

## CHAPTER 5 – CONSULTATION AND COORDINATION

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### 5.1 INTRODUCTION

Consultation and coordination with federal and intergovernmental agencies, organizations, tribes, and interested groups of individuals are important to ensure that the most appropriate data have been gathered and employed for analyses, and that agency and public sentiment and values are considered and incorporated into decision making. Throughout the preparation of the EIS, formal and informal efforts were made by the BLM to involve these groups in the scoping process and subsequent public involvement activities, formal consultation, and review of the EIS.

This chapter provides a brief description of the consultation and coordination efforts for this EIS.

### 5.2 SCOPING PROCESS

As required by the NEPA, the BLM conducted scoping in the early stages of the preparation of the EIS with cooperating agencies to encourage public participation and solicit agency and public comments on the scope and significance of the proposed action (40 CFR 1501.7). This scoping process was initiated in May 2009 with the announcement of upcoming public scoping meetings that requested comments or issues that should be addressed in the EIS.

#### 5.2.1 Notice of Intent

The public was notified of the Project and upcoming scoping meetings through an NOI published by the U.S. Department of Interior–BLM in the *Federal Register* on May 29, 2009. The NOI formally initiated a 45-day public scoping period for the Project. Comments were received during this 45-day period, which ended on July 13, 2009. The NOI also provided information, including a description of the proposed facilities, Project location, and a summary of the EIS process, and instructions on how to submit comments. The comment deadline was later extended to August 28, 2009.

In addition to the NOI, the BLM used a variety of other notification methods to announce the public scoping meetings and provide Project information. Concurrent with the release of the NOI, the BLM issued a news release to media in New Mexico and Arizona to announce the meetings. Paid display advertisements were placed in newspapers in New Mexico and Arizona, and radio announcements were made. These notifications are detailed in Section 4 of the Scoping Report.

The BLM NOI letter and comment form were included with the first Project newsletter that was direct-mailed to the initial mailing list on June 3, 2009. This initial list comprised agencies, organizations, and individuals that were compiled by the BLM offices within the study area. Subsequent mailing lists expanded to include interested stakeholders such as agencies, special interest groups, and individuals who attended the public scoping meetings or who provided comments on the Project. Project newsletters and the announcement of scoping meetings were distributed to the mailing list. In addition, a direct mailer was sent out in July 2009 to announce the extension of the comment period (from July 2009 to August 2009). The BLM established a

Project website<sup>1</sup> to provide information, including meeting announcements and public documents. Copies of press releases, display advertisements, and media distributions lists can be found in the Scoping Report, which are also available on the Project website.

### 5.2.2 Scoping Meetings

Nine formal public scoping meetings were held in New Mexico and Arizona during the first scoping period in June and July 2009 (Table 5-1). These were open-house meetings held to introduce, describe, and explain the purpose and need for the Project. In addition, these meetings addressed the planning and permitting process, and solicited scoping comments.

<b>Table 5-1. Scoping Period 1 Meetings – June and July 2009</b>		
<b>Meeting Date</b>	<b>Location</b>	<b>Public in Attendance <sup>1</sup></b>
<b>Arizona</b>		
June 22, 2009	Santa Cruz Valley Union High School 900 N. Main Street Eloy, AZ	16
June 23, 2009	Oracle Community Center 685 American Avenue Oracle, AZ	39
June 24, 2009	Manor House Convention Center 415 E. Highway 70 Safford, AZ	30
June 29, 2009	Valley Telephone Company 752 E. Maley Willcox, AZ	21
<b>New Mexico</b>		
June 30, 2009	Special Events Center 504 2nd Street Lordsburg, NM	13
July 1, 2009	Mimbres Valley Special Events Center 2300 E. Pine Street Deming, NM	31
July 7, 2009	NM Institute of Mining and Technology 801 Leroy Place Socorro, NM	26
July 8, 2009	Carrizozo Municipal Schools 800 Avenue D Carrizozo, NM	52
July 9, 2009	Elephant Butte Inn 401 Highway 195 Elephant Butte, NM	15
<b>Total Attendees</b>		<b>243</b>
<sup>1</sup> For purposes of this report, members of the public exclude Project-related individuals (e.g., BLM resource specialists, Applicant staff and engineers, EIS contractor personnel, and cooperating agency representatives.)		

<sup>1</sup> [http://www.blm.gov/nm/st/en/prog/more/lands\\_realty/sunzia\\_southwest\\_transmission.html](http://www.blm.gov/nm/st/en/prog/more/lands_realty/sunzia_southwest_transmission.html)

In response to comments received as a result of Scoping Period 1, the study area was expanded to consider additional potential alternative transmission line routes in the area east of the WSMR. Meetings held during Scoping Period 2 are listed in Table 5-2. These meetings presented the expanded study area and the same information used during Scoping Period 1 to introduce, describe, and explain the purpose and need for the Project.

<b>Table 5-2. Scoping Period 2 Meetings – October 2009</b>		
<b>Meeting Date</b>	<b>Location</b>	<b>Public in Attendance <sup>1</sup></b>
October 26, 2009	Court Youth Center 402 West Court Avenue Las Cruces, NM	29
October 27, 2009	First National Bank 414 Tenth Street Alamogordo, NM	17
October 28, 2009	Chaparral High School 800 County Line Drive Chaparral, NM	12
<b>Total Attendees</b>		<b>58</b>
<sup>1</sup> For purposes of this report, members of the public exclude Project-related individuals (e.g., BLM resource specialists, Applicant staff and engineers, EIS contractor personnel, and cooperating agency representatives.)		

In response to comments received as a result of Scoping Period 2, the study area was expanded to consider additional potential alternative transmission line routes in New Mexico and Arizona. Meetings held during Scoping Period 3 are listed in Table 5-3. These meetings presented the expanded study area and the same information used during Scoping Period 1 to introduce, describe, and explain the purpose and need for the Project.

<b>Table 5-3. Scoping Period 3 Meetings – April 2010</b>		
<b>Meeting Date</b>	<b>Location</b>	<b>Public in Attendance <sup>1</sup></b>
April 27, 2010	Kelly Hall – Socorro County Fairgrounds 1 Fairgrounds Road Socorro, New Mexico	90
April 29, 2010	Holiday Inn – Airport 4550 S. Palo Verde Road Tucson, Arizona	110
<b>Total Attendees</b>		<b>200</b>
<sup>1</sup> For purposes of this report, members of the public exclude Project-related individuals (e.g., BLM resource specialists, Applicant staff and engineers, EIS contractor personnel, and cooperating agency representatives.)		

More than 500 people attended meetings during the three scoping periods (see Table 5-1, Table 5-2, and Table 5-3). A full description of the scoping process, including the public scoping meetings, is provided in the Project Scoping Report and Addendum.

### **5.2.3 Comments Received during Scoping**

Comments received during scoping, including the additional scoping periods to address the study area expansions, were analyzed and documented in the Project Scoping Report and Addendum. Comments were reviewed to identify issues that should be addressed in the EIS, and to help

develop a range of reasonable and feasible alternatives to the proposed action. In total, approximately 1,400 comment submittals were received, including more than 600 during Scoping Period 1; 200 during Scoping Period 2 (through November 2009); and more than 500 during Scoping Period 3 (through June 2010). Specific issues and where they are addressed in this EIS are listed in Chapter 1, Table 1-3.

#### 5.2.4 Meetings with Interested Stakeholder Groups, Organizations, and Cooperating Agencies

In addition to the public scoping meetings, the BLM hosted meetings with representatives of interested stakeholder groups or other organizations during the scoping period, as listed in Table 5-4. The BLM also hosted meetings with cooperating agencies during the scoping period (Table 5-5).

U.S. Bureau of Reclamation – Socorro Field Division, Middle Rio Grande Conservancy District	April 16, 2009
U.S. Bureau of Reclamation – Albuquerque Office	April 16, 2009
University of New Mexico – Long Wavelength Array	October 5, 2009
The Nature Conservancy, Arizona	October 14, 2009
The Nature Conservancy, New Mexico	December 2, 2009
Winkelman Natural Resource Conservation District	January 6, 2010
Natural Resources Defense Council, The Wilderness Society, The Nature Conservancy, Center for Desert Archaeology	January 12, 2010
Pima County, Arizona, U.S. Bureau of Reclamation, National Park Service	April 2, 2010
Winkelman Natural Resource Conservation District	April 13, 2010
City of Tucson, Arizona	April 14, 2010
Redington Natural Resource Conservation District	April 15, 2010
Arizona Army National Guard, Fort Huachuca, Davis-Monthan AFB, U.S. Army Regional Coordinator, Department of Defense Regional Environmental Coordinator Officer	April 29, 2010
Pima County Regional Flood Control District	May 19, 2010
Pima County Administrator, Pima County Regional Flood Control District	July 9, 2010
Redington and Winkelman Natural Resource Conservation Districts Workshop	July 28, 2010

Fort Bliss, White Sands Missile Range	September 21, 2009
Holloman AFB	October 6, 2009
U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Fort Bliss, White Sands Missile Range, Holloman AFB	December 2, 2009
Holloman Air Force Base, Fort Bliss, White Sands Missile Range, U.S. Fish and Wildlife Service, New Mexico Air National Guard, other Departments of Defense	February 10, 2010

**Table 5-5. Meetings with Cooperating Agencies during Scoping Period**

Holloman AFB, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, White Sands Missile Range, Fort Bliss, Office of Secretary of Defense, and State of New Mexico	February 17, 2010
U.S Fish and Wildlife Service, Arizona Game and Fish Department	March 23, 2010
Holloman AFB, White Sands Missile Range, Kirtland AFB, Naval Research Lab, New Mexico Military Base Planning Commission	April 27, 2010
Arizona Game and Fish Department	May 13, 2010

### 5.3 CONSULTATION AND COORDINATION

Agencies, tribes, and organizations that have jurisdiction and/or specific interest in the Project were contacted at the beginning of scoping, during the resource inventory, and prior to the publication of this EIS to inform them of the Project, verify the status and availability of existing environmental data, request data and comments, and solicit their input regarding the Project. Additional contact was made throughout the scoping process to clarify or update information provided by the agencies and organizations. This section describes the consultation and coordination efforts that have occurred throughout this EIS process.

#### 5.3.1 Cooperating Agencies

A cooperating agency is any federal, state, or local government agency or tribe that has jurisdiction by law or special expertise regarding environmental impacts of a proposed project. Those entities that chose to contribute to the preparation of this EIS as cooperating agencies are listed in Table 5-6. Numerous meetings with the cooperating agencies were held during the scoping period (see Table 5-5 and Section 5.2) and during the process of preparing the EIS.

**Table 5-6. Cooperating Agencies**

Federal Agencies	State Agencies
U.S. Fish and Wildlife Service National Park Service Bureau of Indian Affairs U.S. Army Corps of Engineers Fort Bliss McGregor Range (U.S. Army) Fort Huachuca (U.S. Army) White Sands Missile Range (U.S. Army) Holloman Air Force Base Department of Defense Siting Clearinghouse	New Mexico State Land Office New Mexico Spaceport Authority Arizona State Land Department Arizona Game and Fish Department Arizona Department of Transportation

Additional meetings with cooperating agencies included the following:

- U.S. Army Corps of Engineers – March 17, 2011
- National Park Service (Salinas Pueblo Missions National Monument) Holloman AFB, White Sands Missile Range – June 22, 2011
- Arizona State Land Department – September 28, 2011
- Arizona Game and Fish Department – October 5, 2011

- National Park Service, Holloman AFB, White Sands Missile Range, U.S. Fish and Wildlife Service, Fort Bliss McGregor Range (U.S. Army), New Mexico State Land Office, New Mexico Spaceport Authority – January 23, 2012
- National Park Service, U.S. Fish and Wildlife Service, Fort Huachuca (U.S. Army), Department of Defense Siting Clearinghouse, Arizona State Land Department, Arizona Game and Fish Department, Arizona Department of Transportation – January 24, 2012
- National Park Service, U.S. Fish and Wildlife Service, Fort Huachuca (U.S. Army), Department of Defense Siting Clearinghouse, Arizona State Land Department, Arizona Game and Fish Department – February 29, 2012
- National Park Service – April 19, 2012

### 5.3.2 Tribes

In May 2009, the BLM contacted the following federally recognized tribes to notify them of the Project, initiate government-to-government consultation, invite them to participate as cooperating agencies in preparation of the EIS, and to participate in the Section 106 consultation:

- |   |   |
|---|---|
| ■ Hopi Tribe                                | ■ Fort Sill Apache Tribe of Oklahoma      |
| ■ San Carlos Apache Tribe                   | ■ Kiowa Tribe of Oklahoma                 |
| ■ Tohono O’odham Nation                     | ■ Apache Tribe of Oklahoma                |
| ■ Salt River Pima-Maricopa Indian Community | ■ Ysleta del Sur Pueblo                   |
| ■ Gila River Indian Community               | ■ Mescalero Apache Tribe                  |
| ■ Ak-Chin Indian Community                  | ■ Pueblo of Isleta                        |
| ■ White Mountain Apache                     | ■ Navajo Nation (including Alamo Chapter) |
| ■ Tonto Apache Tribe                        | ■ Pueblo of Acoma                         |
| ■ Yavapai-Apache Nation                     | ■ Pueblo of Laguna                        |
| ■ Pascua Yaqui Tribe                        | ■ Zuni Pueblo                             |
| ■ Comanche Indian Tribe                     |   |

A copy of the tribal consultation letter and tribal contact information are included in the Project Scoping Report and Addendum. With the addition of local alternatives north of Gran Quivira, the BLM initiated government-to-government consultation with additional federally recognized tribes to invite them to participate as cooperating agencies in preparation of the EIS. Letters were sent to the following tribes in April 2012:

- Caddo Indian Tribe
- Pueblo of Santo Domingo
- Wichita and Affiliated Tribes
- Pueblo of Taos
- Pueblo of Jemez
- Pueblo of Sandia
- Pueblo of Tesuque
- Jicarilla Apache Nation

In recognition of the tribes' special relationship with the United States government, the BLM will continue to consult with the appropriate tribal governments at an official executive level (government to government), in accordance with the NHPA, EO 13175, and the NEPA. The BLM has provided opportunities for government officials and members of federally recognized tribes to comment on and participate in the preparation of the EIS; and will consider these comments, notify consulted tribes of final decisions, and inform them of how their comments were addressed in those decisions. At a minimum, officials of federally recognized tribal governments will be offered the same level of involvement as state and county officials. Coordination will address consistency with tribal plans, as appropriate; and the observance of specific planning coordination authorities (including Section 101[d][6] of the NHPA, American Indian Religious Freedom Act, EO 13007 [Indian Sacred Sites], and EO 12898 [Environmental Justice]) and Secretarial Order 3206 (American Indian Rights, Federal Tribal Trust Responsibilities and the ESA). Although no tribes requested cooperating agency status for the preparation of this EIS, several tribes are participating in Section 106 consultation, which will continue during the post-EIS phases of Project implementation prior to construction. Table 5-7 shows tribal consultation meetings that have occurred to date.

<b>Table 5-7. Tribal Consultation Meetings</b>	
<b>Meeting</b>	<b>Date</b>
Arizona Four Southern Tribes <sup>1</sup>	July 21, 2009
Pueblo of Zuni	August 13, 2009
Pueblo of Isleta	August 25, 2009
Fort Sill, Mescalero, and San Carlos Apache tribes	October 16, 2009
San Carlos Apache and White Mountain Apache tribes	October 4, 2011
Four Southern Tribes Cultural Resource Working Group	July 20, 2012
Pueblo of Zuni	August 28, 2012
Ysleta del Sur Pueblo	October 15, 2012
San Carlos Apache Tribe	October 18, 2012
Pueblo of Isleta	November 9, 2012
Tohono O'odham Nation Cultural Preservation Committee	November 27, 2012
Tohono O'odham Nation Legislative Council	December 6, 2012
<sup>1</sup> Tohono O'odham Nation and the Ak-Chin Indian Community representatives were present, while the Gila River and Salt River Pima-Maricopa Indian communities were not present.	

### **5.3.3 Agency Communications**

Communications and meetings with agencies, in addition to the cooperating agencies (Section 5.3.1), have continued throughout the EIS process. Various meetings have been conducted at key milestones during the environmental studies to obtain input or refine alternatives and data prior to detailed analysis. Table 5-8 lists the agencies that have been contacted as part of this EIS process.

In addition to the meetings held during scoping, noted in Table 5-4, the BLM met with the NRCD on June 14 and July 11, 2011, and December 18, 2012. In a letter from the chairpersons of the Redington and Winkelman NRCD to the DOI dated July 28, 2011, the NRCD stated that they declined to participate as a cooperating agency.

**Table 5-8. Contacts with Other Agencies**

<b>Federal Agencies</b>	
<b>Department of Defense</b> U.S. Air Force – Davis Monthan AFB U.S. Naval Research Laboratory U.S. Army Corps of Engineers	<b>Department of the Interior</b> Bureau of Reclamation Bureau of Land Management  <b>U.S. Forest Service</b> Cibola National Forest Southwestern Regional Office
<b>State Agencies</b>	
<b>New Mexico</b> Economic Development Department Museum of Natural History and Science New Mexico Game and Fish Renewable Energy Transmission Authority New Mexico State Historic Preservation Officer New Mexico State Land Office New Mexico Department of Transportation	<b>Arizona</b> Arizona Army Air National Guard Arizona Geological Survey Arizona State Historic Preservation Officer Arizona State Land Department Arizona Department of Transportation Arizona State Museum
<b>Local Agencies</b>	
<b>New Mexico</b> Doña Ana County City of Anthony City of Las Cruces Grant County Hidalgo County City of Lordsburg Lincoln County Luna County City of Deming Otero County City of Alamogordo Sierra County Town of Elephant Butte Town of Truth or Consequences Socorro County City of Socorro Torrance County Valencia County	<b>Arizona</b> Cochise County City of Benson City of Willcox Graham County Greenlee County Pima County Pima County Flood Control District Redington Natural Resource Conservation District Winkelman Natural Resource Conservation District

**5.3.4 Interest Groups and Other Stakeholders**

Local interest groups and stakeholders were also invited to attend the scoping meetings and provide comments (Table 5-9). BLM representatives attended a meeting with representatives of the Natural Resources Defense Council, the Wilderness Society, and TNC on January 12, 2010, and a meeting held by the Cascabel Working Group on January 13, 2010.



**Table 5-9. Interest Groups and Other Stakeholders**

Anam, Inc.	Jaguar Habitat Campaign
Apaches of Aravaipa Canyon	Lennar Corporation – Tucson Land Division
Aravaipa Property Owners Association	Mesilla Valley Audubon Society
Arid Lands Resource Sciences	Middle Rio Grande Conservancy District
Arizona Archaeological Council	National Parks Conservation Association – Southwest
Arizona Native Plant Society	National Trust for Historic Preservation
Audubon New Mexico	National Trust for Historic Properties
Blue Goose Alliance	Natural Resources Defense Council
Cascabel Hermitage Association	New Mexico Archeological Council
Cascabel Working Group	New Mexico Gas Company
Center for Biological Diversity	NM Solar Station, LLC
Center for Desert Archaeology	NM Wildlife Federation
Coalition for Sonoran Desert Protection	Regional Office
Community Watershed Alliance	Rio Grande Agricultural Land Trust
Continental Divide Trail Alliance	Saguaro Juniper Corporation
Corona Public Schools	Salt River Project
Duke Energy	Sangre de Cristo Audubon Society
Earth Justice	Sierra Club – Grand Canyon Chapter
Electric Pipeline Corporation	Socorro Electric Cooperative
Electrical District #2	Sonoran Institute
Empire-Fagan Coalition	Southern AZ Hiking Club – Cochise Trails Association
Energy Capital Partners	Southwestern Power Group II
Eureka Springs Property Owner Association	The American Consumer Institute
Freeport Sierrita, Inc.	The Gamez Cemetery
Friends of Saguaro National Park	The Nature Conservancy
Friends of the Aravaipa Region	The Peyote Way Church
Friends of the Bosque del Apache NWR	The Wilderness Society
Frio Ridge Energy Development Association, LLC	Tiede’s Line Construction
Frio Ridge Landowner Association	Tierra Grande Improvement Association, Inc.
Geo-Marine, Inc.	University of New Mexico
Gila Conservation Coalition	Willow Springs Ranch Phase I Owners Association, Inc.
Gila Resource Information Project	Windmill Ranches Homeowners Association
J-6/Mescal Community Development Organization	

### 5.3.5 Applicant Participation

Commensurate with the MOU and the EIS Preparation Plan, the Applicant has provided technical and clarifying information about the Project, attended and participated in meetings, and provided comments on documents prepared for the draft EIS. The Applicant has also reviewed and provided the technical, environmental, and socioeconomic information in its possession.

The Applicant has communicated extensively with representatives of various federal, state, and local government agencies and several stakeholder groups and organizations concerning Project plans. BLM representatives attended a meeting hosted by the Applicant, with representatives of the Cascabel Working Group.

## 5.4 FORMAL CONSULTATION

The BLM and cooperating agencies are required to prepare an EIS in coordination with any studies or analyses required by the Fish and Wildlife Coordination Act (16 USC Sec 661 et seq.),

ESA (16 USC Sec 1531 et seq.), and NHPA (16 USC Sec 470 et seq.). Other consultations and processes for compliance with federal requirements may be carried out to address other laws and regulations, including the MBTA, BGEPA, Section 358 of the National Defense authorization act, and/or others.

The following sections summarize activities associated with the consultation processes to date for threatened and endangered species and cultural resources.

#### **5.4.1 Section 7 of the Endangered Species Act**

Consultation with the USFWS is required under Section 7 of the ESA, when a project that is carried out, funded, or authorized by a federal agency may affect species listed under the ESA. The BLM requested early input from the USFWS to identify ESA-listed species and other sensitive biological resources, and received comments on September 14, 2009. Published lists of ESA-listed species created by the USFWS for all counties crossed by the study corridor were reviewed by the BLM, and included BLM records, USFWS documents, other agency reports, primary literature, and regional references. This information was used in the early development of alternative routes for the Project, and updated to include current status of affected species. As part of formal consultation under Section 7 of the ESA, the BLM submitted a BA to the USFWS to address species with the potential to occur in the area of the BLM preferred alternative for the Project. The USFWS will review the BA and issue a Biological Opinion to complete Section 7 consultation.

#### **5.4.2 Section 106 of the National Historic Preservation Act**

The lead federal agency, along with any other federal agency that may be issuing permits or licenses for the Project, has a responsibility under Section 106 of the NHPA to consider the effects of its undertakings on properties listed in or eligible for the NRHP. Eligible properties include a diversity of archaeological, historical, and traditional cultural resources. Implementing regulations for Section 106, Protection of Historic Properties (36 CFR 800), define a process for federal agencies to consult with the SHPOs, ACHP, and other interested parties as they assess the effects of their undertakings.

The Section 106 process is initiated with the establishment of the undertaking (§800.3); in this case, the SunZia Southwest Transmission Project, with the BLM as the lead federal agency. This was done shortly after the BLM published the NOI in May of 2009 for the construction, operation, and maintenance of the Project. The Section 106 process was coordinated with the NEPA process, starting with public scoping. During this period, consulting parties were identified and notified of the Project. These parties include tribes, SHPOs in Arizona and New Mexico (§800.3[c]), ASLD, NMSLO, USACE (Section 404 permit compliance), ACHP, NPS, the Applicant, ASM, ADOT, NMDOT, National Trust for Historic Preservation and Archaeology Southwest (formerly known as the Center for Desert Archaeology), Cascabel Working Group, New Mexico Archaeological Council and the Arizona Archaeological Council, Pima County, El Camino Real de Tierra Adentro Trail Association, WSMR, and the Alliance for Regional Military Support. Compliance with other pertinent laws such as the NAGPRA, Archaeological Resources Protection Act, and American Indian Religious Freedom Act is also being coordinated under the NHPA and NEPA.

Tribal consultation is required under the NHPA and other laws. Tribes are potential consulting parties for the 106 process, and any tribe that “requests in writing shall be one” (§800.3[f][2]). Invitations for government to government and Section 106 consultation were sent to 29 tribes in May of 2009 and April of 2012. Although there have been no written requests to be consulting parties, tribes that have been active in general Project consultation and the Section 106 process include: Tohono O’odham Nation, GRIC, Salt River Pima-Maricopa Indian Community, Ak-Chin Indian Community, Pueblo of Isleta, Pueblo of Ysleta del Sur, Pueblo of Zuni, Mescalero Apache, Fort Sill Apache, San Carlos Apache, and White Mountain Apache.

The Section 106 process entails the identification of historic properties (§800.4). For the SunZia Project, the process began with the review of existing information, commonly referred to as a Class I inventory. This inventory identified gaps in field-inventory coverage across both states. To supplement the Class I inventory, the BLM elected to conduct a sample (Class II) inventory that included areas where cultural resources would likely occur; in particular, survey units were located where the Project alternatives cross rivers and historic trails (El Camino Real de Tierra Adentro NHT and the Butterfield Trail). This information provided a useful indication of cultural resources site density and sensitivity, and informed the selection of the BLM preferred alternative.

In accordance with §800.4 (b)(2), for projects “where alternatives under consideration consist of corridors or large land areas,” a phased approach is followed to identify and evaluate historic properties. Further, “the agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a...programmatic agreement executed pursuant to §800.14(b).” The APE (§800.4[a][1]; §800.16[d]) would be determined during development of the PA. For a project of this scale, an intensive Class III inventory would be conducted after the BLM selects an alternative, issues a ROD, and grants the right-of-way permit.

Typically, the next step of the Section 106 process is to evaluate sites to determine whether they are eligible or not eligible for inclusion on the NRHP; those determined to be eligible are called “historic properties.” However, since the identification effort would take place in stages for this Project, identification and evaluation of historic properties for the NRHP would be deferred until after the ROD and right-of-way permit.

The assessment of adverse effects for historic properties (§800.5) is the next step in the Section 106 process. An adverse effect is found “when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.” Due to the scope and complexity of the SunZia Project, and because the “effects on historic properties cannot be fully determined prior to the approval of an undertaking” (§800.14[b][1][ii]), the BLM determined early in the process that the undertaking would have an “adverse effect” on historic properties. In accordance with §800.6(a)(1), the ACHP was notified of the “adverse effect” determination, concurred with the determination, and agreed to participate in consultations to resolve the adverse effects.

Consultations were initiated in 2009 and have taken place in the form of written correspondence, email, and telephone conversations among the parties. The first formal Section 106 consulting

parties meeting took place in October 2012. To resolve the adverse effects, a Project-specific PA is being developed among the consulting parties, a draft of which is provided in Appendix M of this Final EIS.

## 5.5 PUBLIC REVIEW OF THE EIS

Concurrent with the distribution of the Draft EIS/RMPA, an NOA was published in the *Federal Register*, announcing the availability of the draft document for a 90-day public review and comment period that started on May 25, 2012, and ended on August 22, 2012. The Draft EIS/RMPA was sent to cooperating agencies, agencies with a potential interest in the Project, and others who requested copies. Printed versions of the Draft EIS documents were made available for review at libraries, BLM offices, and public meeting sites, and were also provided in response to individual requests.

The availability of the Draft EIS/RMPA for public review and comment, along with the locations and times of public meetings, was announced in paid newspaper legal notices and advertisements. In addition, Project newsletters were mailed to individuals, agencies, and organizations that requested notification of the availability of the Draft EIS/RMPA. During the 90-day public review period, 10 public open house meetings were held in June and July 2012 for the BLM to provide information and receive public input on the Draft EIS/RMPA (Table 5-10). These meetings were held in Lincoln, Socorro, Sierra, Luna, and Hidalgo counties in New Mexico, and in Cochise, Graham, Pima, and Pinal counties in Arizona.

**Table 5-10. Public Meetings – June and July 2012**

Meeting Date	Location	Public in Attendance <sup>1</sup>
<b>New Mexico</b>		
June 26, 2012	Corona High School 250 Franklin St. Corona, NM	67
June 27, 2012	NM Institute of Mining and Technology 801 Leroy Place Socorro, NM	70
June 28, 2012	Sierra County Events Center 2953 S. Broadway St. Truth or Consequences, NM	16
July 9, 2012	Mimbres Valley Special Events Center 2300 E. Pine St. Deming, NM	24
July 10, 2012	Dugan-Tarango Middle School 1352 Hardin St. Lordsburg, NM	5
<b>Arizona</b>		
July 11, 2012	Safford High School 1400 W. Bulldog Blvd. Safford, AZ	22
July 12, 2012	Benson School 360 S. Patagonia St. Benson, AZ	41

**Table 5-10. Public Meetings – June and July 2012**

<b>Meeting Date</b>	<b>Location</b>	<b>Public in Attendance<sup>1</sup></b>
July 17, 2012	Palo Verde Magnet School 1302 S. Avenida Vega Tucson, AZ	77
July 18, 2012	San Manuel High School 711 S. Mcnab Pkwy. San Manuel, AZ	19
July 19, 2012	Eloy Junior High School 404 E. Phoenix Ave. Eloy, AZ	10
<b>Total Attendees</b>		<b>351</b>

<sup>1</sup> For purposes of this report, members of the public exclude Project-related individuals (e.g., BLM resource specialists, Applicant staff and engineers, EIS contractor personnel, and cooperating agency representatives.)

### 5.5.1 Comment Analysis Process

Comments on the Draft EIS/RMPA were submitted in person at the public meetings, electronically through the BLM SunZia Project website, or mailed to the BLM NM State Office. All comments received during the 90-day review period were recorded and compiled in a database, in which each comment was assigned a unique identifying number. The BLM received over 900 comment submittals (letters or other correspondence), including over 2000 individual comments. In compliance with the requirements of the CEQ for implementing the NEPA, the comments were then analyzed and responses to substantive comments were provided. Per the BLM NEPA Handbook H-1790-1, substantive comments do at least one of the following:

- question, with reasonable basis, the accuracy of information in the EIS
- question with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis
- present new information relevant to the analysis
- present reasonable alternatives other than those analyzed in the EIS
- cause changes or revisions in one or more of the alternatives

Comments not considered substantive include those:

- in favor of or against the proposed action or alternatives without reasoning that meets the BLM’s criteria for substantive comments
- only agreeing or disagreeing with BLM policy or resource decisions without justification or supporting data that meet the BLM’s definition of substance;
- comments that do not pertain to the Project area or the Project
- comments that take the form of vague open-ended questions

A complete list of individual letters that commented on the Draft EIS is included in Appendix J. Comments identified as “CN” (comment noted) are acknowledged, although detailed responses are not provided. Substantive comment letters on the Draft EIS are reproduced in full and are categorized by cooperating agencies, other agencies and non-governmental organizations, individuals, and Applicant. Substantive comments within each letter are enumerated in the left

margin of the comment letter (some comment letters address multiple topics) and corresponding responses are included adjacent to each enumerated comment.

### **5.5.2 General Summary of Comments**

Comments identified during scoping were addressed in development of the Draft EIS. The key issues and concerns were related to one of the following categories:

- Project purpose and need
- Alternative development – comments indicating another alternative should be evaluated
- Alternative description and mitigation measures – comments suggesting modifications to already defined alternatives to reduce or avoid potential impacts
- Analysis of environmental effects – comments specifying concerns over resource impacts or suggesting that other effects be considered and disclosed

The Draft EIS addressed issues identified during scoping. Comments received during the public review of the Draft EIS related to these issues either raised questions, suggested other alternatives, provided new information, or expressed preferences. In the development of the Final EIS, information was provided in response to the comments. Information has been added to clarify or correct the Draft EIS, and modifications to alternative transmission line descriptions have been made, where warranted, to incorporate new information and requests for additional mitigation.

### **5.5.3 Responses to Key Issues and Concerns**

The following comments (paraphrased and italicized) are representative of key issues and concerns. Summary responses to these comments are also provided below. See Appendix J for detailed responses to the comments.

#### **5.5.3.1 Purpose and Need**

*It was understood that a purpose of the Project was to provide new transmission to deliver electricity generated by renewable energy resources in New Mexico and Southeastern Arizona to western power markets. Clarify the potential for interconnection with fossil fuel energy generation facilities.*

As stated in Chapter 1 of the Final EIS, the BLM’s purpose and need for the proposed Project is established by regulatory obligations and directives, and current energy development trends. The purpose and need is used to formulate a reasonable range of alternatives to be considered in the EIS. The need for the BLM’s proposed action arises from the FLPMA to consider the Applicant’s right-of-way application. The Applicant’s objectives as stated in Section 1.4 of the EIS include increasing “available transfer capability in an electrical grid that is currently insufficient to support the development, access, and transport of additional energy-generating resources, including renewable energy, in New Mexico and Arizona.” The range of alternatives considered included potential transmission line routes that could provide electrical interconnections with renewable energy resources located primarily within the QRAs for wind

energy in south-central New Mexico, and the QRAs for solar energy located in southwestern New Mexico (e.g., BLM designated Afton Solar Energy Zone) and southeastern Arizona.

Transmission facility services are to be provided without discrimination as to the type of generation requesting interconnection and transmission service. Although FERC rules do not allow for discriminatory preference among generation subscribers to a transmission line, it is the intent of the Applicant to provide infrastructure to increase transfer capability in areas of potential renewable energy generation. Indirect and cumulative impacts associated with construction and operation of generation facilities have been analyzed and documented in Section 4.17 of the EIS.

### **5.5.3.2 Proposed Action and Alternatives**

*A preference would be to construct new transmission lines in areas where there are existing utilities and access. Avoid building new transmission lines in the San Pedro River Valley, Aravaipa/Sulphur Springs Valley, Avra Valley and particularly avoid lines crossing riparian areas along the San Pedro River and Rio Grande. Avoid building transmission lines in areas where military operations are conducted.*

In order to identify potential locations for the proposed transmission line routes, information was gathered to determine environmental, engineering, and agency/public/political opportunities and constraints within the study area. Potential alternatives were reviewed based on their ability to maximize opportunities to locate the proposed transmission lines within existing corridors, while avoiding areas of higher constraint or sensitivity. Alternative transmission line routes were considered within the I-10 corridor in Arizona; it was found that there is insufficient area available for the proposed right-of-way adjacent to I-10 due to existing residential, commercial, and industrial development.

In response to information received following the Draft EIS, modifications to the alternative transmission line routes were developed and additional analysis was conducted. The alignment of the BLM preferred alternative was modified in response to substantive recommendations that provided additional information. The BLM preferred alternative was selected because it would maximize use of existing utility corridors and infrastructure, minimize impacts to sensitive resources, minimize impacts at river crossings, minimize impacts to residential and commercial uses, and minimize impacts to military operations within the restricted airspace north of the WSMR. Where available, portions of the route would follow existing utilities or other roads that would provide access for construction and maintenance. Approximately 273 miles (53 percent) of the BLM preferred alternative (total length is 515 miles) would be parallel to existing or designated utility corridors.

*To what extent have alternative technologies or systems such as underground construction, transmission system upgrades in existing rights-of-way, alternative voltages, demand-side management or distributed generation been considered?*

The BLM considered other options, including alternative transmission routes and transmission technologies, but eliminated them from consideration because they would not be practicable and feasible, as described in Section 2.3.3 of the Final EIS.

### How is the project being funded?

The proposed action does not require a cost outlay by the federal government. As provided in the Memorandum of Understanding between the Applicant and the BLM, it is the Applicant's responsibility to reimburse the federal government for expenses to process the right-of-way application under a cost recovery agreement. Federal government financing for development and construction of the Project is not a condition of the proposed action.

#### **5.5.3.3 Water and Soil Resources**

*Construction of transmission facilities across environmentally sensitive lands could result in soil erosion that would affect grasslands, playas, rivers and streams. Previous construction of many pipelines and roads has led to severe erosion where proper controls were not used.*

Earth and water resources studies have been completed to identify specific locations of potentially high levels of wind and water soil erosion. Mitigation measures are proposed that would include BMPs and special construction methods where needed to minimize the potential for erosion in those areas.

#### **5.5.3.4 Biological Resources**

*The proposed Project route and alternatives would cross major migratory bird corridors along the Rio Grande, the San Pedro River. Other areas of concern include the Willcox and Lordsburg playas and Picacho Reservoir area. Each of the alternative routes would cross the Rio Grande in central New Mexico, a migratory corridor for Sandhill Cranes, waterfowl, and other species. The proposed transmission line project would pose a collision risk to birds.*

The highest risk occurs when transmission lines are sited near roosts or foraging areas, and collisions may also occur at night or in poor weather. However, the BLM preferred alternative would cross the Rio Grande at a narrow point in the floodplain, minimizing the amount of nearby foraging habitat for wintering birds. The collision risk to migratory birds would be mitigated through the placement of bird diverters or similar devices in high-risk areas, to be specified in an Avian Protection Plan. Monitoring would take place to ensure proper function and effectiveness of the devices. Mitigation for lost productivity or habitat for migratory birds would be developed under the terms of EO 13186 according to the MBTA and in cooperation with the BLM and USFWS.

*The Project would result in ground disturbance that may be temporary or permanent for the life of the Project. Ground disturbance causes the direct loss of native vegetation, and may facilitate the spread of invasive plants. Linear utilities can result in wildlife habitat fragmentation, when constructed in a way that provides a physical barrier to wildlife movement or causes changes in the habitat that reduce the movement of wildlife across the utility corridor. This may include the creation of open spaces avoided by certain species, or disturbance and road mortality associated with construction and recreational traffic.*

In accordance with the results of the biological resources impact analysis, mitigation measures have been proposed to avoid or minimize the loss of sensitive riparian vegetation, grasslands,



and other sensitive habitats. Habitat fragmentation and loss of native vegetation would be addressed through standard and selective mitigation measures during construction and maintenance, according to stipulations for reducing ground disturbance, avoiding disturbance to wildlife during sensitive seasons, and closing or reclaiming temporary roads. Site-specific mitigation would be provided in the final POD to include a biological resources protection plan, monitoring during construction, control or prevention of the spread of noxious weeds and other invasive plants, reclamation, and other measures.

*The San Pedro River Valley is one of the last free-flowing rivers in the Southwest, and a major migratory bird corridor. Portions of the river that support perennial flow often have mature riparian woodlands and mesquite bosques, and tributaries to the river support threatened or endangered fish and other native aquatic species. Major tributaries of concern with perennial flow include Aravaipa, Hot Springs, Redfield, and Buehman canyons. Removal of riparian woodland and mesquite bosque, creation of new access roads, potential effects on water quality through erosion, and the collision risk for birds are noted.*

The BLM preferred alternative would cross the San Pedro River at a location without perennial flow or riparian woodlands, where elevated terrain would allow transmission lines to span the floodplain and minimize the need for vegetation management. Mitigation measures have been proposed to minimize the potential for soil erosion and vegetation loss, including reclamation or closure of access roads where necessary and practicable at the discretion of the respective landowner or land management agency.

#### **5.5.3.5 Cultural Resources and Native American Concerns**

*Impacts to cultural resources could result from a loss of integrity on prehistoric and historic sites. The Project could also indirectly affect traditional cultural properties such as Mt. Graham or other important sites like Gran Quivira. Types of potential impacts to cultural resources may include ground disturbance, visual and auditory intrusions, and disturbances to sites due to changes in public accessibility during and after construction.*

Inventories of previously recorded sites along the alternative study corridors have been conducted. Impacts to cultural resources have been evaluated in the EIS according to potential sensitivity of known cultural resources. Intensive pedestrian surveys along the selected route, including access roads, substations, and other facilities, would be conducted prior to construction if the BLM approves an action alternative in the ROD. Direct impacts to significant cultural resources can be effectively minimized, if not eliminated, through mitigation planning. In designated areas, structures would be placed to avoid and or span sensitive cultural resource sites or features.

All cultural and historic resources identified during the inventory will be evaluated for eligibility to the NRHP. Consultation with appropriate land management agencies, tribal governments, and State Historic Preservation Offices is ongoing and will result in a Programmatic Agreement, which establishes a project-specific procedure for complying with the NHPA, including procedures to follow during the execution of the Project.

### **5.5.3.6 Land Use, Property Values and Right-of-Way Acquisition**

#### How will the SunZia Transmission Project affect property values?

Studies regarding the effects of transmission lines on property values have been reviewed. These studies found that in cases where there is a decrease in property value, the effects would generally be 10 percent or less. The discussion of property value effects is included in Section 4.13.4.5 of the EIS.

#### Will I be paid for right-of-way acquisition?

On private lands, the Applicant or owners' representative would negotiate the amount and terms of compensation with individual property owners, including market value compensation for residual impacts.

*Various agencies and groups fund and/or help manage conservation easements for a variety of conservation purposes, including reclamation, rehabilitation, riparian protection, habitat and species protection, and invasive species removal. The Project could impact existing and proposed conservation plans and easements located throughout the study area, as well as grazing lands that have been identified for conservation purposes in Pima County, Arizona.*

There are conservation plans in several locations, including the Pima County SDCP, The Lower Sonoran Conservation Initiative, and multiple conservation initiatives along the Rio Grande. Many of these areas are state trust and private lands used for grazing and other activities (see sections 3.6.7, 3.10.1.3, 3.10.3.3, 4.6.4.5, and 4.10.5). Where these lands are protected by recorded easements or designations, right-of-way would be acquired on a case-by-case basis in compliance with restrictions, conditions, and mitigation requirements. Project alternatives avoid crossing conservation easements, where easements have been identified.

### **5.5.3.7 Visual and Scenic Resources**

*Visual resources are an important component of the natural landscape within large portions of the study area. The Project would cause impacts to viewers and scenic resources from locations such as rural residences, travel routes, wilderness, recreation areas and cultural resource sites.*

The locations of alternative transmission line routes were identified according to the study of opportunities and constraints, which included avoidance of potential visual impacts where feasible (e.g., placing new transmission lines within existing utility corridors to reduce contrast). With respect to each of the alternatives considered, visual resource impacts have been thoroughly analyzed and mitigation measures have been proposed to minimize impacts to sensitive resources (see sections 3.9 and 4.9, as well as Appendix D). The BLM preferred alternative (Subroute 1A2) was modified in the vicinity of the Salinas Pueblo Missions National Monument – Gran Quivira Unit in order to mitigate impacts to the cultural landscape setting.

### 5.5.3.8 Public Review and Comment

*The public review period should have been extended beyond 90 days with opportunities for additional public meetings or hearings.*

The Draft EIS was made available for public review and comment on May 25, 2012. The BLM held 10 public meetings and scheduled a 90-day public comment period that ended on August 22, 2012. A 45-day public comment period is generally the time provided for a Draft EIS; however, the BLM's planning regulations and guidance require a minimum 90-day public comment period for land use plan amendments. Comments were received by the BLM New Mexico State Office during this 90-day review period. In addition, substantive comments that were received through March 2013 were considered in preparation of the Final EIS.

In total, public involvement for the SunZia Project has included 24 public meetings (14 scoping meetings and 10 public meetings following publication of the Draft EIS), and 270 days of public comment (180 days during scoping, and 90 days during Draft EIS public review). In addition, the BLM will provide 30 days for public comment following publication of this Final EIS.

## 5.6 PREPARERS AND CONTRIBUTORS

A list of preparers and contributors involved throughout the Project, including BLM staff and consultants, is provided in Table 5-11 and Table 5-12.

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