

**January 22, 2013**

**Cascabel Working Group**

**Critique of BLM Presentation to Tohono O’odham Nation Legislative Council on December 6, 2012 regarding SunZia Southwest Transmission Project Draft EIS/RMPA**

On December 6, 2012, The Bureau of Land Management gave a presentation to the Tohono O’odham Nation Legislative Council regarding the SunZia Southwest Transmission Project Draft EIS/RMPA. Contained within that presentation were numerous falsehoods, misrepresentations and omissions, all clearly presented with the intent of bolstering justification for the BLM’s Preferred Alternative route (4C2c).

These were not minor oversights. Taken together, they represent a breach of trust on the part of a Federal agency that requires a correction as well as an apology to all individuals, groups, organizations, legislators and others to whom this and similar presentations were given.

Furthermore, the Cascabel Working Group understands that the BLM indicated to members of a congressional staff tour of the San Pedro Valley in October 2012 that TNC supports the Preferred Alternative route. TNC does not support this route, as was made clear in their DEIS comments and is further documented below. BLM’s false and repeated portrayal of the position of a major conservation organization to federal lawmakers is a serious charge, as it may serve to influence the outcome of the SunZia NEPA process.

The Cascabel Working Group documents the aforementioned falsehoods, misrepresentations and omissions as follows:

(Note: None of the statements herein are intended to suggest that the Cascabel Working Group favors Route 4B (Aravaipa) over Route 4C2c. The Cascabel Working Group recommends a “No Action” alternative.)

**Slide 2, “Project Proposal, Facilities, Purpose & Need”**

*“Renewable energy”* is a major focus of the project Purpose and Need in the DEIS. It is mentioned three times in Slide 2, indicating that this is a significant aspect of the justification for the SunZia transmission project. However, no indication is given of the percentage or even range of percentages of renewable energy expected to be transmitted across

SunZia lines, nor is a realistic assessment made of what type of power is needed in the region.

Renewable energy is greatly overemphasized here. One could say the following: “To meet growing demand for conventional and renewable energy.” If the project is ever fully utilized, this is how it will evolve. It is very unlikely to be a predominantly renewable energy transmission system because renewable energy will not be the predominant type of power needed in the region through time. The bullet point about providing local utilities access to renewable energy supplies can be removed in light of the two previous references to renewable energy. This last statement is redundant and overemphasizes the renewable potential of the project. One can just as easily say that the project provides local utilities access to conventional energy.

Furthermore, SunZia’s intended customers, Arizona and California, have indicated that they have sufficient in-state renewable resources to meet their RPS goals. In addition, the California governor’s office has specifically stated concerns about proposed transmission projects such as SunZia that are unlikely to be necessary for meeting California’s RPS requirements. (See [Michael Picker’s August 3, 2011 letter to the WECC](#)).

A similar conclusion regarding Arizona’s ability to meet its RPS with in-state sources is addressed here: [Energy Prospects West, “Arizona Solar: Victim of Success?”](#)

Enhancing “*domestic energy security*” is also noted. While this may be true in a narrow sense, it represents a gross simplification of a complex issue. For more information, see the National Academy of Sciences (NAS) report [Terrorism and the Electric Power System](#). It notes that above-ground extra high voltage transmission lines are particularly vulnerable to acts of sabotage and terrorism, particularly when routed through remote areas. As such, projects with sections of remote alignments such as SunZia, can serve to decrease, rather than increase energy security.

### **Slide 3, “Project Preliminary Study Corridor & Routes”**

The slide title, “*Proposed Overall Preliminary Study Corridor and Routes*” implies that Tucson area routes were included as part of the Preliminary Study Corridor. This is misleading. Tucson area routes were not included in the “Proposed and Alternative Routes, Preliminary Scoping” map dated October 20, 2009. Tucson area routes were only added in April, 2010, following numerous requests by conservation groups for an expanded

study area. The slide title does not match the diagram, suggesting that the final map was substituted into a slide from a far earlier presentation. An accurate title would be “Project **Final** Study Corridor and Routes.”

**Slide 6, “San Pedro West (3A1 & 4C2c) BLM Preferred Alignment”**

*“The BLM Arizona... identified one route that avoids or minimizes impacts by locating the preferred alignment along existing disturbance and avoiding critical resources.”* This is clearly false. Approximately 30 miles of 4C2c traverse primarily unfragmented lands in the San Pedro Valley.

It cannot be stated that the preferred alignment is *“avoiding critical resources.”* As the BLM has learned during the SunZia NEPA process, the San Pedro Valley is a major North American bird migration corridor, internationally recognized for biodiversity. This resource, and the potential damage to it by the SunZia project, has been documented in numerous reports and studies, including the Draft Environmental Impact Statement Contributions For Proposed SunZia Transmission Line Routes Traversing the San Pedro River, submitted by the Cascabel Working Group on July 28, 2010.

A truer statement would be, “The BLM Arizona...chose a route attempting to minimize impacts [*impacts cannot be avoided*] by locating the preferred alignment along existing disturbance as much as possible. The preferred alternative was unable to avoid critical resources, and some critical resources must be sacrificed to complete this project. The objective must be to minimize the resources to be sacrificed. This sacrifice cannot be avoided.”

Slide 6 notes *“While the San Pedro River is a recognized and acknowledged resource, it currently has existing infrastructure in place that would allow and encourage the use of shared access and minimize new impacts to unfragmented habitat and landscape.”* This statement is untrue. As noted above, Route 4C2c traverses approximately 30 miles of the San Pedro Valley in which no existing infrastructure exists. The SunZia project will require building many miles of new access roads, causing extensive fragmentation.

In reality, the San Pedro River Valley itself contains almost no existing infrastructure that would allow and encourage the use of shared access. The El Paso Natural Gas corridor across the valley was not considered for SunZia because of impacts on the Mule Shoe Cooperative Management

Area. Infrastructure corridors that cross the valley do encourage shared access along them, but infrastructure within the valley itself does not.

Furthermore, a Record of Decision for the preferred alignment will encourage cumulative habitat fragmentation from the construction of future transmission lines and other infrastructure along this alignment. The BLM presentation fails to note this potential future impact.

### **Slide 7, No title**

*“Crossing is also on most southern edge of proposed America’s Great Outdoors Conservation Initiative.”*

It is assumed that the slide refers to the U.S. Fish and Wildlife Service’s Lower San Pedro Valley Collaborative Conservation Initiative, as it is technically a part of the America’s Great Outdoors initiative. This highlights the substantial conflict within the Department of Interior between BLM’s choice of Route 4C2c, which would create a major utility corridor up the San Pedro Valley, and the FWS proposal, which emphasizes the critical environmental resources of the Valley. The SunZia preferred alignment is immediately adjacent to the western boundary of the acquisition envelope for the FWS proposal for more than 30 miles.

### **Slide 8, “San Pedro West (3A1 & 4C2c) BLM Preferred Alignment Opportunities”**

*“...will not introduce new impacts to otherwise virgin landscape”* begs the question of how “virgin” is defined. In fact, Route 4C2c will require the construction of more than 30 miles of new roads across an otherwise unfragmented and virgin portion of the San Pedro Valley. The BLM’s use of the adjective “virgin” in this context without clarifying its definition of the word is thus misleading. It is also absurd in light of the impacts the SunZia project will have on the west side of the San Pedro River.

*“Of the 161.2 miles... the preferred BLM route (Route 4C2c) would parallel approximately 90 miles of existing utilities...”* This leaves more than 70 miles of Route 4C2c that do not follow existing utilities. Most importantly, the portion not following existing infrastructure is precisely across the most sensitive biological resource. A fair and impartial presentation would explain this point rather than simply highlighting the portions following existing utilities.

*“Minimizes impacts to sensitive resources.”* In regard to the San Pedro Valley, this is not the conclusion of many governmental and environmental groups including Pima County, the U.S. Fish and Wildlife Service, Tucson Audubon Society, Sierra Club, Defenders of Wildlife, Coalition for Sonoran Desert Protection, Sky Island Alliance, Cascabel Working Group, Cascabel Conservation Association, Center for Biological Diversity, the Nature Conservancy and Archeology Southwest, among others.

Indeed, Arizona Game and Fish Department states, “[The BLM] preferred alternative for the SunZia Southwest Transmission Project, travels through the San Pedro Valley... This proposed route threatens habitat connectivity for numerous wildlife species here, particularly that of the many bird species... Large-scale utility infrastructure projects would threaten wildlife connectivity in this linkage, specifically for the numerous rare bird species that use the area for reproduction...” (Arizona Game and Fish Department. 2012. Pima County Wildlife Connectivity Assessment: Detailed Linkages. Santa Catalina/Rincon – Galiuro Linkage Design. Report to the Regional Transportation Authority of Pima County, p. 31)

It is not possible to avoid damaging sensitive resources. A better statement would be, “While it is not possible to avoid damaging sensitive resources, this route was chosen rather than 4B because the BLM feels that damage to resources would be less.”

As noted above, one of the major ways in which this BLM presentation misleads is in its failure to communicate that an ROD for Route 4C2c will establish a de facto utility corridor through an otherwise largely unfragmented portion of the San Pedro Valley, encouraging the utilization of this route by future infrastructure projects. The future addition of such projects will substantially compound fragmentation and other impacts to this internationally recognized biological resource.

*“Tucson (I-10) route would displace approximately 430 residences, 30 commercial buildings, and 3 schools.”* As noted by CWG member Mick Meader, “...the route chosen to feature in the DEIS is much less reasonable than the Pantano-Rillito route. The latter is much more feasible in terms of avoiding having to remove houses or other cultural features. Also, if SunZia went through Tucson, the two sets of lines would be double-circuited (both circuits on a single set of towers) as is done throughout Europe and Japan for lines of this size in intensely settled areas. This would reduce the right-of-way needed to 200’. This was never considered in the DEIS as it should have been.”

### **Slide 9, “San Pedro West (3A1 & 4C2c) BLM Preferred Alignment Opportunities”**

Slide 9 notes that “...*the proposed alignment is conducive to other planned projects in the area...*”, but fails to note that these other planned projects would parallel only a small portion of the total 161.2 miles of Route 4C2c. Consequently, using this as a rationale for choosing Route 4C2c is misleading.

In reality, the proposed alignment is not “*conducive to*” any other planned projects in Arizona. Other projects may be conducive to routing SunZia, most importantly TEP’s 500-kV line between the Pinal Central and Tortolita substations and a possible highway to be built along the line. That project is already routed and approved. The Cascabel Working Group knows of no project other than TEP’s line, however, that SunZia would be routed with or would be conducive to.

It is also misleading to suggest that part of the rationale for fragmenting the sensitive biological habitat of the San Pedro Valley with a major project like SunZia is in order to share an alignment with a relatively short segment of other infrastructure in an area well outside the wildlife and bird migration corridor of the San Pedro Valley.

Slide 9 states that the “...*Fish and Wildlife Service (FWS)...*, and the *National Park Service (NPS) are in concurrence with preferred alignment.*” It further states that “*The Nature Conservancy (TNC) [is] in support of preferred alignment.*” **Both of these statements are false.** In DEIS comments, FWS and TNC expressed strong arguments against Route 4C2c. NPS also expressed reservations about this route.

### **Slide 10, no title, regarding multiple planned activities.**

The reference to the Southline Project should be deleted. Routing SunZia as done does not reduce impacts because of any concurrence with the Southline Project. SunZia provides no connection at the Tortolita substation and would not be used to extend the Southline or deliver Southline power northward.

## **Slide 11, “San Pedro West (3A1 & 4C2c) BLM Preferred Alignment Constraints/Potential Opposition”**

First, the opposition is not potential, but quite real, as evidenced in the extensive DEIS comments submitted well in advance of the BLM presentation by governmental, environmental and archeological entities. “Potential” needs to be removed from the statement. The opposition from stakeholders is quite clearly known and documented at this point.

Second, the contrast between Slide 11 (4C2c Constraints and Opposition) and Slides 16, 17, 18 & 19 (4B Constraints) provides yet another pronounced example of the strong bias evident throughout the BLM presentation. The comparison of the two routes is greatly unbalanced and demonstrates the bias in the BLM’s presentation of these issues.

Whereas only 1 slide is devoted to constraints to Route 4C2c, 4 slides (16-19) are devoted to constraints to Route 4B.

Whereas Slide 16 notes impacts to farming communities and wildlife linkages along Route 4B, both of which also apply to Route 4C2c, these are not noted in Slide 11 as constraints to Route 4C2c.

Whereas Slide 17 notes issues of sensitive cultural and religious significance to tribes in regard to Route 4B, which also apply to Route 4C2c, these are not noted in Slide 11 as constraints to Route 4C2c. While it is true that Mt. Graham has special religious significance, the slide ignores the equally important cultural (archaeological) resources in the San Pedro Valley as compared with those impacted by route 4B.

Whereas Slide 18 notes the lack of existing infrastructure, erosion issues and opportunities for unauthorized OHV use and damage along Route 4B, all of these also apply to Route 4C2c, but are not noted in Slide 11 as constraints for Route 4C2c.

Whereas Slide 19 notes opposition to Route 4B by governmental and environmental entities, no mention is made in Slide 11 to the profound level of opposition to Route 4C2c by a broad range of governmental, environmental and archeological organizations, including Pima County, the U.S Fish and Wildlife Service, Tucson Audubon Society, the Nature Conservancy, Archeology Southwest, Sierra Club, Defenders of Wildlife, Coalition for Sonoran Desert Protection, Sky Island Alliance, Center for Biological Diversity, Cascabel Working Group and Cascabel Conservation Association, among others.

Whereas Slide 19 notes opposition to Route 4B by local residents, the far more vociferous opposition to Route 4C2c by local residents is absent from Slide 11.

**Slide 13, “Natural Resource Conservation Districts (NRCDS)”**

Several corrections were noted by Stefanie Smallhouse, Executive Officer, Arizona Association of Conservation Districts and Bill Dunn, Chair, Winkelman NRCD.

*“NRCD’s in AZ are considered, by statute, a political sub-division of the AZ State Land Department.”* Smallhouse and Dunn correction: “NRCDs in AZ are considered, by statute, a political subdivision of *the State of Arizona.*” *“The NRCD’s do not have jurisdiction or permitting authority.”* Smallhouse and Dunn correction: “The NRCDs do not have regulatory jurisdiction or permitting authority. Their jurisdictions are defined by watershed boundaries.”

*“The mission of the NRCD’s is predominantly educational.”* Smallhouse and Dunn correction: “The mission of the NRCDs is to protect the natural resources within their boundaries and protect the local tax base.”

**Slides 16, 17, 18 & 19, “Sulphur Springs Alternative (4B) Constraints”**

See comments pertaining to Slide 11 above.

**Slide 20, “Safford Alternative (4A) Constraints”**

Notes issues of *“sensitive cultural and religious significance to tribes”* for Route 4A. Similar issues also apply to Route 4C2c, yet these are not noted in Slide 11 as constraints to Route 4C2c. While it is true that Mt. Graham has special religious significance, the slide ignores the ~~far greater~~ equally important cultural (archaeological) resources in the San Pedro Valley as compared with those impacted by route 4B. Indeed, the cultural significance for tribes may even be greater in the San Pedro Valley because of the valley’s rich archaeological resources and history.

**Slide 21, “San Pedro East Alternative (4C1) Constraints”**

Notes high density of cultural resources, wilderness characteristics and critical habitat along Route 4C1, all of which also apply to Route 4C2c, yet

these are not noted in Slide 11 as constraints to Route 4C2c. This is consequently misleading.

**Slide 22, “Tucson (I-10) Alternative (4c3)”**

Notes that *“Project Analysis was delayed approximately 2 months to further analyze impacts and feasibility of [a] Tucson (I-10) route.”* To suggest that the Tucson route analysis “delayed” the NEPA process is misleading. Indeed, conducting such analysis is an integral aspect of the NEPA process. To imply otherwise is a misrepresentation of the purpose and intent of NEPA. A more accurate and less biased statement would be *“Project Analysis was **extended** approximately 2 months to analyze impacts and feasibility of a Tucson (I-10) route.”* This extension was needed to provide a more fully more comprehensive and valid routing analysis.

Slide 22 further notes infrastructure impacts, inadequate spacing and restoration efforts for downtown Tucson, all of which could be ameliorated by an alternative Tucson route selection and/or by incorporating underground lines, both noted in comments for Slide 8, above.

Submitted January 22, 2013

Cascabel Working Group