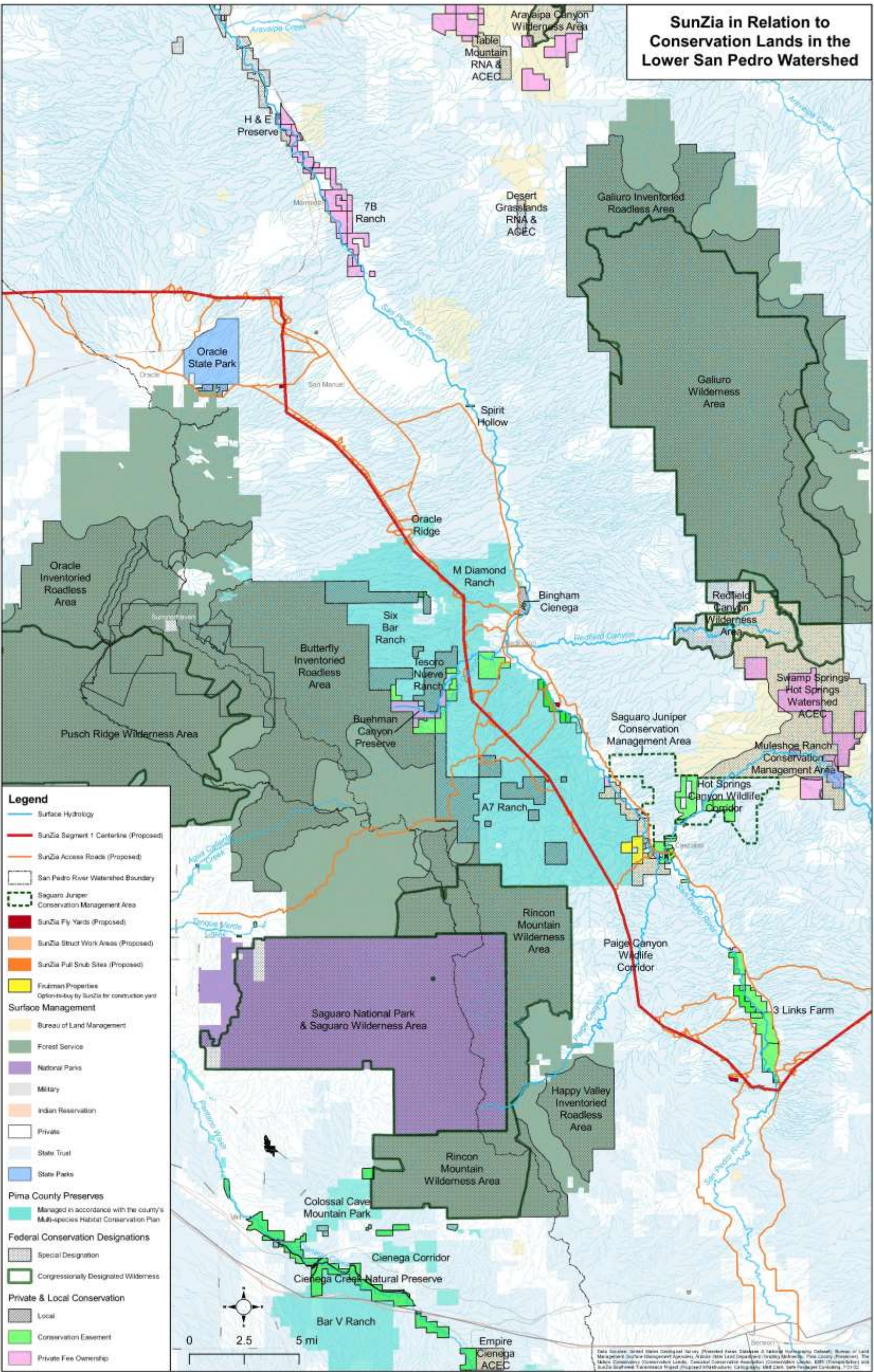
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<sup>13</sup> <https://docket.images.azcc.gov/0000168504.pdf?i=1656538175377>

<sup>14</sup> <https://docket.images.azcc.gov/0000166993.pdf?i=1656538175377>

<sup>15</sup> [Cascabel BLM Ecosystem Plan.pdf \(cascabelworkinggroup.org\)](#)







## **SUMMARY OF EIGHT SUBSTANTIAL OMISSIONS IN THIS DEIS**

All of the prior section-by-section comments speak for themselves, but the overarching omissions in this dEIS are the two missing Amendment Components, a missing set of Environmental Protection Measures (“EPMs”), and five substantial resource concerns that were either ignored or dismissed in the current dEIS. These significant omissions were referenced by various parties during the scoping process, and must be analyzed in order to comply with NEPA requirements.

- 1) **Amendment Component 5** includes the significant changes associated with the plan for the first SunZia/Pattern line. The Arizona Corporation Commission has determined that these changes are “major” in scope:
  - a) The first line will be a 3000 MW DC line with no intermediate substations, not a 1500 MW AC line with multiple intermediate substations, as had been previously described.
  - b) This first 520-mile non-stop tie-line would be owned and completely supplied with electricity by a single corporation (Pattern Energy) from a single resource area in central New Mexico. This first and highest capacity SunZia line would not access other Qualified Resource Areas and proposed renewable energy projects that were described in Chapter 4 of the 2013 EIS. Access to multiple generation plants in multiple resource areas had been described as a benefit in the 2013 EIS.
  - c) This first line is a DC tie-line, and as such could not be used to relieve AC transmission congestion in southern New Mexico by offering an alternative transmission route for extra-high-voltage AC electricity in that region.
  - d) The first line would inject up to 3000 MW of New Mexico wind energy into the center of Arizona’s grid at Pinal Central Substation, which is located only halfway to the ultimate California destination for most of the NM wind energy. The impacts of allowing a single private corporation to dominate transmission capacity in that region were not analyzed in the 2013 EIS. Conflicts with other planned renewable energy generation plants in Arizona with regard to available transmission capacity were not analyzed in this dEIS, nor were the impacts on Arizona’s ability to have sufficient local energy diversity to support resiliency during regional power outages.
  - e) The structural configuration of the towers and conductors of this DC line has changed substantially from what was described for DC structures and conductors in the 2013 EIS, increasing the average height by 11%, increasing the width of top cross structures by up to 63%, and doubling the number of conductors. This substantial change would impact visual and biological resources to a greater degree than was analyzed in the 2013 EIS.
- 2) **Amendment Component 6** is the reasonably foreseeable connected action of FAA lighting and visibility requirements for towers and structure located close to airports along the route, particularly in the vicinity of the San Manuel Airport in the San Pedro



valley near the International Dark Sky designation of Oracle State Park. This significant change was not analyzed in the 2013 EIS, nor in the current dEIS.

- 3) **Applicant-Committed Environmental Protection Measures (“EPMs”) specified in the 2016 Arizona Certificate of Environmental Compatibility were not included in Appendix C of this dEIS.** There is currently no analysis of how changes in road access and work areas currently being pursued by SunZia would affect those EPMs. See map of proposed ground disturbances in comments on Appendix C.
- 4) **The resource concern of Conflicts with Planned Renewable Energy Projects was not analyzed in this dEIS.** This is a major omission, because the new plan for SunZia’s first line grants 100% of the 3000 MW of transmission capacity to a single corporation operating from a single resource area in New Mexico.
- 5) **The resource concern of Resiliency to Regional Power Outages** must be Analyzed in Detail, because of the need for distributed energy resources that are located close to the load that they serve.
- 6) **The resource concern of Access to Qualified Energy Resource Areas** must be Analyzed in Detail, because there has been a substantial change in the accessibility of the first and highest capacity line.
- 7) **The resource concern of Wildfire Impacts** needs to be analyzed, in conjunction with Amendment Component 2 and impacts caused by non-conformance with prior Applicant-committed EPMs related to minimizing vehicular access in ecologically sensitive areas.
- 8) **The resource concern of Dark Skies must be analyzed in a revised dEIS.** Astronomers obviously regard dark skies as a valuable resource.

#### **CONCLUSIONS OF THESE COMMENTS:**

- A) **Narrative bias continues to impede full disclosure in the Federal review process** —As reflected in the section-by-section comments, narrative bias continues to be a significant problem in this third environmental review process for the SunZia transmission proposal. The link between hired environmental contractors and their actual source of income is only part of the problem. The primary federal oversight office has not taken assertive action to prevent the environmental contractor from parroting language in the Application and speaking primarily from the Applicant’s perspective. Insufficient oversight has been a ***contributing factor*** as to why this particular project has been stalled in the planning and permitting processes for the past 16 years.

When an Applicant tries too hard to control all aspects of the project narrative, they tend to ignore the perspective of other stakeholders, which causes delays in the long run. Recently, the Applicant has been publicly implying that their hang-ups have been

caused by red tape obstacles [see [this Bloomberg Law link<sup>16</sup>](#) and [this RTO Insider link<sup>17</sup>](#)]. However, this was not the main reason for SunZia's hang-ups, and it is contradicted by the fact that excessive obstacles have not caused excessive delays for two other transmission proposals in the same region.

Red tape has not been the main problem for SunZia. One of SunZia's main hang-ups was caused by not coordinating well with White Sands Missile Range, which led to having to develop a line burial Environmental Assessment in 2014 and contributed to SunZia not receiving approval for a New Mexico Location Control Permit. Now they are trying to control which Amendment Components and resources issues will be analyzed and which ones will be ignored in this dEIS, which violates NEPA's mandate for meaningful public participation. As described in prior comments in this document, a lot of public scoping input has been ignored in this dEIS. Will the oversight agencies allow them to take a short-cut around these omissions simply because Applicant has spent so much time and money to get to this point?

The Applicant has veered wildly in its use of justifications for planning changes. SunZia initially stated in the 2013 EIS that line burial to address bird migration concerns was not feasible, and then stated just a year later in the 2014 Environmental Assessment that line burial would be feasible for addressing the concerns of the White Sands Missile Range. SunZia first stated in the 2013 EIS that *all* planned SunZia lines on public lands would require a minimum 200-foot-wide right-of-way and that double-circuiting DC lines with AC lines was not feasible, and now are stating that double-circuiting their lines on 50 or 100 foot ROWs on a National Wildlife Refuge would be acceptable. These inconsistent statements and poorly supported analyses demonstrate the degree to which the Applicant has been controlling the narrative, to the detriment of sound and consistent analysis that is required by NEPA.

Consider that the interstate Southline Transmission Project completed its federal and state permit processes in less than half the time already consumed by SunZia (8 years as compared to 16 years and still counting). Observe the difference in narrative perspective between Southline and SunZia in federal environmental review documents. The EIS documents for the Southline project have a more neutral perspective, as if composed by the primary oversight agency, whereas those of SunZia tend to be written mainly from the perspective of the Applicant, as pointed out in the preceding comments. That approach has not worked out well for SunZia with regard to coordinating with military and other interests.

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<sup>16</sup> <https://news.bloomberglaw.com/environment-and-energy/renewable-rich-states-push-feds-to-end-electricity-grid-logjam>

<sup>17</sup> [SunZia Transmission Project: Not a 'Unicorn,' but not 'Repeatable' | RTO Insider](#)

**B) Goals of Climate Change Resiliency, Reduction of Greenhouse Gas Emissions, and Minimization of Adverse Landscape Impacts**-- All of these goals are vital to the responsible development of new transmission proposals. Another part of the hang-up for SunZia is that it was planned in a haphazard manner, rather than being planned to achieve all three of these vital goals in the most effective manner. SunZia started out as a project to provide transfer capacity for the Bowie Power Plant, not to find the least impactful route for exporting wind energy from central New Mexico. Over the past 16 years it has morphed from that start in Bowie, Arizona to a plan for accessing multiple renewable energy zones, and then morphed into what it is now proposing, the granting of a vertical monopoly to a single corporation to transport most of its energy from a single resource zone in New Mexico halfway to its ultimate destination in California, creating new impacts on the grid in Arizona, along a route that is co-located with existing infrastructure for less than 55% of its total distance. SunZia's main objective at this point is to recover some or all of its \$200 million in permit process investment, and not to worry about the long-term impacts of this vertical monopoly.

By contrast, the interstate Southline Project was conceived to co-locate with existing infrastructure for over 85% of its route and to promote distributed generation and consumption of energy by planning a dozen substations along their route. The Western Spirit project took another effective approach to transporting New Mexico wind energy by developing a much shorter route to a portion of the main electrical grid where capacity was being freed up by the retirement of fossil-fueled generators. Both of these strategies are far more effective at achieving decarbonization and minimizing adverse impacts than that of SunZia. The dEIS fails to fully consider the current *need* for the SunZia project in light of other permitted lines with much more ecologically sound design concepts (e.g. Southline and Western Spirit) that make the SunZia proposal, by comparison, both redundant and inappropriate.

The recently modified SunZia/Pattern model of developing a vertical monopoly on its first and highest capacity line will not benefit climate change resiliency along its ecologically degrading path. It would be an outmoded approach of centralized control of transmission capacity taking place mostly on our state and public lands. ***Our Organizations strongly urge the decision makers to approve the No Action alternative for all requested amendments. On balance, the disclosed and undisclosed changes sought by SunZia increase adverse impacts to the point of dwarfing potential benefits, both in the short run and the long run.***

**C) Conclusion regarding changes that need to be made to the dEIS by the oversight agencies**—Please address the significant omissions and deficiencies described in the preceding comments, and release a revised version of the dEIS for public review before

developing the final EIS. The omissions are of such magnitude that doing otherwise would violate the NEPA mandate for meaningful public participation.

Respectfully submitted on July 29, 2022.



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***On behalf of the following five Organizations:***



The ***Lower San Pedro Watershed Alliance*** (“LSPWA”) is an all-volunteer landowner-based organization headquartered in Mammoth, Arizona, with 102 landowner members and an additional 120 supporting members. LSPWA’s goal is to protect and improve the ecological integrity of the San Pedro River, the last remaining natural and intact desert river ecosystem in southern Arizona. LSPWA works with any organization or governmental agency involved in protecting conservation investments in the San Pedro watershed. LSPWA provided scoping comments related to the current SunZia dEIS, as well as comments during the scoping period of 2009, comments on the 2012 dEIS [see pages J-432 through J-443 in the 2013 EIS], comments on the 2015 Environmental Assessment, and a [protest to the 2013 RMP amendments](#)<sup>18</sup>. We incorporate all of our written communications to the BLM regarding the SunZia proposal into these comments by reference.

[www.LowerSanPedro.org](http://www.LowerSanPedro.org)

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<sup>18</sup> [https://www.govexec.com/media/gbc/docs/pdfs\\_edit/072413bb1c.pdf](https://www.govexec.com/media/gbc/docs/pdfs_edit/072413bb1c.pdf)

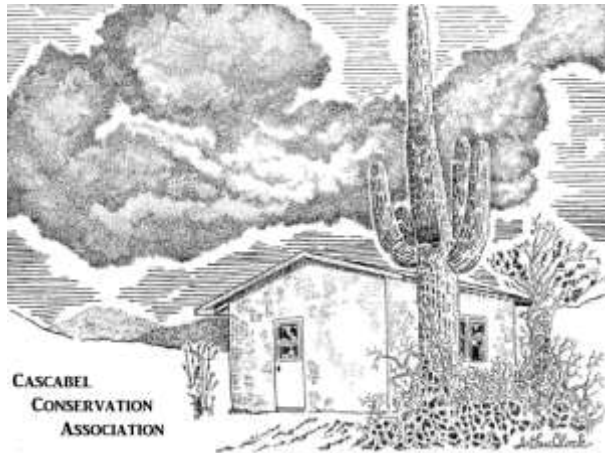


The **Center for Biological Diversity** (“Center”) is a national non-profit conservation organization headquartered in Tucson, Arizona, with more than 1.7 million members and online activists dedicated to the protection of endangered species and wild places. Center members have a keen interest in the SunZia project because it would have impacts on endangered and threatened species and habitats, the San Pedro River and Aravaipa Canyon watershed, and other resources that we work to protect. The Center strongly supports the development of renewable energy as a critical component of efforts to reduce greenhouse gas emissions and avoid the worst consequences of global warming, but only by maintaining the highest environmental standards with regard to planning, local impacts, and effects on species and habitats, waters, wildlands and other resources can renewable energy production and needed transmission be truly sustainable. As is particularly relevant here, transmission projects must avoid impacts to sensitive species and habitats, wildlands, and minimize wildfire risk. Long-distance transmission lines such as SunZia must show a need that is not being met by other available transmission or permitted projects and should be designed to minimize greenhouse gas emissions and maximize resiliency to climate change. SunZia is poorly sited and unnecessary. If built it will have unnecessary and undue impacts to public lands and resources. The Center submitted [scoping comments for this dEIS on July 2, 2021<sup>19</sup>](#) and has raised issues regarding the siting and impacts of this ill-conceived transmission project and the inadequate environmental review for nearly a decade, submitting two comment letters on the initial draft EIS and proposed resource plan amendments (RMP) for the project on August 12, 2012 and August 22, 2012 [see page J-475 of the 2013 EIS], a protest of the RMP amendments on July 12, 2013, and a letter regarding new information and changed circumstances necessitating additional environmental review on October 6, 2016. Those earlier comments and letters are incorporated herein by reference.

[www.biologicaldiversity.org](http://www.biologicaldiversity.org)

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<sup>19</sup> [20210702 CBD scoping SunZia .pdf \(cascabelworkinggroup.org\)](#)



The **Cascabel Conservation Association** (CCA) is a center for conservation and contemplation in the San Pedro Valley of southeastern Arizona. It is a volunteer-based organization with about 200 members, dedicated to the collaborative stewardship of the Middle San Pedro River watershed in a way that promotes the health, stability, and diversity of the whole community, including its earth, waters, plants, and animals. We strive to integrate the needs of the land with the needs of a sustainable human community through educational, economic, agricultural, contemplative, and other conservation-related endeavors. CCA provided scoping comments for this EIS in June 2021, which we incorporate by reference.

[www.CascabelConservation.org](http://www.CascabelConservation.org)



The **Cascabel Working Group** (CWG) is an all-volunteer grassroots organization concerned with the cultural and ecological integrity of the lower/middle San Pedro Valley. CWG has been involved in the SunZia NEPA processes since 2010. It submitted scoping comments for the original EIS in 2010, made several comments about the dEIS (See SunZia Project FEIS / RMPA, Appendix J, Comment ID Numbers 1604, 2160, 2161, 2162, 2164, 2393, and 2412, pp. J-272, J-390, J-391, J-402, J-406, J-526, and J-542 respectively), and joined a protest of the FEIS and RMP Amendments in 2013. It also submitted scoping comments for the current EIS in June, 2021. We incorporate all these previous comments by reference.

[www.CascabelWorkingGroup.org](http://www.CascabelWorkingGroup.org)



The ***Friends of Oracle State Park*** is a 501(c)3 nonprofit organization, founded in 1997, in order to assist Oracle State Park in conserving its park lands and trails; promoting environmental learning and stewardship; and preserving the historic Kannally Ranch House and grounds. The Friends worked closely with the Oracle Dark Skies Committee to achieve Oracle State Park's official designation by the International Dark Skies Association as an ***International Dark Skies Park***. The Friends are particularly concerned about the impacts that permanent lighting on SunZia's structural components would have on local educational, ecological, cultural, and economic development programs.

[www.FriendsOracleStatePark.org](http://www.FriendsOracleStatePark.org)