

August 17, 2012

To:

Bureau of Land Management (BLM)
New Mexico State Office
Proposed SunZia Transmission Project
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Also submitted via email to:
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These comments are submitted as an integral part of the process prescribed in the National Environmental Policy Act (NEPA) for the proposed SunZia Southwest Transmission project, specifically directed toward the draft Environmental Impact Statement (DEIS). There is no need to withhold my personal information from public review.

Part One, Introduction and Rationale for the No Action Decision

These comments provide evidence that the BLM has denied the public and stakeholders due process, and is heading toward an arbitrary decision. The BLM engaged in a two-fold denial of due process by:

- 1) ignoring the content of written comments that were submitted during official comment periods and through Information Quality Act requests prior to the release of the draft EIS, and
- 2) prohibiting public questioning of the BLM's draft EIS and presentation in public meetings.

By ignoring significant written comments and denying any public questioning of the draft EIS, the BLM failed to provide a sound basis for the analysis in their environmental review process and demonstrated that the agency was on the path toward making an arbitrary decision.

As a resident of the San Pedro River Valley and as a conservation activist, I have been appalled at how the BLM has handled this particular project proposal. In this instance, we had an applicant who made exaggerated claims about how this transmission project would benefit renewable energy development. These claims were challenged in credible written documents. Assurances were given by the BLM that these challenges would be addressed in the DEIS. However, after years of challenges and assurances, we are now reviewing a document that continues to make unsubstantiated renewable energy claims. To add insult to injury, the BLM prevented the public from questioning or challenging this exaggerated renewable energy narrative, or any other pertinent issue, at the recent series of public meetings. We were simply expected to listen to the agency's approved speakers and not make any public comment.

With the NEPA process rapidly coming to a close, the BLM has failed to earn public trust in their description of the proposed project. With more red flags falling on this project's renewable energy development claims than on those of the infamous Solyndra project, and with significant environmental issues at stake, the ***No Action*** option is the only logical decision for this project. At this point, it is probably too late in the process to effectively redress the misinformation that has been so widely disseminated by the BLM over such a long period of time

Using the *fast track* argument as a reason for overriding meaningful and informed public participation does not meet the standards of the NEPA. Ignoring public input actually slows down the process, in the long run. Also, it is inappropriate for the agency to blame the applicant for the exaggerated renewable energy claims, since the oversight agency was fully informed of contradicting evidence *prior to the release of the DEIS*. There is a long paper trail of this evidence, and it is the BLM's responsibility to review all major assumptions that are used as the basis for their analysis.

As a member of my local Natural Resource Conservation District (NRCD), I know that the BLM assured the Winkelman and Redington NRCDs in three written responses and one oral response over a period of nine months that their requests for correction and disclosure regarding SunZia's energy development claims would be addressed in the DEIS. In the intervening period, the BLM continued to publish the challenged information on its website. The final response from BLM Director Robert Abbey included an agreement to add a disclaimer (addressing only two of the ten original requests for correction or disclosure) to their web-distributed scoping documents. However, as with three previous BLM responses, Mr. Abbey again stated that our other "concerns" about the BLM's project description would be addressed in the DEIS. He added that if these concerns were not addressed or acknowledged in the DEIS, we would then have to make what will be our *fifth attempt* to request some of the same corrections that have been out on the table since the end of the scoping comment period in September of 2010. Perhaps you can understand why I used the word *appalled* in my opening comments.

We did not have general "concerns". We had nine specific requests for correction and disclosure and one request to address systematic bias in presentation, all submitted under an act of Congress, the Information Quality Act (IQA) of 2001 (see attached Table, *Ten Specific Requests in the Information Quality Act Petition of July, 2011*). By refusing to address or even acknowledge most of these requests, and by ignoring the substance of evidence we provided to them, the BLM continued to present the project description in a systematically biased manner in the DEIS, effectively extending SunZia's misinformation campaign to a period of at least three and a half years.

In two of the documents submitted to the BLM, the NRCDs cited a specific feasibility study regarding the relative mix of renewable and non-renewable energy resources necessary for the economic and practical success of an extra high voltage (EHV) line in this region. The BLM ignored this information, as well as other specific information we provided regarding the probable generation sources for the proposed transmission lines, and instead included over 170 pages of faulty analysis in the DEIS that was based upon an unrealistic energy development forecast.

A recent response by the BLM to another IQA petition regarding the proposed Southline Transmission Project demonstrates that the Las Cruces office of the BLM understands the requirements of the IQA. In this response, all requests for correction by the petitioner were acknowledged and addressed in some way by the responding BLM project manager. However, in the case of the SunZia IQA petition, which was initially submitted to the Santa Fe office of the BLM, none of the three responses to the original petition and the two subsequent appeals met this standard. In this particular case, the petitioners were only given vague assurances that their requests would be addressed in the DEIS, which did not turn out to be the case.

When I attempted to raise this information quality problem at public meetings in Tucson and San Manuel, I was told by BLM Project Manager Adrian Garcia that, by order of the Arizona and New Mexico BLM Directors, I would not be allowed to raise any issue publicly at the so-called public meetings, nor would any other stakeholder or member of the public regarding any other issue related to the proposed project.

I learned that the only two speakers approved to speak at these meetings were Mr. Garcia and Mr. Mickey Siegel, of the Environmental Planning Group (EPG), which is the BLM's hired environmental review firm. I was also told that the only questions or comments permitted under this protocol would be handled one-on-one between attendees and official representatives of the project, the BLM, and EPG. Mr. Siegel handled the majority of the 45 minute presentation at the two public meetings I attended.

In addition to their role as the BLM's EIS contractor firm, Mr. Siegel and EPG also represented one of SunZia's owners, Southwest Power Group (SWPG), in their 2001 application for a Certificate of Environmental Compatibility related to the 1000 MW natural gas powered Bowie Power Plant owned by SWPG. These two roles placed Mr. Siegel in the position of potentially advancing his former client's interest in securing additional transmission capacity for the Bowie plant by describing the proposed SunZia project, both in the DEIS and in official BLM public presentations, in a way that would best promote public acceptance of the project by the public and stakeholders at large.

It should be noted that the energy development aspect of Mr. Siegel's presentation focused exclusively on renewable energy resources. When Mr. Siegel was describing renewable energy resources in the southern portions of New Mexico and Arizona to a small audience at the San Manuel public meeting, I asked, "What about natural gas resources in this region?" Mr. Siegel responded that he was only covering renewable energy resources zones, and that questions needed to be held until after the presentation when they would be answered by a member of the staff.

I spoke to Mr. Siegel himself after the presentation about the role of non-renewable resources, and he responded in an evasive manner. First, he pointed to the official statement of purpose on one of the nearby posters, which made no specific claim about the primacy of renewable energy. When I raised the issue of the Energy Development Forecast in the DEIS (forecasting 81 to 94% renewable energy development), he said that renewable energy development is *the intent* of the project. When I pointed out the difference between *intentions* and a *probable development forecast* (based upon imminently pending generation projects and the factors discussed in the comments below), Mr. Siegel returned to his original formal statement of purpose and the zones of potential renewable energy he had shown in his presentation. It became obvious at that point that the discussion was going in circles, and he had no interest in addressing my original question about major non-renewable resources that are awaiting transmission capacity. Frustrating interactions such as this appear to be designed to make the public give up on asking relevant questions. In my own frustration, I told Mr. Siegel that I no longer trusted his ability to be a neutral intermediary among the oversight agency, the applicant, and the public.

Contrary to the request made by the NRCDs in their IQA petition, there is no formal statement of disclosure in the DEIS about the financial connection between the owners of the Bowie Plant and the owners of the SunZia project. With these comments, I also note that there is no statement of disclosure regarding the former business connection between a major owner of the SunZia project (SWPG) and the BLM's EIS contractor (EPG).

By controlling the message about the purpose of the SunZia project, by ignoring much of what was submitted in written form, and by forbidding publicly-raised questions during or after these official presentations, the BLM was denying the public and stakeholders any opportunity to effectively challenge the narrative about renewable energy that was being presented by their environmental contractor in the DEIS and in the public meetings.

With evidence that the applicant's claims for benefits to the environment are significantly exaggerated (see comments below), we need not wait until the project is constructed to learn that this particular project will significantly increase greenhouse gas emissions, contrary to the claim made in the DEIS. If we wait that long, the impacts to the San Pedro Valley will have already occurred. The San Pedro watershed contains the last remaining major natural riparian ecosystem in southern Arizona. As such, it has become the repository for conservation investments that were needed to satisfy mitigation requirements for development that has taken place elsewhere in the state. These conservation investments were made in good faith, and should not be devalued by building a major new infrastructure corridor in the last remaining major riparian watershed. This corridor will mainly benefit the very growth areas that caused the need for these conservation investments.

There is no evidence that this project will benefit the environment as a whole, and there is plenty of evidence that this project will cause significant harm to the San Pedro riparian ecology. A recent DEIS comment letter from the applicant's own project manager documents the environmental impacts along the BLM's preferred route through the San Pedro Valley, and he admits how difficult it would be to mitigate these impacts. Another alternative route, the so-called Aravaipa option, bisects both the lower San Pedro River Valley and the second largest unfragmented wilderness zone in New Mexico and Arizona (the Galiuro wilderness zone), which would violate principles of conservation biology in an equally significant manner as with the preferred route, as well as violating the BLM's own directive about using rights-of-way in common. The other route alternatives through the San Pedro Valley or through the Tucson area are also unacceptable or unfeasible. ***The BLM must seriously consider alternatives to this proposed project.***

Part Two, Section-Specific Comments on the DEIS

Section 1-3: Remarkably, there is no concrete statement of need for this particular project, other than fulfilling the BLM's policy objectives to offer its landholdings for multiple uses in general and energy development in particular. In this section, there are only general references to the need for upgrading transmission infrastructure, but no reference to the pressing need for *this particular transmission project*. Without a clear statement of need for this particular transmission project, there is no statement of the problem that needs to be resolved, and no clear basis for the analysis that follows.

Section 1.4: This section on the *Applicant's Objectives* is isolated from the BLM's statement of purpose and need. However, the BLM is ultimately responsible for assessing any statement of purpose and need that the applicant embeds in his "objectives". To evade this responsibility by simply attributing these statements to the applicant is not appropriate in an environmental review document. It is the BLM's responsibility to review and substantiate all statements of purpose and need in the DEIS, since these are the very statements that are used as the basis for analyzing alternatives to the proposed project, for analyzing cumulative effects of the proposed project, and for evaluating the benefits to society and the environment.

Regarding the discussion on Renewable Portfolio Standards (RPS) in southwestern states, the BLM was informed in scoping comments, and in the previously referenced IQA petition, that there was no evidence this particular project was needed by these states to meet their RPS. On the contrary, if the entire project is ever completed, it would import renewable energy to regions that are already swimming in local resources, passing on significant costs to ratepayers in southwestern states for importing wind energy from New Mexico that tends not to be synchronized with demand in the southwestern load centers. This information was identified in scoping comments by Jon Sjogren, Norm Meader, David Omick, and Peter Else.. In fact, all southwestern states have the ability to meet their RPS without the need for imports from New Mexico. There may be other good reasons for developing new EHV transmission lines in the Southwest, but meeting modest RPS goals is not one of them.

Table 1-1 makes the unwarranted assumption that all "Net Short" potential renewable generation sources are stranded with regard to transmission capacity, and thus presents an exaggerated estimate of "Net Short" in transmission capacity. This is a very misleading table that needs to be corrected or eliminated.

On **Page 1-7 of Section 1.4**, a statement is made that Southwest Area Transmission group (SWAT) presented the concept of the need for new 500 kV transmission in southern New Mexico and Arizona *based upon abundant wind and solar potential*. However there is no reference provided for that specific SWAT presentation. The only 2006 SWAT presentation I found in internet records included references to significant fossil fuel energy potential as well as renewable energy potential. Information on the SWAT presentation that I am referring to was given to the BLM in separate scoping comments by Sjogren, Meader, and Else. Additionally, both Meader and Else provided in scoping comments of September, 2010 extensive documentation on SunZia's interest in developing transmission capacity for fossil fueled energy resources. If the BLM cannot provide a specific reference for this statement by SWAT that was used in the DEIS, the statement needs to be removed. If the BLM cites a SWAT presentation that included fossil fuel energy, then the reference to fossil fuel energy must be included in

the DEIS in order to meet BLM information quality guidelines. To do otherwise perpetuates the same systematic bias identified by the NRCs in their IQA petition.

On the same page there are general statements about the need for increased transmission capacity for renewable energy in the Desert Southwest, but no statements from SWAT's Renewable Energy Task Force related to this particular project. This incongruity was documented by Charles Huckelberry in scoping comments.

Table 1-2 in Section 1.4 is another misleading table, apparently intended to emphasize the interest in developing "primarily renewable energy" projects within the SunZia project area. Since the table does not include all existing transmission owners within the SunZia project area, it cannot be used to once again invoke the phrase *primarily renewable energy* as a characterization of energy development potential. Interest expressed by several of the many local utilities in the SunZia project area does not translate into the basis for a realistic prediction of energy development. As the NRC petitioners stated, potential interest in renewable energy is a very different concept from what is required for the practical and economical operation of an EHV line, and it bears no relationship to the increasing presence of natural gas generation in the national energy portfolio and specifically along the southern portion of the proposed transmission line(s). The chances of this project actually supporting *primarily renewable energy* are extremely slim, but the BLM has again allowed the applicant to mislead the public on this point in this section and in the DEIS sections related to Cumulative Effects, Global Climate Change, Alternatives to SunZia, and Economic Impacts (see specific discussions below). This directly contradicts the documented evidence that has been presented to the BLM during the scoping period and prior to the release of the DEIS, and it contradicts the disclaimers issued by the BLM in April of 2012.

All of the above comments on Section 1.4 are more examples of presentation bias that the NRCs identified in their IQA petition of July, 2011. The fact that the BLM continues to present biased or unsubstantiated statements in their DEIS suggests that the agency is more interested in marketing the proposed project than presenting an objective project description. However, more importantly, it provides evidence that the BLM is ignoring documentation provided by the public and stakeholders and heading toward a foregone conclusion to designate a route for this project.

Section 1-5 correctly states, "*The intent of scoping is to identify important issues related to a proposed action and its alternatives.*" However, **Table 1-3 (Summary of Issues from Scoping)** includes no mention of the most controversial issue raised during the scoping period, which was the credibility of the renewable energy development claims that the BLM allowed the applicant or EPG to make in scoping documents. These claims were challenged in separate written scoping comments by an electrical engineering researcher, two university trained scientists, a sustainable systems specialist, and a county administrator. My own scoping comments included a request for correction to these claims, and I was told by the BLM's project manager that this request would be considered by the BLM. When no response was given several months later, I took this request to my local Conservation Districts, who filed another request for correction with specific reference to the Information Quality Act. There were two subsequent appeals, a case investigation by our Congressional representative regarding response delays, and two formal meetings with Arizona BLM officials.

The fact that the most controversial issue raised during the scoping period is not acknowledged in Table 1-3 contradicts the BLM's assertion that restricting public feedback to written comments alone is

sufficient for the agency to *identify important issues related to a proposed action and its alternatives*. On the contrary, it appears that the agency was restricting public feedback to written comments alone in order to prevent the public exposure of this controversy. By ignoring prior written comments by stakeholders and the public and prohibiting any public questioning of the narrative presented in official public meetings, the BLM has violated the legal requirement of due process.

This information on renewable energy development is vital. If the energy development claims are false, then there is no sound basis to evaluate alternatives to the proposed project (see comments on Section 2.3.3.3). By not acknowledging and effectively addressing this controversial issue after all the written documentation that the BLM has received, the BLM has become complicit in the applicant's unsubstantiated claims, and the BLM has unnecessarily extended the period of disseminating *influential information* that does not meet its own information quality standards. Note that in the BLM's Information Quality Guidelines that *influential information* requires an added level of agency review prior to dissemination (Page 4 of the Guidelines). Note also that *influential information* includes "...*highly controversial information that is used to advance the BLM's priorities*" (Page 5 of the Guidelines). In this case, the policy objectives stated in Section 1-3 are the BLM's priorities.

Section 2.3.3.3 (*Alternatives to New Transmission*): This section illustrates the need for an accurate and objective statement of purpose and need. The BLM did not provide such statements, and instead, allowed the applicant to imply unsubstantiated statements of purpose and need related to renewable energy development in the section on *Applicant's Objectives*.

Section 2.3.3.3, Pages 2-38 through 2-39, *Demand-Side Management*: This section uses an unsubstantiated "need" of the proposed project, the alleged need for local EHV lines to meet southwestern states' RPS, as a justification for dismissing energy efficiency and demand-side management as partial alternatives to the proposed project. Since the BLM did not list this need in its statement of purpose and need (Section 1.3), and since the applicant did not provide conclusive evidence in Section 1.4 that the project is needed to meet state RPS, the premise for the argument is invalid.

Also, the substance of the argument for energy efficiency is totally bypassed by invoking the BLM's statement of need that is based upon fulfilling a general federal policy, i.e. the BLM's perceived bureaucratic responsibility to increase interstate transmission capacity. Fulfilling a policy does not constitute a need for a *specific* transmission project. There are also federal and state policies in place to increase energy efficiency, and this is why that alternative must not be dismissed based upon bureaucratic policies. It is the BLM's obligation to conduct a rigorous examination of alternatives in the region, and not simply cop out with the policy argument.

This section on demand-side management and energy efficiency contains no consideration of displacing some portion of current non-renewable generation sources in southern New Mexico and Arizona with renewable energy resources, as a means of providing transmission access for renewable energy. With this approach, demand-side management and energy efficiency programs would reduce the need for massive increases in transmission capacity, while existing or upgraded lines would provide access for new sources of renewable energy and reduce greenhouse gas emissions overall. Energy efficiency programs in Arizona and New Mexico have the potential to cut energy usage *significantly* (by up to 50%, relative to California efficiency standards), reducing the need for massive increases in transmission capacity. Arizona is currently under a state mandate to increase energy efficiency by 22%

by the year 2020. At the same time that energy efficiency improvements are in progress, solar production in the southern part of these states, in both distributed and locally concentrated forms, has the potential to significantly increase supply at times of peak demand. This argument was made in scoping comments by Sjogren, Omick, and others, but was not considered in this section.

Lastly, this section ignores the obvious principle that significantly increasing power production reduces the incentive for energy efficiency. Providing a glut of new energy resources that are primarily non-renewable will discourage energy efficiency, significantly increase greenhouse gas emissions, and destroy incentives for demand-side management.

Section 2.3.3.3, Page 2-39, *New Generation*: New large scale renewable energy generation could be accommodated in southern Arizona and southern New Mexico by upgrading existing lines and using renewable energy to partially displace existing non-renewable generation in the region. In this situation, existing non-renewable resources would be used on a dispatchable basis for reliability purposes. Also, with an alternative proposal such as the *Southline Transmission Project*, a reasonable increase in total generation could be accommodated at the same time, without developing an entirely new major infrastructure corridor through many parts of New Mexico and Arizona, as proposed by the SunZia project.

The New Mexico wind energy resources mentioned in this section would be better served by an east-west line that also provided access for wind resources along the same latitude in Arizona. There are several alternative project proposals directed at this objective, but none of these project alternatives are mentioned in this section. In a rigorous and objective analysis, all energy options and transmission alternatives would be listed in a table and discussed. This particular analysis is dismissive of all alternatives except for the proposed project. This is another example of bias in presentation and the tendency to support an arbitrary and capricious conclusion.

Section 2.3.3.3, Page 2-40, *Distributed Generation*: While the DEIS summarily dismisses the effectiveness of distributed generation, the fact is that distributed generation has been a key factor in providing Arizona with the ability to meet its RPS, without the need for imported power. It appears that New Mexico and California will also be able to meet their RPS without importation of renewable energy, in large part due to the success of distributed or locally produced generation. This DEIS section once again invokes the general policy of increasing transmission capacity, to the exclusion of any other policies related to energy efficiency and optimum use of existing infrastructure corridors.

This section also makes the statement that distributed generation does not increase reliability, when in fact, distributed generation can provide local areas with a valuable backup to energy transported by long-distance transmission lines that are vulnerable to interruptions. The only reliable backup I have at my own residence is the solar array on my roof. Without it, I would have no power for lighting, the telephone system, and ventilation during the main grid's power outages that occur frequently, and sometimes for long duration, during storm seasons. There are now residential and commercial areas in Tucson that have thousands of kilowatts of local solar production based on rooftops. These local systems, coupled with local dispatchable generators, are a significant source of reliability. Over-dependence upon a nationwide grid greatly increases vulnerability to outages and reduces reliability of service.

While distributed energy does not provide the solution to all energy issues, it could, when combined with a grid upgrade alternative such as the *Southline Transmission Project*, address the energy needs in the southern parts of New Mexico and Arizona while providing the means for exporting surplus renewable energy, whenever that point in renewable energy development occurs. This section needs to reflect the importance of distributed generation *in the context of all the other energy alternatives* in order to evaluate the distributed mode in an objective manner.

Section 2.3.3.3, Pages 2-40 to 2-41, *Existing Transmission Systems Upgrades*: The problem with the SunZia proposal, is that although the applicant is not revealing the imminent expansion of natural gas powered generation in the southern new Mexico and Arizona, in reality the SunZia transmission project is attempting to accommodate over 1000 MW of new non-renewable resources in this region, while at the same time accommodating some portion of new renewable resources. This is the actual reason why proposed line is scaled to the minimum capacity of 1500 MW. By recognizing this *elephant in the room* and dropping the whole charade about the need to transport massive amounts of renewable energy over hundreds of miles, there is an entirely different analysis that can take place in the discussion of the *upgrade alternative*. This exemplifies why an objective statement of purpose and need is so vital to the validity of the analysis of alternatives.

If you eliminate the need to accommodate the excessive amount of unacknowledged new fossil fuel sources of energy, including a SunZia owner's interest in their 1000 MW of natural gas holdings, it becomes entirely possible to meet renewable energy transmission goals in southern New Mexico and Arizona, as well as accommodate an appropriate increase in non-renewable resources, by upgrading the existing transmission systems. The *Southline Transmission Project* proposes to do just that, and it must be considered in the range of reasonable alternatives.

The above discussion on the *Upgrade Alternative* also applies to other portions of Section 2.3.3.3:

Section 2.3.3.3, Page 2-41 through 2-43, *Tucson Area Upgrades*: With the proposed *Southline Transmission Project*, existing transmission systems can be upgraded in the Tucson Area, because *Southline* is appropriately scaled for this region.

Section 2.3.3.3, Page 2-43 through 2-44, *Double-circuit Structures*: These structures would become feasible with an appropriately scaled transmission project, such as the *Southline Transmission Project*.

Section 2.3.3.3, Page 2-44 through 2-45, *Environmental Impacts*: With the appropriately scaled *Southline Transmission Project*, there would be no need to install 500 kV lines through densely populated areas.

Section 4.17.3.3, Energy Development Forecast Analysis: In the draft EIS, the BLM has apparently adopted the notion that if they insert a one paragraph disclaimer about the uncertainties of future access to the proposed transmission lines (page 4-269, top of page), they are then free to present the applicant's unsubstantiated Energy Development Forecast Analysis which:

- a) bears very little relationship to the only cited economic feasibility study for an EHV line in this region, and,
- b) bears even less relationship with an objective analysis of the most likely generation sources.

The disclaimer mentioned above cannot be used as an “immunity pill” against the virus of unsubstantiated energy development assumptions:

On page 4-274 are two energy development scenarios that make the assumption that 81 to 94% of the energy resources developed along the proposed lines will be renewable, with the rest being “other existing types of generation facilities”. The BLM then dedicated over a third of its Cumulative Effects discussion (50 pages in **Section 4-17**) to the effects of an unrealistic energy development scenario. This Cumulative Effects section of the DEIS is effectively turned into another marketing effort to portray the project as primarily (81 to 94%) a renewable energy project. The casual reader is left with the impression that the causes of the cumulative effects are largely beneficial to the overall environment, which would tend to justify environmental impacts caused by the installation of the EHV line(s). All propaganda has a purpose, and this is the likely explanation of the underlying purpose of the exaggerated renewable energy claims.

The High Plains Express (HPX) Project Stage 1 Feasibility Study was cited by the local NRCs in two of their Information Quality submissions to the BLM. This cited document makes the statement, “*For this study, the SunZia project was considered to be an integral segment of the HPX Project.*” The study concluded that the benefit/cost ratios for an EHV line in this region are most favorable with a renewable/fossil resource mix of nearly equal parts, due to the highly variable output of most renewable energy resources in the region. The conclusion was: “*A ‘balanced’ scenario consisting of near equal amounts of fossil and renewable energy performed the best under a range of circumstances.*” The two facility scenarios presented by the BLM on page 4-274 bear very little relationship to the optimum energy development scenario predicted by the HPX feasibility study, and thus bear very little relationship to what investors and regulators would accept as an economical and practical energy development scenario. The BLM did not provide in the draft EIS another feasibility study that would either contradict the conclusions of the HPX study or support the energy development forecast that was presented in the DEIS.

The local NRCs in their petition, as well as others in scoping comments, also cited the “imminently pending” non-renewable energy resources located along the proposed route. These include the planned and permitted 1000 MW Bowie plant, as well as existing natural gas powered plants located in southern New Mexico, that cannot expand production without increased transmission capacity. One of the limitations of an EHV line is the high expense of providing “on-ramps and off-ramps” (substations) for transmission access. The proposed SunZia project only has six substations, and three of them are located in the region of the natural gas powered plants.

The highest estimate for non-renewable energy development in either of the energy development scenarios presented by the BLM is 580 MW, which is a gross misrepresentation of the probable

development of non-renewable energy resources resulting from this proposed increase in transmission capacity. The Bowie plant could contribute 1000 MW on its own, which would constitute up to two thirds of the transmission capacity on the first proposed line. Also, with natural gas based generation currently having the least expensive start-up and operating costs among large-scale energy generation modes, it is unrealistic to assume that other plants along the El Paso Natural Gas line will not wish to expand production.

Since SunZia has not disclosed its “anchor customers”, a term used in the 2011 Federal Energy Regulatory Commission (FERC) decision, and since FERC will regulate access for all other generation sources primarily on a first come/first served basis, the BLM is in no position to support the speculation that only 290 to 580 MW of new non-renewable energy would be developed as a result of the proposed transmission project. By significantly underestimating the development of non-renewable resources, the BLM also significantly underestimated their cumulative effects, thus rendering the analysis of cumulative effects invalid.

Section 4.17.4.2, *Climate and Air Quality*, Pages 4-279 through 4-280, *Global Climate Change*: The lack of objective analysis is especially evident in the DEIS discussion on Global Climate Change, with the wildly speculative statement that “... *construction of either of the proposed [SunZia] options could potentially result in a net decrease in GHG [greenhouse gas] emissions relative to the No Action alternative*” (page 4-280). This assertion by the BLM totally ignores the burgeoning role that natural gas is playing in the expansion of energy resources in the Southwest when transmission capacity is available. The only scenario that has any probability of reducing GHG emissions is one in which **no** new fossil fuel resources are built and existing ones are replaced by renewable resources. No informed and objective observer would conclude that the SunZia project will accomplish this particular goal. This point has been made to the BLM in written scoping comments by Sjogren, Meader, Else, and others, as well as by the local NRCs in their IQA petition. Given the extensive documentation on this issue, it is inappropriate for the BLM to allow this sort of conclusion to be presented in the DEIS. This demonstrates the lack of a good faith effort to provide the public with useful and objective information, and provides evidence that the BLM is more interested in selling this project than fulfilling its role as a neutral oversight agency in a formal environmental review process.

Appendix G1, Second Part, *SunZia Economic Impact Assessment Supplement on the Impacts of Potential Renewable Generation Facilities*: The identical unsubstantiated assumptions about energy development in the Energy Development Forecast were applied to the *SunZia Economic Impact Assessment Supplement on the Impacts of Potential Renewable Generation Facilities*. This portion of the SunZia economic benefits study is 121 pages in length, all based upon the unsubstantiated claim that 81 to 94% new energy development along the proposed line(s) would be renewable. Because of this faulty assumption, this is a *garbage in/garbage out* study that mainly serves to reinforce a marketing myth for the project as a whole and give the public the impression that this project will stimulate many more “green” jobs than it actually would. Since it is not the role of the BLM to act as a marketing agent for this project, this economic impact supplement must be eliminated from the EIS, and the ever-mounting effects of presenting this project in a systematically biased manner over a 3.5 year period must be addressed immediately. Since it appears at the time of this writing that the BLM is not going to revise the glaring DEIS information quality errors described in many of the comments above or hold public hearings before the end of the DEIS comment period, the best action to recommend at this late stage is the **No Action** decision for this particular project.

Part Three, Conclusion

By consistently ignoring the need to address specific requests for correction and disclosure over a 23 month period and by not acknowledging in the DEIS that exaggerated renewable energy claims were an area of concern, the BLM has significantly misled the public, stakeholders, and the media about the need for and purpose of this proposed project, as well as the closely related energy development forecast. As such, the BLM has significantly undermined the established judicial standard of fostering informed participation by the public and stakeholders in a NEPA process.

To treat these long-standing comments about exaggerated renewable energy claims as simply DEIS feedback would not be sufficient to repair the harm done by an extended propaganda campaign. This approach would simply repeat the same ignore-or-delay pattern established by the BLM during the first three years of the process and further extend the period of misleading the public. Vague assurances that “concerns” will be addressed at a perpetually postponed “later date” is a paternalistic approach to dealing with the public and stakeholders, one that obviously has not led to the resolution of specific issues.

Given that the BLM has refused to allow public questioning and commenting at the DEIS public meetings, has refused to extend the comment period to effectively address and revise this misleading DEIS, and has refused to even acknowledge the most controversial issue associated with the project, the only option that deserves consideration at this late stage in the process is the *No Action* decision.

It is with sincere regret that I have been forced to provide this negative critique of the BLM’s role in the SunZia project. I have had a good relationship with the BLM in the past, and I look forward to the same in the future, particularly because of the important role that the BLM plays in the San Pedro River Valley. I postulate that the BLM was under considerable pressure from the Department of the Interior to fast track this project. However, fast tracking does not justify sacrificing information quality and meaningful public participation.

Respectfully submitted,



[signature via mouse]

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Attachment: *Ten Specific Requests in the Information Quality Act Petition of July, 2011*

Ten Specific Requests in the Information Quality Act Petition of July, 2011

Request for Correction of Information Contained in Scoping Documents for the SunZia Southwest Transmission Project, submitted by the Winkelman and Redington Natural Resource Conservation Districts to the BLM

REQUEST

RESPONSE

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| 1) Drop repeated phrase “including primarily renewable resources” from statements of purpose | Word “primarily” dropped on BLM web site, after two appeals, in April of 2012 |
| 2) Include all energy resources likely to gain access in statements of probable energy development | Bias toward exclusive focus on renewable resources persists in the DEIS |
| 3) Transmission access statements included no mention of “stranded” non-renewable resources | DEIS continues to only discuss “stranded” renewable resources |
| 4) Drop inference that this project is needed to meet Renewable Portfolio Standards in SW states | DEIS (page 1-7) continues to infer that this project is necessary to meet SW states’ RPS |
| 5) Retract the claim that the project would provide “economical access” to renewable energy in southern Arizona | No correction or clarification made at any point in the NEPA process thus far. No discussion of cost impacts to Arizona ratepayers |
| 6) Disclose Federal policies regarding access to the proposed lines, with resulting uncertainties | Brief disclaimers issued by BLM, after two appeals, in April of 2012 |
| 7) Disclose potential conflict of interest between Bowie plant and stated focus of the proposed project, and disclose potential expansion of other non-renewable resources | Not disclosed, and non-renewable resources were significantly underestimated in the Energy Development Forecast, contrary to the closely related High Plains Express Feasibility Study. |
| 8) Disclose that applicant is not obliged to build all route segments approved, thus potentially affecting future access for NM wind resources | Not disclosed. No reference to the economic factors that will determine ultimate build-out and probable generation sources. |
| 9) Disclose the existence of fossil-fueled plants along the proposed route | Done in one DEIS table, but significantly underestimated the future role of these plants in the Energy Development Forecast |
| 10) Eliminate systematic bias in project description. Cease using the NEPA process as a marketing tool for the applicant. | The BLM presented applicant’s unsubstantiated Energy Development Forecast, indicating 81 to 94% renewable energy development. Over 170 pages of faulty analysis in the DEIS was based upon this biased Forecast. |

NOTE: *There was no acknowledgement in the DEIS that exaggerated renewable energy claims were an area of concern in scoping comments (Table 1-3). Also, the petitioners’ requests were either ignored in the DEIS (items 3,4,5,7,and 8 above), or given brief responses that were subsequently dwarfed by consistently biased presentation and over 170 pages of faulty analysis.*

