



New Mexico Office
Attn. Adrian Garcia
Bureau of Land Management
U.S. Department of the Interior

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July 28, 2022

Re: Comments on SunZia draft EIS

Dear Mr. Garcia, BLM Colleagues, and Interested Parties:

Thank you for the opportunity to comment, pursuant to the National Environmental Policy Act (NEPA), on the proposed SunZia Southwest Transmission Project Draft Environmental Impact Statement and Draft Resource Management Plan Amendments (DEIS). These comments build upon more than 12 years of organizational commitments on the part of Archaeology Southwest (ASW) and our predecessor and partner organizations to assist the U.S. Bureau of Land Management (BLM), the applicant, and other entities in understanding, avoiding, and mitigating the ranges and magnitudes of environmental impacts from the proposed SunZia Transmission Project (Project). Our comments endorse and hereby incorporate by reference the comments submitted under separate cover by the Lower San Pedro Watershed Alliance, the Center for Biological Diversity, the Cascabel Conservation Association, the Cascabel Working Group, and the Friends of Oracle State Park.

Overview of Comments

As detailed below and in the comments provided to BLM by the above-listed affiliate organizations, Archaeology Southwest advises BLM that the environmental impacts greatly outweigh the public benefits of the Project. The DEIS fails for at least eight reasons to meet NEPA standards and public interests. With no reasonable justification in law or policy, BLM has elected to analyze the new SunZia application as a minor amendment to an approved R-o-W grant instead of for what the Project is: a major bundle of additional, significant, and impossible to adequately mitigate impacts to unique and fragile environments. These environments have changed greatly and irrevocably in the decade since the analyses that resulted in the FEIS and 2015 record of decision. ASW is keenly interested in facilitating responses to the Climate Crisis, including major new electrical transmission proposals. That said, the manifold inadequacies and failures in this DEIS leave ASW no choice but to inform BLM of the need to withdraw and revise the DEIS or to select the No Action alternative.

Archaeology Southwest is a Tucson-based nonprofit organization dedicated to the preservation, enjoyment, and investigation of heritage places of the American Southwest. Archaeology Southwest's mission mandates collaborations with Tribes, private partners, and federal, local, and state governments to explore and protect the places of the past. This mandate, together with our



ethical obligations as cultural resource researchers and stewards, rivets our attention to two core issues in public land and resource management, including the sorts of landscape-scale alterations proposed by SunZia across vast reaches of New Mexico and Arizona: cultural resources (especially traditional cultural landscapes and visual resources) and the Climate Crisis.

Cultural resources are places, objects, and traditions created in the past and valued in the present. Fragile, generally irreplaceable, and often abused, cultural resources are vital links among human generations and between humans and landscapes at multiple spatial scales. Although “cultural resources” is not explicitly defined in U.S. statutes or regulations, numerous laws and policies affirm the high significance of cultural resources as venerable and vulnerable sources of national and regional identity. Cultural resources are wellsprings for senses of, place, belonging, security, and distinctiveness for the diverse and interdependent communities that constitute America.¹ Cultural resource sites, and the traditional cultural landscapes defined by integrated clusters of these individual sites, have profound significance and day-to-day implications for the vitalities of individuals and communities who derive benefits from diverse cultural resource values: aesthetic, economic, educational, energy, historical, inspirational, political, scientific, social, spiritual, etc. **The DEIS makes it clear that the proposed Project will have massive impacts on cultural resources, but despite more than a decade of effort fails to disclose or analyze those impacts.**

Climate Crisis refers to the profound, global-scale environmental alteration now unfolding due to excessive and unmitigated anthropogenic releases of carbon dioxide and other greenhouse gasses. Every species not directly dependent on humans, every fresh water supply, and every wild ecosystem is now imperiled. The Climate Crisis appears to be disproportionately affecting arid lands (including the proposed SunZia impact areas in southern and south-central New Mexico and Arizona).² As duty-bound trustees for public lands and interests, BLM and other U.S. Government agencies are obligated to take all practical steps to address the Climate Crisis and enable adaptations on multiple spatial scales. We advise BLM to proceed deliberately to close the gap between management of BLM lands and scientific studies of climate change by actively integrating available research results into land management plans, practices, and decisions.³ U.S. courts are now consistently doing something they were not doing in 2015: upholding requirements for BLM and other federal agencies to consider the Climate Crisis in their decision regarding land

¹ Definitions for cultural resources are available in the *Electronic Code of Federal Regulations*, notably *historic properties* (at [36 CFR 800](#)); *human remains, cultural items, and cultural patrimony* (at [43 CFR 10](#)); *archaeological resources* ([43 CFR 7](#)). *Sacred sites* is defined in [Executive Order 13007](#). The regulations implementing the *National Environmental Policy Act* ([40 CFR 1500](#)) affirm cultural resources as elements of the human environment that require focal consideration in the adoption and execution of Federal Government decisions.

² Burrell, A.L., Evans, J.P. & De Kauwe, M.G. 2020. Anthropogenic climate change has driven over 5 million km² of drylands towards desertification. *Nature Communications* 11, 385 . <https://doi.org/10.1038/s41467-020-17710-7>.

³ Brice, E. M., Miller, B. A., Zhang, H., Goldstein, K., Zimmer, S. N., Grosklos, G. J., Belmont, P., Flint, C. G., Givens, J. E., Adler, P. B., Brunson, M. W. and Smith, J. W.. 2020. Impacts of climate change on multiple use management of Bureau of Land Management land in the Intermountain West, USA. *Ecosphere*. 11(11):e03286. [10.1002/ecs2.3286](https://doi.org/10.1002/ecs2.3286).

alterations.⁴ SunZia must not be excused from rigorous analysis and evaluation of its Climate Crisis impacts (and benefits) simply because it links renewable energy sources and major markets. **The DEIS claims that the proposed Project is part of a national response to the Climate Crisis but fails to disclose and analyze numerous factors, discussed below, that undermine this claim.**

Substantive Comments

The DEIS is incomplete and must be withdrawn. A supplemental DEIS is required for 8 reasons.

1. **As regards DEIS AIB-20. The DEIS fails to disclose and analyze the Project in relation to results of consultations, if any have been completed, with affected Tribes and the closely related results of site- or landscape-specific impact assessments for cultural resources and associated other-than-archaeological values:** Instead of prioritizing federal fiduciary duty to Tribes and assuring representation of Tribes' interests and preferences in the DEIS, BLM has elected, without justification, to issue a DEIS that lacks indications of meaningful consultations with the original and in some cases continuing owners of the lands and cultural resources that will be significantly impacted by the Project. There is no inventory, and thus no analysis, of traditional cultural properties (TCPs) (DEIS 3-115), the most important class of cultural resources by some estimates. There are few indications that BLM has met its obligations, pursuant to NEPA and multiple other legal authorities, to consult with Tribes specifically about the arrays of additional impacts included in the Project or the required mitigation measures (see DEIS 3-116, 117, 258). In particular, BLM seems to have failed, pursuant to the November 15, 2021 Joint Secretarial Order and Executive Order 13175, to do more than inform affected Tribes and solicit their views. There is no evidence BLM engaged with Tribes to assure their understanding of the momentous and controversial impacts associated with the Project.

In contrast, the DEIS presents a clear picture that **BLM and the applicant have done almost nothing—except attempt to impose on Tribes—to understand TCPs and resources with Tribal importance.** As a complement to disclosure of the results of Tribal consultations, the DEIS could and should have made use of the abundant published information on TCPs and other-than-archaeological values associated with the Rio Grande and San Pedro River valleys. The 2014 Programmatic Agreement for the approved R-o-W does not include provisions for changes to the R-o-W. Despite the ASW scoping comments advising BLM of the need and utility of assessing the Rio Grande and San Pedro River valleys as likely cultural landscapes, both that agreement and the DEIS ignore this issue. The DEIS acknowledges deep and ongoing historical, economic, cultural, and spiritual affinities among Tribes and these valleys (e.g., 3-300) but fails to describe or analyze these affinities. The DEIS could and should have built upon the results of archaeological and historical studies by examining the potential impacts of the Project on TCPs. For example, the San Pedro Valley is the focus for the 2006 book by T. J. Ferguson and Chip Colwell-Chanthaphonh, *History Is in the Land: Multivocal Tribal Traditions in Arizona's San Pedro*

⁴ Christy Goldfuss, Sally Hardin, and Marc Rehmann. May 29, 2019. 12 Climate Wins from NEPA. Center for American Progress. <https://www.americanprogress.org/issues/green/news/2019/05/29/470374/12-climate-wins-national-environmental-policy-act/>.

Valley. The Rio Grande is the subject of numerous comparable studies, including the 2019 book edited by Samuel Duwe and Robert Preucel, *The Continuous Path: Pueblo Movement and the Archaeology of Becoming*. The inexplicably narrow focus of the DEIS on archaeological values and the DEIS failure to identify, consider, and analyze ethno-historical and continuing uses of these valleys and other parts of the impact area represent a critical fault and one that cannot be remedied in a final EIS without real and meaningful investments in consultations with affected Tribes, and probably also with other communities who maintain cultural and historic links to the impact areas. The impacts of the Project are landscape-scale; so, too, must be NEPA-driven work to identify and analyze Tribal values, cultural resources, and their landscape connections.

2. **As regards DEIS AID-10. The DEIS acknowledges that portions of the impact area have not been inventoried for cultural resources.** That work and the associated required consultations with Tribes and amendments to the 2014 Programmatic Agreement (to satisfy the requirements of the National Historic Preservation Act) to resolve adverse effects to historic properties could and should have been completed in advance of the DEIS (5-6). These actions would have enabled potentially adequate descriptions of the affected environment and analyses of alternatives. Similarly, the DEIS fails to present evidence for adequate public consultations regarding cultural resources. Until that work is completed, the No Action Alternative is the only option consistent with NEPA and other federal law. The scoping comments provided by ASW to BLM on 30 June 2021 urged BLM to consider cultural resources on par with other elements of the environment and to avoid delaying and subordinating the identification and analysis of cultural resource impacts. Instead of heeding this advice, the DEIS subordinates and discounts cultural resources compared to biophysical aspects of the environment. The two “types” of resources are not given different priorities in NEPA. They merit integrated consideration in Federal planning and permitting.⁵ Our concern is underscored by public comments at the June 23, 2021 scoping meeting, which confirmed interests of New Mexicans and Arizonans in protecting landscapes and viewsheds from alterations not unambiguously in the public interest. The DEIS mostly ignores those public comments and the ASW scoping comments.
3. **As regards DEIS AID-2. The DEIS acknowledges that all or portions of the proposed and alternate route modifications have not been assessed for paleontological resources and proceeds without reliable or complete information regarding this important element of the environment.** NEPA requires a “hard look” at impacts from this Project, but BLM has not done this for paleontological resources. This deficiency cannot be completely resolved in a final EIS. At

⁵ The BLM (2004, Manual Section 8110 – Identifying and Evaluating Cultural Resources) defines a cultural resource as “a definite location of human activity, occupation, or use identifiable through field inventory (survey), historical documentation, or oral evidence. The term includes archaeological, historic, or architectural sites, structures, or places with important public... and scientific uses, and may include definite locations (sites or places) of traditional cultural or religious importance to specified social and/or cultural groups.” See also, Advisory Council on Historic Preservation Policy Statement on Balancing Cultural and Natural Values on Federal Lands, December 20, 2002, <https://www.achp.gov/digital-library-section-106-landing/achp-policy-statement-balancing-cultural-and-natural-values>.

C-3, C-5, and elsewhere, the DEIS confuses “mitigation” with the NEPA-mandated identification and analysis measures that must logically and procedurally precede mitigation.

4. **The DEIS fails to disclose and analyze the Project in relation to momentous and irrevocable changes in the affected biological and hydrological environments that have occurred in the decade since the analyses that resulted in the SunZia Final EIS and record of decision.** The Climate Crisis and the now-confirmed and still-escalating types and levels of environmental change in the SunZia Project impact area mean that baselines used in the 2015 FEIS should have been updated and the Project re-analyzed. The DEIS variously acknowledges “drought, and ... increased distribution of altered and degraded vegetation communities” as “**Reasonably Foreseeable Trends**” (3-40; see also 3-61, 3-240) then ignores NEPA-mandated “pairings” of these pernicious impacts with mitigation measures. Instead of “hard look” NEPA requires, the DEIS employs data arrays to conclude that the Project will, regardless of the alternative selected and because it will enable generation of wind and solar energy, have an environmental benefit with respect to climate change. Even if this conclusion is borne out, this does not excuse the DEIS attempt to authorize new and controversial roads or to ignore how these roads detract from claimed Project benefits to climate change. Roads harm the soil and biotic systems that are in position to capture carbon dioxide and provide other essential ecosystem services. Climate Change in New Mexico over the Next 50 Years (https://geoinfo.nmt.edu/ClimatePanel/report/WaterClimateReport_Web_FINAL.pdf) is a **2022 report that represents both the variety of directly relevant information discounted and ignored by the DEIS and the rapid and irrevocable change that is underway in the Project impact area.**

5. **The DEIS fails to disclose and analyze the Project in relation to impacts to cultural, visual, and biological resources stemming from the significant increases (compared to the 2013 DEIS) in the size and complexity of the towers and the number of conductors.** Although not disclosed or analyzed in the DEIS, as of 2022, the Project towers will be 11% higher, the cross structures will be up to 63% wider, and the number of conductors per tower had doubled. We have learned that 100% of the transmission capacity is to be awarded to the new owner of the first line and all intermediate substations for uploading renewable energy from qualified resource zones referenced in the 2013 EIS have been eliminated. In addition to these undisclosed and unanalyzed Project changes and impacts, and despite ASW scoping comments questioning the need for 700 miles of new roads in areas that are (mostly) already “roaded,” the DEIS fails to meet NEPA requirements for the identification, analysis, and mitigation of changes to biophysical and socioeconomic impacts. Roads cause or enable many types of environmental degradation, including significant impacts to cultural resources, topsoils, and wildlife. The amount of proposed new road construction entailed by the Project requires additional considerations of direct, indirect, and cumulative impacts on spectra of biophysical and cultural resources. The DEIS further ignores topsoil losses due to road and transmission line construction

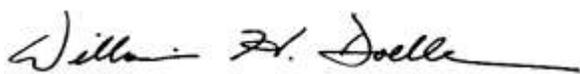
in terms of contributions to greenhouse gas emissions and in terms of reductions in regional capacities to capture and retain carbon dioxide in soils.

6. **The DEIS fails to disclose and analyze the Project in relation to the change from an Alternating Current line (from Qualified Renewable Energy Resource Areas in Arizona and New Mexico, described as a major public benefit in the 2013 EIS) to a Direct Current line to link a single Qualified Resource Area to energy markets.**
7. **The DEIS fails to disclose and analyze the Project in relation to the reasonably foreseeable connected action of lighting requirements to be mandated by the Federal Aviation Administration near the San Manuel Airport and associated impacts to the International Dark Sky designation for the San Pedro Valley.**
8. **The DEIS fails to disclose and analyze the Project in relation to Applicant-Committed Environmental Protection Measures specified in the 2016 Arizona Certificate of Environmental Compatibility.**

Conclusion

For these eight reasons, and because of inattention to these issues in the DEIS, Archaeology Southwest finds that the **No Action** alternative is the only DEIS alternative that is either consistent with NEPA or in the public interest. The NEPA process cannot move toward a final EIS without a revised DEIS. The piecemeal process that BLM is using to plan and evaluate proposals for power transmission does not serve public interests. The Federal Government is advised to engage the proponents for SunZia, Southline, and related projects in deliberations toward a regional master plan that optimizes the efficiencies of renewable energy generation and transmission while minimizing adverse environmental impacts.

Archaeology Southwest appreciates the opportunity to provide these comments. We look forward to continued collaboration with BLM, tribes, and stakeholders to protect cultural resources.



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