

## EXHIBIT J – SPECIAL FACTORS

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As stated in the Arizona Corporation Commission Rules of Practice and Procedure R14-3-219:

*“Describe any special factors not previously covered herein, which Applicant believes to be relevant to an informed decision on its application.”*

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Exhibit J-1: Public Involvement Activities Summary

Exhibit J-2: Public Review of the EIS

### INTRODUCTION

This exhibit includes information on the public involvement and coordination activities conducted for the SunZia Southwest Transmission Project. Coordination with federal, state and local agencies, private and public organizations, tribes, and stakeholder groups of individuals are important to ensure that the most appropriate data have been gathered for analyses, and that agency and public comments are considered as part of the decision-making process. Throughout the preparation of the Environmental Impact Statement (EIS), formal and informal efforts were made by the Bureau of Land Management (BLM) to involve these groups in the scoping process, subsequent public involvement activities, and review of the EIS.

This exhibit provides a brief description of the public involvement, consultation, and coordination efforts during the nearly six-year National Environmental Policy Act (NEPA) process, during which interested stakeholders had numerous opportunities to review and consideration information regarding the SunZia Project, and its potential impacts on the environment.

### EXHIBIT J-1 PUBLIC INVOLVEMENT ACTIVITIES SUMMARY

#### Scoping Process

As required by the National Environmental Policy Act (NEPA), the BLM conducted scoping prior to 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.

#### Notice of Intent

The public was notified of the Project and upcoming scoping meetings through a Notice of Intent (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 response to requests from stakeholders.

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 Arizona to announce the meetings. Paid display advertisements were placed in newspapers in Arizona, and radio announcements were made. These notifications are detailed in Section 4 of the Scoping Report (see Exhibit B2).

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.

### **Scoping Meetings**

Four formal public scoping meetings were held in Arizona during the first scoping period in June and July 2009 (Table J-1-1). These were open-house meetings held to introduce, describe, and explain the purpose and need for the Project, and to solicit the public and stakeholder input and comments regarding the Project and potential alternatives.

<b>Table J-1-1. Scoping 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>Total Attendees</b>		<b>106</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 meetings, the study area was expanded to consider additional potential alternative transmission line routes in Arizona. Meetings held during this additional Scoping Period are listed in Table J-1-2. These open house meetings presented the expanded study area and the same information used during the June and July 2009 scoping meetings to introduce, describe, and explain the purpose and need for the Project, and to solicit the public and stakeholder input and comments regarding the Project and potential alternatives.

<b>Table J-1-2. Scoping Meetings – April 2010</b>		
<b>Meeting Date</b>	<b>Location</b>	<b>Public in Attendance <sup>1</sup></b>
April 29, 2010	Holiday Inn – Airport 4550 S. Palo Verde Road Tucson, Arizona	110
<b>Total Attendees</b>		<b>110</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 200 people attended meetings in Arizona during the scoping periods (see Table J-1-1 and Table J-1-2). A full description of the scoping process, including the public scoping meetings, is provided in the Project Scoping Report and Addendum (see Exhibit B-1).

### **Comments Received during Scoping**

Comments received during scoping, including the additional scoping periods to address the study area expansion in Arizona, 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. Specific issues and where they are addressed are listed in Chapter 1, Table 1-3 of the Final EIS (see Appendix B-1).

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

In addition to the public scoping meetings, the BLM attended meetings with representatives of interested stakeholder groups or other organizations during the scoping period, as listed in Table J-1-3. The BLM also attended and participated in meetings with cooperating agencies during the scoping period (Table J-1-4).

<b>Table J-1-3. Meetings with Interested Stakeholder Groups and Organizations during Scoping Period</b>	
The Nature Conservancy, Arizona	October 14, 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

**Table J-1-3. Meetings with Interested Stakeholder Groups and Organizations during Scoping Period**

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

**Table J-1-4. Meetings with Cooperating Agencies, with Special Expertise Involving Arizona, during Scoping Period**

U.S Fish and Wildlife Service, Arizona Game and Fish Department	March 23, 2010
Arizona Game and Fish Department	May 13, 2010

**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 preparation and publication of the 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 the environmental review process.

**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 the EIS as cooperating agencies are listed in Table J-1-5. Numerous meetings with the cooperating agencies were held during the scoping period (see Table J-1-4) and during preparation of the EIS.

**Table J-1-5. Arizona Cooperating Agencies**

<b>Federal Agencies</b>	<b>State Agencies</b>
U.S. Fish and Wildlife Service National Park Service Bureau of Indian Affairs Fort Huachuca (U.S. Army) Department of Defense Siting Clearinghouse	Arizona State Land Department Arizona Game and Fish Department Arizona Department of Transportation

Meetings with cooperating agencies included, but were not limited to, the following:

- Arizona State Land Department – September 28, 2011

- Arizona Game and Fish Department – October 5, 2011
- 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

## **Tribes**

In May 2009, the BLM contacted the following federally recognized tribes in Arizona 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
- San Carlos Apache Tribe
- Tohono O’odham Nation
- Salt River Pima-Maricopa Indian Community
- Gila River Indian Community
- Ak-Chin Indian Community
- White Mountain Apache
- Tonto Apache Tribe
- Yavapai-Apache Nation
- Pascua Yaqui Tribe
- Comanche Indian Tribe
- Navajo Nation (including Alamo Chapter)

A copy of the tribal consultation letter and tribal contact information are included in the Project Scoping Report and Addendum (see Exhibit B-2).

In recognition of the tribes’ special relationship with the United States government, the BLM continues to consult with the appropriate tribal governments at an official executive level (government-to-government), in accordance with the National Historic Preservation Act (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 notified consulted tribes of final decisions, and informed 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 addressed 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], EO 12898 [Environmental Justice]), and Secretarial Order 3206 (American Indian Rights, Federal Tribal Trust Responsibilities and the Endangered Species Act [ESA]). Although no tribes requested cooperating agency status for the preparation of the EIS, several tribes participated in Section

106 consultation, which will continue during the post-EIS phases of Project implementation prior to construction. Table J-1-6 shows tribal consultation meetings that have occurred to date.

<b>Table J-1-6. Tribal Consultation Meetings</b>	
<b>Meeting</b>	<b>Date</b>
Arizona Four Southern Tribes <sup>1</sup>	July 21, 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
San Carlos Apache Tribe	October 18, 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.

### Agency Communications

Communications and meetings with agencies, in addition to the cooperating agencies, continued throughout the NEPA 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 J-1-7 lists the agencies that have been contacted as part of the NEPA process.

In addition to the meetings held during scoping, noted in Table J-1-3, the BLM met with the NRCD on June 14 and July 11, 2011, and December 18, 2012. As reflected in the letter from the chairpersons of the Redington and Winkelman NRCD to the DOI dated July 28, 2011, the NRCD declined an invitation to participate as a cooperating agency.

<b>Table J-1-7. Contacts with Other Agencies</b>	
<b>Federal Agencies</b>	
Department of Defense U.S. Air Force – Davis Monthan AFB	Department of the Interior Bureau of Reclamation Bureau of Land Management U.S. Forest Service Cibola National Forest Southwestern Regional Office
<b>Arizona State Agencies</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>Arizona – Local Agencies</b>	
Cochise County	

**Table J-1-7. Contacts with Other Agencies**

<p style="text-align: center;"> 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 </p>
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**Interest Groups and Other Stakeholders**

Local interest groups and stakeholders were also invited to attend the scoping meetings and provide comments (Table J-1-8). 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 J-1-8. Interest Groups and Other Stakeholders**

<p> Anam, Inc.  Apaches of Aravaipa Canyon  Aravaipa Property Owners Association  Arid Lands Resource Sciences  Arizona Archaeological Council  Arizona Native Plant Society  Blue Goose Alliance  Cascabel Hermitage Association  Cascabel Working Group  Center for Biological Diversity  Center for Desert Archaeology  Coalition for Sonoran Desert Protection  Community Watershed Alliance  Continental Divide Trail Alliance  Duke Energy  Earth Justice  Empire-Fagan Coalition  Eureka Springs Property Owner Association  Freeport Sierrita, Inc. </p>	<p> Friends of Saguaro National Park  Friends of the Aravaipa Region  J-6/Mescal Community Development Organization  Jaguar Habitat Campaign  Lennar Corporation – Tucson Land Division  National Parks Conservation Association – Southwest  National Trust for Historic Preservation  Natural Resources Defense Council  Saguaro Juniper Corporation  Salt River Project  Sierra Club – Grand Canyon Chapter  Sonoran Institute  Southern AZ Hiking Club – Cochise Trails Association  The American Consumer Institute  The Gamez Cemetery  The Nature Conservancy  The Peyote Way Church  The Wilderness Society </p>
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**Applicant Participation**

Commensurate with the memorandum of understanding 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 regarding the

Project plans. BLM representatives attended a meeting hosted by the Applicant, with representatives of the Cascabel Working Group on January 13, 2010.

Briefings or other meetings held with Arizona organizations and individuals are listed in Table J-1-9.

<b>Table J-1-9. Arizona Briefings</b>	
<b>Affiliation</b>	<b>Name</b>
Access Arizona	Jim Dinkle
Arizona Congressional District #1	Congresswoman Ann Kirkpatrick (Blanca Varela)
Arizona Congressional District #2	Congresswoman Martha McSally (Sarah Pacheco)
Arizona Congressional District #4	Congressman Paul Gosar (Jim Knupp)
Arizona Corporation Commission	Commissioner Susan Bitter Smith (Laurie Woodall)
Arizona Corporation Commission	Commissioner Bob Stump (Amanda Ho)
Arizona Corporation Commission	Commissioner Bob Burns (Angie Paton)
Arizona Corporation Commission	Commissioner Doug Little (Matt Rowell)
Arizona Corporation Commission	Commissioner Tom Forese (Brandon Nelson)
Arizona Corporation Commission – Utilities Division	Tom Broderick
Arizona Governor Doug Ducey	Chris McIsaac
Arizona Governor Doug Ducey	Hunter Moore
Arizona Governor Doug Ducey	Juan Ciscomani
Arizona Legislative District #11	Senator Steve Smith
Arizona Legislative District #11	Representative Vince Leach
Arizona Legislative District #11	Representative Mark Finchem
Arizona Legislative District #14	Representative David Stevens
Arizona Legislative District #14	Representative David Gowan
Arizona Legislative District #14	Senator Gail Griffin
Arizona Legislative District #8	Representative Frank Pratt
Arizona Legislative District #8	Representative TJ Shope
Arizona Siting Committee	Tom Chenal
Arizona State Land Department	Commissioner Lisa Atkins
Benson Chamber of Commerce	Lupe Diaz
City of Benson – City Manager	Bill Stephens
City of Benson - Mayor	Mayor Toney King
City of Coolidge – City Manager	Bob Flatley
City of Eloy – City Council	Councilmember Belinda Akes
City of Eloy – City Manager	Harvey Krauss
City of Safford – City Manager	Horatio Skeete
City of Safford – Mayor	Mayor Chris Gibbs
City of Willcox – City Council	Mayor and Councilmembers
City of Willcox – City Manager	Ted Soltis
City of Willcox – Mayor	Mayor Bob Irvin



Cochise County - Board of Supervisors	Supervisor Richard Searle
Cochise County - Board of Supervisors	Supervisor Patrick Call
Cochise County - Board of Supervisors	Supervisor Ann English
Cochise County – County Administrator	Jim Vlahovich
Eastern Arizona College	Kevin Peck
Eastern Arizona Counties Organization	Pascal Berlioux
Eloy Chamber of Commerce	Mark Benner
Graham County – Board of Supervisors	Supervisor Jim Palmer
Graham County – Board of Supervisors	Supervisor Danny Smith
Graham County – Board of Supervisors	Supervisor Drew John
Graham County – County Manager	Terry Cooper
Graham County Chamber of Commerce	Laurabeth Stoner
Greenlee County – Board of Supervisors	Supervisor David Gomez
Greenlee County – Board of Supervisors	Supervisor Ron Campbell
Greenlee County – Board of Supervisors	Supervisor Robert Corbell
Greenlee County – County Administrator	Kay Gale
Greenlee County – Economic Development	Akos Kovach
Pima County – Board of Supervisors	Supervisor Ally Miller
Pima County – Board of Supervisors	Supervisor Ramon Valadez
Pima County – Board of Supervisors	Supervisor Sharon Bronson
Pima County – Board of Supervisors	Supervisor Ray Carroll
Pima County – County Administrator	Chuck Huckelberry
Pinal County – Board of Supervisors	Supervisor Pete Rios
Pinal County – Board of Supervisors	Supervisor Cheryl Chase
Pinal County – Board of Supervisors	Supervisor Todd House
Pinal County – Board of Supervisors	Supervisor Steve Miller
Pinal County – Board of Supervisors	Supervisor Tony Smith
Pinal County – County Manager	Greg Stanley
Senator John McCain	Rick Stilgenbauer
Southeast Arizona Economic Development Group	George Scott
SouthEastern Arizona Governments Organization	Larry Catten
Southern Arizona Business Coalition	Rick Grinnell
Town of Clifton – Town Manager	Ian Mcgaughey
Town of Thatcher – Town Manager	Terry Hinton
Tucson Metropolitan Chamber of Commerce	Michael Varney
Willcox Chamber of Commerce	Alan Baker

## **EXHIBIT J-2 PUBLIC REVIEW OF THE EIS**

Concurrent with the distribution of the Draft EIS/Resource Management Plan Amendment (RMPA), a Notice of Availability (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, five public open house meetings were held in Arizona in June and July 2012 for the BLM to provide information and receive public input on the Draft EIS/RMPA (Table J-2-1). These meetings were held in Cochise, Graham, Pima, and Pinal counties in Arizona.

<b>Table J-2-1. Public Meetings – June and July 2012</b>		
<b>Meeting Date</b>	<b>Location</b>	<b>Public in Attendance<sup>1</sup></b>
<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
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
Total Attendees		169
<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.)		

### **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 Council on Environmental Quality (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 of the EIS (see Exhibit B-1).

**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 added to clarify or correct the Draft EIS, and modifications to alternative transmission line descriptions were made, where warranted, to incorporate new information and requests for additional mitigation.

**Responses to Key Issues and Concerns**

The following comments (paraphrased and italicized) are representative of key issues and concerns raised by stakeholders in response to the Draft EIS. Summary responses to these comments are also provided below. Appendix J of the EIS provided detailed responses to the comments (see Exhibit B-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 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 Federal Land Policy and Management Act (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 Arizona.” The range of alternatives considered included potential transmission line routes that could provide electrical interconnections with renewable energy resources located primarily within the Qualified Resource Areas for solar energy located in southeastern Arizona.

Transmission facility services are to be provided without discrimination as to the type of generation requesting interconnection and transmission service. Although Federal Energy Regulatory Commission (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 within 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.

### **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, and minimize impacts to residential and commercial uses. Where available, portions of the route would follow existing utilities or other roads that would provide access for construction and maintenance. Approximately 117 miles (59 percent) of the Arizona portion of the BLM preferred alternative (total length is 199 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.

## **Funding**

### *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.

## **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 Best Management Practices (BMPs) and special construction methods where needed to minimize the potential for erosion in those areas.

## **Biological Resources**

*The proposed Project route and alternatives would cross a major migratory bird corridors along the San Pedro River. Other areas of concern include the Willcox playas and Picacho Reservoir area. 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. 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 Migratory Bird Treaty Act (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 Plan of Development (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.

### **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. 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 National Register of Historic Places. 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.

### **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 Sonoran Desert Conservation Plan, and The Lower Sonoran Conservation Initiative. 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 of the Final EIS [Exhibit B-2]). 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.

## **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 the Proposed Route, 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 of the final EIS).

## **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 five public meetings in Arizona 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 in Arizona included 10 public meetings (15 scoping meetings and 5 public meetings following publication of the Draft EIS), and 300 days of public comment (180 days during scoping, 90 days during Draft EIS public review, and 30 days following publication of the Final EIS).