

Tucson Electric Power Company Sahuarita-Nogales Transmission Line Final Environmental Impact Statement

January 2005

DOE/EIS – 0336
BLM Reference No. AZA 31746

COMMENT RESPONSE DOCUMENT



**Office of Fossil Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585**

Cooperating Agencies:

U.S. Department of the Interior Bureau of Land Management

U.S. Department of Agriculture Forest Service

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COVER SHEET

Responsible Agency: U.S. Department of Energy (DOE), Office of Fossil Energy (FE)

Cooperating Agencies: U.S. Department of Agriculture Forest Service (USFS), U.S. Department of the Interior Bureau of Land Management (BLM)

Title: Tucson Electric Power Company (TEP) Sahuarita–Nogales Transmission Line Final Environmental Impact Statement (EIS)

Location: Pima and Santa Cruz Counties, Arizona

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Abstract: A DOE Presidential Permit is required before anyone can construct, connect, operate, and maintain an electric transmission line across the U.S. border. On August 17, 2000, TEP applied to DOE/FE for a Presidential Permit to construct a double-circuit 345,000 volt (345-kV) electric transmission line to transmit 500 MW of electricity. The transmission line would begin south of Tucson, Arizona, in the vicinity of Sahuarita, cross the U.S.-Mexico border near Nogales, Arizona, and continue into Mexico. TEP anticipates using 400 MW of capability for transport of energy between the United States and Mexico. The proposed transmission line would also provide a redundant path for the energy that is currently transmitted over an existing 115-kV transmission line from Tucson to Nogales. The local Nogales utility, Citizens Communications, has committed to the purchase of 100 MW of transmission capacity to allow for future load growth.

The issuance of a Presidential Permit for this project would constitute a major Federal action within the meaning of the *National Environmental Policy Act*. Because the proposed transmission line would traverse lands managed by the BLM and the USFS, both the BLM and the USFS are cooperating agencies for this EIS. Additionally, because TEP would undertake construction at the international border, concurrence from the U.S. Section, International Boundary and Water Commission is required.

Three alternative transmission line corridors (the Western Corridor, Central Corridor, and Crossover Corridor) are analyzed in this EIS, as well as the “No Action” alternative. The Notice of Availability of the Draft EIS was published by the Environmental Protection Agency in the *Federal Register* on August 22, 2003 (68 FR 50768), which initiated a minimum 45-day comment period that ended on October 14, 2003. Volume II of this EIS contains transcripts from the public hearings, copies of all comments received, and the Federal agencies’ responses. To the extent feasible, changes in the Final EIS are indicated by a double underline (for minor changes) and by a sidebar in the margin (for larger changes). The Final EIS will be used by DOE and the Federal agency officials to ensure that they have the information needed for informed decision-making. The decisions themselves will be issued subsequent to the Final EIS, in the form of a Record of Decision for each agency, or as a letter of concurrence.

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1.0 PUBLIC COMMENT PROCESS

This chapter of the Comment Response Document (CRD) describes the public comment process for the *Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement* (EIS). Section 1.1 describes how comments were acquired and analyzed. Section 1.2 discusses the public hearing format that was used to solicit comments from the public. Section 1.3 describes the organization of this document and Section 1.4 provides guidance on the use of this document to assist the reader. Section 1.5 discusses the major comments and changes to the Draft EIS (referenced in this Final EIS) resulting from the public comment process.

1.1 INTRODUCTION

In July 2003, the Federal agencies published the Draft EIS, which assessed the environmental impacts associated with constructing a double-circuit, 345-kV transmission line approximately 65 mi (104 km) in length. The proposed transmission line would originate at TEP's existing South Substation, which is located approximately 15 mi (24 km) south of Tucson in Sahuarita, Arizona, and 1.4 mi (2.2 km) east of Interstate 19 (I-19) in Pima County, Arizona. From the South Substation, the proposed transmission line would run south of Tucson, Arizona to a new Gateway Substation outside Nogales, Arizona in Santa Cruz County. From the Gateway Substation, the proposed 345-kV line would continue across the U.S.-Mexico border and interconnect with the Mexico electric grid.

The specific actions that would be taken to connect TEP's 345-kV line to the Mexican electric grid are not known. TEP has indicated that further consultation between TEP and the Comisión Federal de Electricidad [CFE, the national electric utility of Mexico], is dependent upon TEP receiving a Presidential Permit for the Proposed Project. Nonetheless, it is reasonably foreseeable that a transmission line would need to be built from the Santa Ana Substation in Mexico, which is located approximately 65 miles (105 km) southwest of Nogales, to connect with TEP's proposed 345-kV line that would terminate across the U.S.-Mexican border. The specific routing of such a transmission line has not yet been determined. CFE and TEP would jointly determine what entity is responsible for designing and constructing the portion of the connecting transmission line in Mexico. The most likely entity to be responsible for the construction in Mexico is CFE, although it is possible that TEP may construct a portion of the transmission line in Mexico. It is also possible that CFE could construct a new substation in the Nogales, Sonora area that would serve as the connecting point to TEP's proposed 345-kV line. However, even in that event, the transmission line between the Santa Ana Substation and the new substation would still be required, as described above, in order to connect TEP's 345-kV line with the Mexican electric grid. The proposed line could both export electricity to, and import electricity from, Mexico.

The Draft EIS evaluated the environmental impacts associated with constructing a proposed transmission line in three alternative corridors: (1) Western Corridor; (2) Central Corridor; and (3) Crossover Corridor. The Draft EIS also evaluated the No Action Alternative of not building the proposed transmission line.

The Notice of Availability of the Draft EIS was published by the EPA in the *Federal Register* on August 22, 2003 (68 FR 50768), which initiated a minimum 45-day comment period that ended on October 14, 2003. During the comment period, public hearings were held in Green Valley, Arizona on September 25, 2003 and in Nogales, Arizona on September 26, 2003. Notification of the public hearings was accomplished through a variety of media. The time and location of the hearings were posted in DOE's Notice of Availability and on DOE's project website at www.ttclients.com/TEP. In addition, announcements were placed in newspapers and read on local radio stations in Tucson, Green Valley, and Nogales, Arizona. In Tucson, the announcements were printed in the *Arizona Daily Star/Tucson Citizen*

on September 14, 21, 24 and 25, 2003. In Green Valley, the announcements were printed in the *Green Valley News* on September 17, 19 and 24, 2003, and radio announcements were made from September 22 through September 24, 2003. In Nogales, the announcements were printed in *Nogales International* on September 19, 23 and 26, 2003, and radio announcements were made in Spanish from September 23 through September 25, 2003, on Spanish language radio stations.

At each hearing, DOE received oral and written comments on the Draft EIS. In addition, the public was encouraged to provide comments via a toll-free comment line, U.S. mail, fax, e-mail or on the internet through the DOE website. The Federal agencies have considered and responded in this Final EIS to all of the comments received. This CRD describes the public comment process in detail and contains transcripts from the public hearings, copies of all comments received, and the Federal agencies responses.

In addition to the public hearings, the public was encouraged to provide comments via mail, fax, email, internet through the DOE project website, or a DOE toll-free phone number.

Attendance at each hearing is presented in Table 1-1. Attendance numbers are based on the number of participants who completed and returned registration forms and may not include all of those present at the hearings.

Table 1-1. Summary of Public Hearing Attendance.

Hearing	Date	Total Attendance	Speakers
Green Valley Hearing, 3 p.m.	9/25/03	51	17
Green Valley Hearing, 7 p.m.	9/25/03	31	14
Nogales Hearing, 1 p.m.	9/26/03	30	14
Nogales Hearing, 5 p.m.	9/26/03	17	5
Total Number		129	50

In addition to comments received at the public hearings, comments were also received during the public comment period through other means described above. The number of comments recorded (i.e., the number of individual points within a comment document) and the number of documents received via other methods are presented in Table 1-2. Chapter 2 of this CRD contains copies of the documents received by the Federal agencies and their responses to the corresponding comments.

Table 1-2. Document and Comment Submission Overview.

Method of Submission ^a	Documents Received	Total Comments Received
Mail	128	1,007
Fax	5	26
Toll-free phone number	1	1
Emails	177	525
Public Hearing Transcripts	4	152
Bulk email #1 ^b	1,109	5,545
Bulk email #2 ^b	7	42
Total	1,431	7,298

^a Comment document was counted as one submission if the commentor submitted the same comments via a number of methods.

^b Section 1.3 of this CRD provides explanation of the bulk emails.

1.2 PUBLIC HEARING FORMAT

The public hearings were conducted by Federal agency representatives involved in the project. A court reporter was also present to provide a verbatim transcript of the proceedings and record all formal comments that the public presented. The transcripts are available in the DOE Public Reading Rooms, on the internet at www.ttclients.com/tep, and in Chapter 2 of this CRD.

The format used for each hearing included a brief summary of the proposed project and a discussion of the *National Environmental Policy Act* (NEPA) process. The hearing was then opened for any attendee who wished to make a comment.

1.3 ORGANIZATION OF THIS COMMENT RESPONSE DOCUMENT

This CRD is organized into the following sections:

- Chapter 1 describes the public comment process and contains tables to assist readers to locate attendees, commentors, and comments and responses in Chapter 2 of this CRD.
- Chapter 2 contains scanned copies of comment documents received during the public comment period on the left side of each page and the Federal agencies' responses to the comment on the right side.¹ The comment documents were categorized and appear in the following order in Chapter 2: (1) Federal, Tribal, state, and local officials and agencies; companies; organizations; and special interest groups; (2) public hearing transcripts; (3) members of the general public; (4) bulk emails; and (5) multiple signatory letters.

Table 1-3 identifies the individuals who attended public hearings. An asterisk beside the attendee's name denotes that the individual spoke at the hearing, and the table provides the pages (within Section 2.1) where the attendees' comments can be found in the public hearing transcripts with the Federal agencies' responses to the corresponding comments.

Table 1-4 consists of Federal, Tribal, state, and local officials and agencies; companies; organizations; and special interest groups that submitted comments, listed by organization in alphabetical order with the names of the particular individuals who submitted those documents, and the pages (within Section 2.2) where the organizations' comments and the Federal agencies' responses can be found.

Table 1-5 consists of a list of members of the general public who submitted comments. The commentors are listed by last name and first name, followed by the pages (within Section 2.3) where the comments and the Federal agencies' responses appear.

Some commentors submitted the same comments via a number of methods (e.g., fax and mail). In this instance, the comments were analyzed to ensure that they were the same comments, and if they were exactly the same, the comments were counted as one submittal. The more legible submittal was included in this Volume.

Some commentors submitted documents that were substantively very similar and have been classified as bulk email. Two sets of bulk emails were received. These bulk emails were conducted by various organizations and special interest groups. Although multiple copies were received of each bulk email, only one document of each set is included in Chapter 2 (Section 2.4). The bulk emails include those submitted to the U.S. Department of Agriculture Forest Service (USFS) and to DOE. Some bulk email documents contained unique comments in addition to the similar portion of the bulk email, and these comment documents were treated and evaluated as individual comment documents (listed in Table 1-5). Table 1-6 identifies the individuals who submitted documents as part of the bulk email (excluding those that contained unique comments as described above) and the page number where the bulk email and the Federal agencies' responses can be found.

Table 1-7 identifies the individuals who submitted multiple signatory documents and the page numbers (within Section 2.5) where the multiple signatory documents and the Federal agencies' responses can be found.

¹ In a few cases, when numerous pages with no comments were submitted by a commentor, scanned copies of those pages were put on the right side of the page in order to reduce the size of the EIS.

1.4 HOW TO USE THIS COMMENT RESPONSE DOCUMENT

Names and organizations are listed in each table as described above. The page number listed in the table indicates where the document and the Federal agencies' response appear. Chapter 2 contains the document on the left side of the page, with sidebars identifying each individual point or comment and a comment number that corresponds to the Federal agencies' response that appears on the right side of the page. Note that the comment responses use the term "Federal agencies" to collectively mean DOE (the lead Federal agency) and the cooperating agencies (USFS and the U.S. Department of the Interior Bureau of Land Management [BLM]) preparing this EIS. Any references to Section numbers (e.g., "See Section 3.3") in the comment responses refer to text in the Final EIS, unless specifically noted as a reference to either the Draft or Final EIS.

1.5 CHANGES FROM THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Federal agencies have changed the Draft EIS in response to comments or to reflect new information. A brief discussion of the more significant changes is provided below.

Purpose and Need, Range of Reasonable Alternatives, and Background Information. Chapters 1 and 2 were reorganized and augmented to clarify the roles of each Federal agency in the review of TEP's proposed project, and to describe the range of reasonable alternatives that a Federal agency is required to evaluate for an applicant-initiated project such as TEP's proposed project. The Federal agencies also included additional background information on the origin of TEP's proposal and on the NEPA process.

Connecting 115-kV Transmission Line in Nogales, Arizona. The Federal agencies revised the EIS to evaluate TEP's proposed 115-kV transmission line between the proposed Gateway Substation and the existing Valencia Substation in Nogales, Arizona. The construction of this 115-kV transmission line is an action that is connected to construction of the proposed 345-kV transmission line. Chapter 2 has been revised to describe the proposed 115-kV transmission line, Chapter 3 has been revised to describe the environment that would be affected by its construction and operation, and Chapter 4 has been revised to present the potential environmental effects from its construction and operation. Other sections of the EIS were revised as appropriate to reflect the proposed 115-kV transmission line. A Biological Assessment for this 115-kV transmission line was added as Appendix K.

Additional Alternatives Considered but Eliminated from Detailed Study in the Final EIS. Five new alternatives are briefly considered in the Final EIS because they were raised in the public hearings and in the written comments on the Draft EIS, but were not addressed in the Draft EIS. As discussed in Section 2.1.5 of the Final EIS, these alternatives have been considered but were determined to be unreasonable and were eliminated from further analysis: (1) upgrading existing transmission lines; (2) conservation of electricity; (3) underground construction of the 345-kV line in lieu of aboveground support structures; (4) construction of a 115-kV line in lieu of the proposed 345-kV line; and (5) an optional route for the Western and Crossover Corridors that avoids the Caterpillar Facility. In addition, Section 2.1.5 of the Final EIS has been amended to add a description of the potential environmental impacts that could be associated with a new power generating facility.

Optional Sub-Routes Added for the Central Corridor and the Crossover Corridor. Within one stretch of the Coronado National Forest, an optional sub-route for the Central Corridor and the Crossover Corridor was added to the analysis. The Draft EIS only included a route (Option 1) that circumvented the IRA because there was a perceived need to avoid that portion of the existing EPNG pipeline ROW that is also designated as an IRA. However, based on public comments, the Federal agencies decided that a sub-route following the EPNG pipeline ROW would be a reasonable option for the transmission lines through the Coronado National Forest. Therefore, the new Option 2 follows the EPNG pipeline ROW and does not circumvent the 1.9-mi (3.1-km) stretch of the EPNG pipeline ROW that is also designated as an IRA.

Cumulative Impacts. The Federal agencies revised Chapter 5, Cumulative Impacts, in the Final EIS to better assess cumulative impacts, including those from reasonably foreseeable actions. Table 5.4-1 was added to the Final EIS to provide a summary comparison of the cumulative impacts by resource area and identify any differences in cumulative impacts for the Western, Central, and Crossover Corridors. The revisions to Chapter 5 provide additional information on new power plants in Mexico and southern Arizona in the vicinity of the proposed project, and air quality impacts in the U.S.-Mexico border region.

Safety. Section 4.10, Human Health and Environment, of the Final EIS has been revised to include a discussion of the safety considerations of locating a 345-kV transmission line in the vicinity of the natural gas pipeline.

Biological Resources. The Federal agencies revised Sections 3.3 and 4.3, Biological Resources, in the Final EIS to reflect revisions to the Biological Assessments, USFS Management Indicator Species Report, and Migratory Bird Treaty Act Report prepared for the proposed project. In addition, information regarding newly-designated critical habitat for the Mexican spotted owl is provided in the Final EIS.

Native American Consultations. The Federal agencies revised Sections 3.4.2 and 4.4.2, Native American Concerns, in the Final EIS to better reflect the results of Native American consultations on the proposed project.

500-year Floodplain/Wetlands Assessment. The Federal agencies revised the Floodplain/Wetlands Assessment in Appendix C, and the related discussion and analysis in Sections 3.7 and 4.7, Water Resources, of the Final EIS to identify and evaluate impacts to the 500-year floodplain. This change was based on a determination that the South Substation (which would be expanded as part of the proposed project) would be a critical facility.

Forest Plan Amendment Appendix. A new appendix (Appendix H) was added to identify the requirements of the NFMA and the amendments to the Coronado Forest Plan that would be necessary prior to implementation of the various project alternatives.

USFS Visual Impacts Appendix. A new appendix (Appendix I) was created to provide additional information on visual impacts.

ACC Appendix. A new appendix (Appendix J) was created to provide information regarding the ACC Orders that provide the framework for the proposed action and the alternatives in this EIS.

There were also minor technical changes and clarifications made throughout the TEP EIS. None of the changes had a major effect on the comparative evaluation of the alternatives or the conclusions that can be drawn from the EIS.

Table 1-3. Public Hearing Attendees and Speakers**September 25, 2003- Green Valley Hearing at 3 pm**

Attendees	Document Page No.	Attendees	Document Page No.
Ambrose, Jim		Horton, Jim	
Anderson, Jan		James, Robert	
Anderson, Patricia*	2.2-8	Lite, Jeremy*	2.2-10
Averill-Murray, Annalaura		Lorenzen, Michelle*	2.2-24
Beck, Ed		MacDonald, Allan H.	
Berry, Acasia		Macys, Sonja*	2.2-45
Bowman, Mike		Magruder, Lucy	
Brandt, Libby*	2.2-43	Magruder, Marshall*	2.2-29
Butler, Caroline		Meses, Sonia	
Chilson, D.G. (Gael)*	2.2-44	Morin, Volney*	2.2-28
Coker, Clayton		Rees, Dora	
Collins, Fred		Romero, Joan	
Conner, Jerry		Sidoroff, Mary Joan	
Corrigan, Dan		Skroch, Matt*	
Darmitzel, Bill		Smith, Peggy	
Emrick, Roy*	2.2-43	Smith, Pete	
Falco, Emilio*	2.2-18	Smith, Tiana	
Finkelstein, Joyce		Stabel, Roberta	
Fleshman, Kenneth*	2.2-9	Tenney, James	
Foster, Jack*	2.2-21	Tobin, Mitch	
Gerganoff, Doris		Turner, Matt*	2.2-12
Gray, Kaye		Valentine, Nancy*	2.2-16
Gray, Philip*	2.2-6	Webb, Jim*	2.2-22
Hansel, Glenn		Wood, Michael	
Henley, Colby		Wright, Ken	
Hodges, David			

* Denotes that the individual spoke at the hearing.

Table 1-3. Public Hearing Attendees and Speakers (continued)

September 25, 2003- Green Valley Hearing at 7 pm			
Attendees	Document Page No.	Attendees	Document Page No.
Abbott, Katharine Louise		Kurtz, Ellen*	2.2-87
Back Jr., Donnie		Lane, Robert	
Barr, Jim		Magruder, Marshall*	2.2-63, 2.2-79
Darmitzel, Bill		Mikuckis, Gene	
DeVore, Jim*	2.2-58	Millinovich, Maggie*	2.2-85
DiGiacomo, Jim*	2.2-67	Millinovich, Richard*	
Ferris, Jeanne		Paige, Richard*	2.2-68
Graf, Randy		Ragan, Peter*	2.2-53
Harris, Craig		Rueb, John*	2.2-71
Huff, Robert		Schockett, Bruce*	2.2-79
Kasulaitis, Mary*	2.2-60	Shelton, Ralph*	2.2-74
Kasulaitis, Rob*	2.2-75	Skelton, Lynn*	2.2-86
Knaub, Brad*	2.2-77	Spillios, Scott	
Knox, Richard		Teso, Violet	
Kurtenbach, Dewayne		Wood, Jamie	
Kurtz, Bill			

* Denotes that the individual spoke at the hearing.

Table 1-3. Public Hearing Attendees and Speakers (continued)**September 26, 2003- Nogales Public Hearing at 1 pm**

Attendees	Document Page No.	Attendees	Document Page No.
Aitken, Lee S.		Johnson, Marilyn	
Avenll-Murray, Laurie		Kurtz, William*	2.2-124
Barken, Erik		Kurtz, Helen*	2.2-137
Bell, George*	2.2-104	Lucero, Lawrence	
Bohman, Nancy		Magruder, Marshall*	2.2-106
Bowman, Rich*	2.2-133	Maynard, John*	2.2-96
Bonorand, ME		Patterson, James*	2.2-130
Brasha, Gary		Pheneger, Bruce*	2.2-123
Culen, Carol		Rogers, Jean*	2.2-137
Darmitzel, Bill		Rogers, John*	2.2-119
Duffy, Steve*	2.2-100	Ruiz, Manuel	
Holub, Hugh*	2.2-129	Salkowski, Joe	
Hansel, Glenn		Swedkamp, Bob	
Hartigen, Zay*	2.2-132	Wilson, Earl*	2.2-115
Hawn, Holly*	2.2-112	Wolfsong, Jennifer*	2.2-120

* Denotes that the individual spoke at the hearing.

September 26, 2003- Nogales Public Hearing at 5 pm

Attendees	Document Page No.	Attendees	Document Page No.
Bahti, Kurt*	2.2-166	Kurtz, Bill	
Bell, Dan*	2.2-167	Kurtz, Ellen	
Brown, Donla		Magruder, Lucy	
Brown, Jake		Magruder, Marshall*	2.2-158, 2.2-177 2.2-149,
Conner, Jerry		Santello, Barton*	2.2-170
Darmitzel, Bill		Scott, Greg*	2.2-144
Hansel, Glenn		Swedkamp, Bob	
Hathaway, Paul*	2.2-164	Valentine, Nancy*	2.2-147
Herteng, Earleen			

* Denotes that the individual spoke at the hearing.

Table 1-4. Federal, Tribal, State, and Local Officials and Agencies; Companies; Organizations; and Special Interest Groups Who Provided Comments

Commentor Information	Document Page No.
Arizona Corporation Commission, Butler, Caroline	2.1-1
Arizona Wilderness Coalition, Krienitz, Jay	2.1-22
Arizona State Land Department, Beals, Linda	2.1-26
Border Power Plant Working Group, Powers, Bill	2.1-29
Californians for Western Wilderness, Painter, Michael	2.1-34
Caterpillar, Inc. (see Quarles & Brady Streich Lang LLP)	2.1-83
Center for Biological Diversity, Segee, Brian	2.1-37
Clean Energy Corporation, Rauluk, Valerie	2.1-53
Congress, House of Representatives, Grijalva, Raúl	2.1-55
Crown C Ranch, illegible name	2.1-61
DeConcini McDonald Yetwin & Lacy, on behalf of Sopori Rance/Croll family, Hannah, Nathan	2.1-62
Escalante Wilderness Project, Allison, Juniper	2.1-67
Friends of Arizona Rivers, Flood, Tim	2.1-69
Friends of Buenos Aires National Wildlife Refuge, Zinsli, Gabriel	2.1-70
Green Valley Community Coordinating Council, MacDonald, Allan H.	2.1-72
Green Valley Recreation Hiking Club, Gray, Philip A.	2.1-70
Isaacson & Duffy, P.C., on behalf of the Santa Cruz Valley Citizens Council, Duffy, Steven	2.1-75
Nogales Alliance: Port of the Future, illegible name	2.1-80
Nogales Santa Cruz County Economic Development Foundation, Barr, Jim	2.1-81
Quarles & Brady Streich Lang LLP, on behalf of Caterpillar Inc., Lite, Jeremy	2.1-83
Santa Cruz County Flood Control District, Hays, John (3 documents)	2.1-89
Santa Cruz Valley Citizens Council (see Isaacson & Duffy, P.C.)	2.1-75
Sky Island Alliance, Wolfson, Jennifer	2.1-92
Sopori Rance/Croll family, (see DeConcini McDonald Yetwin & Lacy)	2.1-62
State of Arizona Game and Fish Department, Kennedy, John	2.1-112
The Hopi Tribe, Kuwanwisiwma, Leigh J.	2.1-118
Tohono O'odham Nation, Juan-Saunders, Vivian	2.1-120
Tucson Audubon Society, Macys, Sonja (2 documents)	2.1-125
United States Environmental Protection Agency, Hanf, Lisa	2.1-126
University of Arizona, Morris K. Udall Professor of Law and Public Policy, Glennon, Robert	2.1-134
University of Arizona, Department of Geography, Eisenberg, Dr. Amy	2.1-133

Table 1-5. General Public Commentors

Name	Document Page No.	Name	Document Page No.
Abbott, Doug	2.3-1	Clarke, Laurel W.	2.3-71
Abbott, Kathi	2.3-3	Coffee, George	2.3-74
Adamson, Bill and Marylee	2.3-4	Colbert, Michael	2.3-76
Allison, Juniper	2.3-6	Collazo, David E.	2.3-77
Althiser, Kenneth	2.3-9	Collins, Fred	2.3-78
Ambrose, Jim	2.3-11	Condon, Paul	2.3-81
Anderson, Greta	2.3-14	Cooper, Laurel, Ph.D.	2.3-83
Anderson, Mike	2.3-15	Costa, Alisa	2.3-86
Anderson, Walt	2.3-16	Coste, Robert	2.3-89
Artley, Dick	2.3-18	Costigan, Cheryl	2.3-92
Arush, Larry	2.3-20	Davis, Jonathan E.	2.3-95
Austin, Valer	2.3-21	Devick, Dale A.	2.3-96
Barr, Jim	2.3-23	Dewenter, David	2.3-99
Barthelson, Roger	2.3-26	Dewire, Mary	2.3-102
Becker, Suzanne	2.3-29	Diehn, Sonya A.	2.3-103
Belov, Peter and Mary Alice	2.3-32	DiSpigno, Gona	2.3-105
Bickel, Bettina	2.3-34	Drees, Kevin	2.3-107
Bieber, Margaret	2.3-38	Eames, Cliff	2.3-110
Bohman, Nancy	2.3-39	Egan, Veronica	2.3-113
Bond, Monica	2.3-44	Elton, Wallace	2.3-116
Boyle, Alice	2.3-46	Evans, Dave	2.3-118
Bradley, Curt	2.3-48	Falco, Emilio	2.3-120
Brady, Christine	2.3-49	Ferris, Jeanne	2.3-125
Brewer, Leslie	2.3-50	Finkestein, Michael	2.3-128
Brister, Bob	2.3-51	Finn, Tom	2.3-129
Brown, Jamison	2.3-53	Fleshman, J Kenneth	2.3-130
Brun, Janay	2.3-55	F (Illegible), C.	2.3-131
Brunner, J. Robert	2.3-58	Fonseca, Julia	2.3-132
Brydolf, Libby	2.3-61	Garty, Amanda	2.3-136
Calabro, Richard	2.3-63	Garvin, Michael J.	2.3-138
Caldwell, Mary	2.3-65	Genser, Richard	2.3-140
Campbell, Nancy	2.3-66	Gerganoff, Doris	2.3-141
Campbell, William	2.3-67	Green, Jonathan	2.3-142
Carter, Frances C.	2.3-68	Grohman, Randall and Jessica Shinn	2.3-149
Cellarius, Doris	2.3-69	Grover, Ravi	2.3-153
		H., Zay	2.3-154

Table 1-5. General Public Commentors (continued)

Name	Document Page No.	Name	Document Page No.
Harayda, Ken	2.3-155	McDonald, Jerel	2.3-344
Hare, Trevor and Family	2.3-156	McKimmie, Tim	2.3-345
Hausam, Tom	2.3-162	McManus, Roger	2.3-346
Hebeisen, Brian	2.3-164	Mertz, Robert A.	2.3-356
Heisey, Adriel	2.3-165	Miller, Christine	2.3-359
Herbert, Floyd	2.3-166	Millinovitch, Maggie	2.3-360
Hicks, Gerry	2.3-167	Montgomery, Dorothy	2.3-364
Hinman, Gary	2.3-168	Morello, Phyl	2.3-367
Horowitz, Beth	2.3-169	Mossman, Robert	2.3-370
Huebbe, William I and William II	2.3-171	Mullarkey, Mike	2.3-371
Husband, Susan	2.3-172	Notestine, Jim	2.3-373
		Orlando, Anne	2.3-374
Jewett, Robert and Deana	2.3-177	Ortiz, Maria and Carl	2.3-376
Kalil, Frank	2.3-180	Paige, Richard	2.3-378
Kasulaitis, Mary	2.3-182	Pelech, Ronald A.	2.3-379
Kesich, John	2.3-200	Pelech, Walter, Dorothy	2.3-381
Kinkead, Margaret	2.3-203	Pelech, Walter, Dorothy, and Ronald A.	2.3-382
Kroening, Nancy	2.3-206	Perifou, Marie Clark (illegible)	2.3-383
Kurtz, William	2.3-208	Poppino, Marilyn	2.3-385
Lancaster, Rodd	2.3-211	Porterfield, Jill and Donovan	2.3-387
Landa, Hazel	2.3-215	Purdon, Kathryn	2.3-388
Landin, Pam	2.3-217	Pybus, Brooke	2.3-389
Lane, Dianne	2.3-223	Quinlan, Michael	2.3-394
Lazar, Brenda	2.3-224	Ragan, Peter	2.3-397
Levick, Lainie	2.3-226	Rhoades, Diana	2.3-404
		Rodes, Jonathan	2.3-408
Liston, Kamie	2.3-228	Rogers, John	2.3-410
Loe, Steve	2.3-231	Rosen, Philip C.	2.3-413
Lowell, J. David and Edith	2.3-234	Rudy, Michelle	2.3-414
Magruder, Lucy	2.3-236	Rueb, John	2.3-416
Magruder, Marshall	2.3-238	Sandlin, Betsy	2.3-418
Marvin, Jenna	2.3-334	Santello, Barton E.	2.3-419
Maurer, Christine	2.3-337	Schachat, Sandra	2.3-486
McBride, Jim and Karen	2.3-339	Schmidt, Justin	2.3-489
McBride, Karen	2.3-340	Schneller, Andrew J.	2.3-492
McCleve, Scott	2.3-341	Schockett, Bruce	2.3-497

Table 1-5. General Public Commentors (continued)

Name	Document Page No.	Name	Document Page No.
Schweikhardt, Erik	2.3-498	Wrenn, George	2.3-564
Scott, Mary	2.3-500	Wright, Anthony	2.3-566
Seever, Nancy	2.3-502	Wyeth, Nathan	2.3-567
Shainen, Lee	2.3-503	Yamate, Madeline	2.3-568
Shelton, Ralph	2.3-504		
Shumaker, Jon	2.3-511		
skyblue46@juno.com	2.3-521		
Smith, Darrell	2.3-522		
Sotelo, Charlie Mazaira	2.3-523		
Spotts, Richard	2.3-524		
Stabel, Roberta	2.3-526		
Steere, Peter	2.3-530		
Stevenson, Mark	2.3-534		
Stone, Lee	2.3-535		
Taucher, Jamie	2.3-536		
Thomas, David	2.3-537		
Thornton, William C.	2.3-539		
Titus, Jonathan	2.3-540		
Truschel, Ann-Louise	2.3-543		
Turner, Dale	2.3-545		
Van Deven, Bob	2.3-549		
Vandeman, Mike	2.3-553		
Vollmar, Warren & Ann	2.3-555		
Weaver, Craig	2.3-557		
Whitaker, Linda	2.3-561		

Table 1-6. Bulk Emails

Bulk Email #1		Page 2.4-1
Adams, (no first name)	Barva, Anne	Boralli, Celeste
Adams, Antje	Bateman, John	Borden, Larry
Adams, Lani	Bauckham, Peggy	Borg, Ener
Adams, Roger	Baukham, Peggy	Boudreault, Alicia
Adler, Alan	Bayly, Bruce	Bourgeois, Eric
Agius, Brad	Beazlie, Janet	Boylston, Elizabeth
Albo, David	Beeson, C.	Bradbury, David
Alessi, Michael	Begley, Ralph	Brady, Randall
Alieva-Mier, Dina	Belli, Joseph	Brainard, Larry
Allen, Janice	Belov, Mary Alice	Brandes, Susan
Allen, Michael	Belov, Peter	Brauer, Mavis
Allmen, B.T.	Bendetti, Michael	Braun, Ashley
Alvarez, Josefina	Benedetti, Julia	Braun, Claitt
Amandes, Sarah	Benedetti, Michael	Brechtel, Felicia
Anderson, Alexandra	Bennett, Elizabeth	Breen, Bob
Anderson, Constance	Bernardi, Nancy	Breen, Pam
Anderson, Kathryn	Bezy, Robert	Breiding, Joan
Anderson, Robert	Bickel, Bettina	Brenke, Richard
Aransu, Nasus	Biesanz, Karen	Brill, Scott
Aritt, SE	Billo, Evelyn	Brink, Kim
Arkin, Don	Binnie, Alan	Brinkmeyer, Tom
Armbruster, Mary Ann	Biser, James	Brister, Bob
Armbruster, Merlin	Blais, Matt	Broadbent, Katherine
Arritt, SE	Blaise, Sharlane	Brock, Jerry
Artemieff, Suzanne	Blalack, Russell	Brodhead, Katherine
Athey, Roger	Blaney, Thomas	Broeck, Jeanine
Atwell, Julie	Blaney, Thomas	Brooker, Catherine
Bacinski, Peter	Blankenship, John	Brookman, Gerald
Baetz, Jacquelyn	Blee, Virginia	Brooks, Theodore
Baker, Shelly	Bloom, Claudia	Brown, Lauren
Bakkum, Kathryn	Bloom, Jaime	Brown, Lisa
Ballator, Mary	Blunt, Pamela	Brown, RJ
Barancik, Steve	Bluss, Bill	Brown, Stephen
Baranow, Raquel	Bodane, Richard	Brown, Steve
Barber, Janet	Boergers, Kathleen	Brownlee, Sirena
Barclay, Les	Boggan, Ryan	Broz, John
Barker, Erin	Boitano, Connie	Brumbaugh, Diana
Barnhill, David	Boka, Erika	Brydolf, Libby
Barnshaw, Darla	Bolen, Debby	Buchholz, Shelley
Barrett, Dave	Bolyai, Melani	Buck, Gregory
Barry, Kevin	Bond, Julie	Buckner, Jocelyn
Barthel, John	Bontempo, James	Buffum, Amy
Bartl, Alan	Boorman, Benjamin	

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Buness, Cynthia	Chen, Vicky	Cunningham, Nancy
Burns, Carolyn	Chesner, Donna	Cushing, Lara
Burns, Vicki	Chiang, Larry	Cutler, Gayle
Burton, David	Chien, Benny	Cutter, Dan
Burton, Mary	Christensen, Cathy	Czerny, Brad
Buskirk, Dale	Christianson, Steve	Daily, Erin
Buss, Bill	Christie, Sarah	Dakak, Alan
Butterworth, L.	Chrostowski, Lenny	Dallam, Beth
Button, Ed	Cichlar, Raymond	Davidson, Connie
Cabrera, August	Clanahan, Jen	Davidson, Sally
Callier, Laura	Clapp, Richard	Davie, Dennis
Calvo, Christopher	Clarke, Susan	Davis, Jonathan
Campbell, Doug	Clements, Joyce	Dean, Robert
Campbell, Howard	Cleverley, Autumn	Debolt, Ann
Campbell, Richard	Coan, Brian	Decorte, Guy
Canning, Stephen	Cockerill, Joanne	Dent, Dorothy
Cantillon-Cuda, Susan	Cohen, Howard	Derzon, James
Cape, Christa	Coker, Jonathan	Desborough, Tami
Capps, Dan	Colbert, Mike	Devine, Patti
Carder, Erica	Coleman, Randy	Devine, Steve
Carey, John	Collins, Alysha	Dewenter, Paul
Carlino, Thomas	Colna, Robin	Dickemann, Jeffrey
Carlson, Brian	Combs, Philip	Dickinson, Ralph
Carlson, June	Conheady, Matthew	Diehl, Patrick
Carpenter, Leha	Conklin, Erik	Dixon, Keri
Carpenter, Scott	Conway, Carole	Doidge, Robin
Carpio, Anthony	Cook, Nancy	Dolan, Cori
Carroll, Brenda	Cook, Patricia	Dolney, R. Renee
Carroll, Jeremy	Copeland, Mel	Donnelly, Stephen
Carsen, Dan	Corbett, Michael	Doppke, Mark
Carter, Marian	Corcoran, James	Dorley, Susana
Cassella, Jason	Cordeau, Stephanie	Dorsi, Sam
Cassidy, Patti	Cordoba, Yasmine	Dorstenia, Kaj
Cassidy, Virginia	Coste, Robert	Dryer, James
Catron, Lisa	Coumoutso, Jill	Drysdale, Frank
Caudill, Maya	Cousins, Catharine	Duerr, La
Caudill, Rich	Cox, Pamela	Duke, Shawn
Caughman, Erin	Crabtree-Nelson, Eric	Duncan, James
Cavallero, Carolyn	Craft, Randy	Duncan, Mike
Cavallo, Sharon	Crafts, D.S.	Dupont, Celette
Ceballos, Hector	Crafts, William	Durek, Patrick
Chambers, Joy	Crawford, David	Eames, Clifff
Chappell, Samantha	Crom, Nancy	Economou, Constantina
Cheatham, Elizabeth	Crowder, Tamara	Edwards, Mark
	Crusha, Connie	Efross, Monnie

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Eich, Ronald	Frappier, Alexandra	Gougler, David
Ellett, Bill	Frazier, Georgia	Grahn, Charlene
Ellison, George	Frazier, Sybil	Gray, Melissa
Elson, Mark	Fredericks, Misha	Greenberg, Jesse
Emmerich, Robert	Frewin, Terry	Greenleaf, Phyl
Emmerson, Sarah	Friend, Anthony	Greenlee, Jerry
Enderson, Erik	Fritzing, Dennis	Greenlee, Rebecca
Ennis, Martha	Frost, Christopher	Greer, Gene
Eppard, Michael	Fullen, Karen	Grenard, Mark Hayduke
Evans, Dinda	Furlong, Kevin	Griffin, Alex
Ewing, James	Gaglio, Rubyann	Griffith, Dian
Ewing, Shelley	Gaither-Banchoff, Kevin	Grondahl, Denise
Fajack, Scott	Gallegos, Susan	Grosjean, M.
Fan, Paula	Galli, William	Gross, Michael
Farinha, Melissa	Galvin, Peter	Grover, Roger
Fatooh, Audrey	Garcia, Camilo	Gugler, Thomas
Faust, John	Garding, Louis	Gurgevich, Joy
Featherston, Patti	Gardner, Richard	Hadley, Cami
Felzer, Ron	Gartland, Ron	Haight, Susan
Ferejohn, Laura	Garton, Marci	Haines, Kyle
Ferry, Donald	Garty, Amanda	Hall, Aaron
Feyerherm, Jennifer	Gates, Michael	Halley, Cathy
Fiege, John	Geikenjoyner, Mark	Halligan, Mary
Fields, Anne	Geist, Cathy	Hamlin, Edward
Figallo, Cliff	Ghergo, Emilio	Hammond, Jeanne
Fink, Brian	Ghosti, dRein	Hammond, Teresa
Fisher, Joyce	Gibbons, Allison	Hampel, Robert
Fitzell, Anne	Gibson, Lee	Hanlon, Colleen
Flaus, Brighton	Gierlach, Marian	Hannum, Christine
Fleetwood, Beverly	Gierlach, Peter	Hansen, Richard
Fleetwood, Fred	Giese, Mark	Hanson, Marilyn
Fleming, Jacalyn	Gilbert, William	Harding, Kevin
Flemmer, Jeff	Gilland, James	Hardy, Linda
Flounoy, Edward	Gillespie, Ian	Harlow, Benjamin
Flowers, Bobbie	Glaser, Gus	Harmon, Lori
Floyd, Kim	Glimp, Steven	Harrah, Berton
Forbes, Bill	Goitein, Ernest	Harris, Ed
Ford, Chris	Goldman, Kenn	Harris, Victoria
Ford, Julie C.	Golston, Steve	Harrison, Paige
Forsythe, Natalie	Gonzalez, Dianna	Hartwell, Meredith
Fortier, John	Goodburn, Jack	Hartwell, Roger
Fort-Strietzel, JK	Goode, Matt	Harvey, Anne
Franks, Steve	Goodman, Arifa	Harwell, Andrew
	Gordon, Leslie	Hasbrouck, Marshall

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Hasson, Ed	Hunnewell, Sarah	Kender, Scott
Hausam, Tom	Hunnicutt, Christie	Keoppen, M.
Havey, Maureen	Hunt-Walter, Sandra	Kesich, John
Hawley, Maureen	Hutchins, Todd	Khalsa, Mha Atma
Hays, James	Hutchinson, Marcia	Kibby, Larry
Healy, Patricia	Hwenstein, David	Kiddoo, Phill
Hebard, Mark	Hyman, Ruth Bernstein	Kinner, Jamie
Hebeisen, Brian	Ingram, Maia	Kirk, Keith
Hedstrom, Jonathan	Jacobs, Sky	Kirkpatrick, Renee
Heikkila, Matt	Jacobson, Don	Kirschbaum, Saran
Heinzig, Dennis	Janik, Nina	Kirsten, Tracey
Heisey, Adriel	Jantz, Eric	Kleber, Keith
Helfrich, Don	Jasensky, Jennifer	Kleeman, Patrick
Herdiska, Robert	Jasper, Marilyn	Klein, Jeanne
Herner, Betty	Jenkins, David	Klein, Stuart
Herriott, Brian	Jensen, Adam	Klotz, Joy
Hertz, Debbie	Jensen, Lorraine	Knuth, Philip
Hibbs, Tim	Jensen, Nancy	Koehler, Drew
Hicks, Aaron	Jimenez, Blanca	Koehn, Brian
Highfield, DeAnna	Jimerfield, Shane	Koehn, Mary
Hill, Harold	Johnson, Christina	Koelfgen, Wendy
Hinman, Gary	Johnson, Kim	Koffler, Kaden
Hirsh, Sidney	Johnson-Grim, Anne	Kolasky, Ellen
Hobbs, Joel	Johnston, Denver	Kolb, Marcia
Hobbs, Susan	Johnston, Timothy	Koopman, Mary
Hoenberg, Adrienne	Jones, Brian	Koplick, Elaine
Hoffman, Janet	Jones, Bryn	Koplik, Mark
Hogan, Jeff	Jones, Leslie	Koren, Kelly
Hogan, Lori	Jones, Mitchell	Kosek, Shirley
Hokin, HL	Jones, Morgan	Kotte, Merry
Holden, William	Jordan, Sterling	Kozlowski, David
Hollenbaugh, Deborah	Juck, Edna	Kramer, David
Holtzman, Jed	Jyleen, Ron	Krantz, Lawrence
Holz, Dennis	Kahle, Judith E.	Kreisberg, Jennifer
Holzer, Jonathan	Kane, Jack	Kreischer, Kyle
Hooee, Cordelia	Kangas, Charles	Krulewitz, Barabara
Horowitz, Tina	Kantauskis, Joseph	Kuiper, GJ
Houseworth, Bradley	Karp, Michael	Kurtz, Barbara
Howard, David	Karsh, Lynn	Kurtz, William
Howe, Alicia	Katcher, Jennifer	Kurtz, Ellen
Hubbard, PJ	Katula, Karen	Kutcher, Celia
Hudak, Michael	Kay, Joni	Kyke, Ruth
Hudson, Rick	Kecken, Joy	La Fortune, Alyssa
Hummel, Charles	Kendall, Matthew	

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Laffey, Kevin	Louwsma, Sara	Maurer, Christine
Lane, Earl	Lowe, Kimberly	May, Michele
Lane, Sue	Lowery, Karen	Maynard, Debbie
Langan, John	Lundy, Linda	Mayorga, Shannon
Lange, Marlena	Ma, Jessica	Mazaika, Goldie
Langelo, G. James	MacDonald, Bob	Mazik, Kim
Laplaca, Nancy	MacKendrick, Kimberly	Mazor, Ralph
Lauren Washuk,	Mackowski, Frank	McCabe, Bill
Laverne, Tim	Mahar, Timothy	McCain, Edward
Lavin, Elizabeth	Mahdavi, Omid	McCall, Jordan
Laws, Miki	Mair, Dean	McCamant, Katherine
Leavitt, David	Makela, Lorri	McClellan, Katherine
Lebaron, Patricia	Malk, Andrew	McCormick, Bob
Lee, Crystal	Malmid, Wendy	McFarland, Tracy
Lee, David	Malone, Anne	McGovern, Kelly
Lefler, Susan	Maloney, Ken	McGuffin, Patrick
Lehmann, David	Manchik, Alexandra	McGuire, Matthew
Leland, David	Mandell-Rice, Bonnie	McLaughlin, Blair
Lemkin, Mark	Mankowski, Craig	McLeod, Kevin
Lenz, Dennis J.	Manning, Meaghan	McNeely, Camille
Lenz, Evelyn	Manning-Brown, Helen	Meanwell, David
Lesley, Philip	Manoogian, Jone	Mears, Lisa
Lewis, J	Marangio, Michael	Megger, Alison
Lewis, John	Marchand, Janet	Mehra, Satya
Lewis, Leslie	Marcus, Lynn	Mei, Jennifer
Lewis, Timonthy	Mark, Marie	Meiners, Anna
Lewison, Rebecca	Markowitz, Jonathan	Meissner, Gregory
Lewton, Quentin	Markowitz, Susan	Melnick, John
Lickey, Edgar	Marks, Elise	Meltzer, Daniel
Liebling, Adamo	Marks, Justin	Merkle, Philip
Lien, David	Marlow, Benjamin	Mertig, Barbara
Lindbloom, Lynn	Marlow, Kimberly	Mertig, Theodore
Lindsey, Irvin	Marshall, Lisa	Metzler, Douglas
Lindsey, Page	Martin, Stephanie	Michael, Edward
Loeff, Peter	Martinez, Vincent	Michalk, Michael
Lomber, Jonathan	Martus, Carolyn	Mier, Wade
London, Trisha	Masarik, Charlotte	Mihok, Michael
Long, Beth	Massey, Linda	Milan, Carlos
Long, Nichole	Matejcek, Patricia	Milich, Len
Lopez, Carlos	Mathews, Andrea	Milinovitch, Richard
Lopez, Guy	Mathewson, M.	Millard, Tracy
Lopez, Josephine	Matthews, Thomas	Miller, Barry
Lotz, Jonathan	Mattison, Ted	Miller, Brendan
Loubsky-Lonergan, Lorena	Mauck, Sandra	Miller, Dusty

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Miller, Gerald	Nieberg, Pamela	Pickering, Michael
Miller, Joan	Noethen, Mark	Pickering, Steve
Miller, John	Noll, Fred	Pierce, Nuri
Miller, Mary-Jo	Nordholm, Tim	Pihl, Eric
Miller, Susan	Nordlund, James	Pillsbury, Cheri
Miller, Vivian	O'Connor, Maura	Piper, Dawn
Mintcheff, Micahella	O'Donnell, Sean	Pitchford, Gary
Moehlman, Bruce	Okuzumi, Margaret	Pivoris, Paula
Mohan, Kathleen	Olafsson, Erik	Pons, Nanette
Mohr, T.	O'Leary, Cathy	Pontbriand, Sue
Moiseyev, Maya	Oliver, Darla	Poole Stacy
Monje, Rose	Oliver, John	Poorman, Ralph
Montgomery, Stephen	Olsen, Gary	Porter, Robert
Monyak, Michael	Olsen, Tim	Potts, Susan
Morales, Jose	Orahoske, Andrew	Prasad, Pinglay Guru
Morales, Rebecca	Orlando, Vikki	Pratt, L.D.
Morresi, Gian	Orzechowski, Larry	Prchal, Steve
Morrison, Peter	Ostrouch, Carol	Preucil, Chris
Morrow, Andrew	Ostrouch, Michael	Price, Linda
Moser, Rich	Ouse, Andrea	Priddy, Brenda
Moshel, Dave	Ozanne, Jonathan	Prier, Jack
Moss, Mikasa	Pachutta, John	Pritchard, Lisa
Moss, Paul	Palmer, Merily	Prola, Jim
Mount, Aaron	Palmer, Raymond	Pruitt, Cheryl
Moye, Joseph	Palumbo, Jean	Quijano, Sigfrido
Mueller, Bob	Parcelles, Robert	Quintana, David
Mueller, Sean	Parker, Brian	Radcliffe, Shawn
Muhly, Ernest	Parrish, Roberta	Raghav, Shyla
Mullarkey, Mike	Parsons, David	Rahardja, Adrian
Mullen, Anne	Parsons, Martin	Raikar, Amit
Mullen, Kathleen	Paster, Jeremy	Rambo, Jennie
Munoz, Axhel	Patrick, Gavin	Rarick, Karen
Murphy, Seileen	Patrick, Wendi	Ratner, Jonathan
Murray, Cristy	Patrizzi, Lee	Ravenwood, Denise
Myers, Mary	Patterson, D.R.	Reed, Robert
Narayan, Anupam	Payne, June	Reed, Shannon
Nasif, Maria	Pearce, Scott	Reichert, Robyn
Nassimos, Sylvia	Pellicani, Andrea	Rein, Guy
Naurath, David	Pellowski, Noelle	Rescinito, Kitlyn
Nelson, Derek	Pelton, Margie	Rettig, Meredith
Nelson, Jen	Peou, Lakhana	Reynolds, Bryon
Nelson, Tara	Perry, Ronald	Reynolds, Duane
Nesbitt, Dale	Peters, Doris	Reynolds, James H. III
Newton, Elizabeth	Peters, Gene	Reynolds, Toni
Niblack, Mark	Phillips, Ann	Rhoades, Jean

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Rhodes, Dave	Salvo, Mark	Showalter, Jim
Richard, Sharon	Sandler, Norma	Showalter, John
Richmond, Dave	Sands, Jennifer	Shows, Johnnie
Richter, David	Sands, Kris	Shuman, Derek
Rico, Carmen	Santina, Denise	Sigmund, Chandra
Riddell, Jen	Sartin, Mary	Sikora, Victoria
Riddle, Donna	Sarver, Val	Silverberg, David Scott
Riddle, Mark	Saunders, Alex	Simon, Philip
Rieber, Emily	Sauppe, Eileen	Skudney, Dennis
Riley, Bill	Sawdon, Rosemarie	Slack, Rhiwena
Riley, Kelly	Scalise, Janet	Slider, Francis D.
Roberts, Melissa	Schaefer, John	Smakal, Shaun
Robinson, Dvora	Scharwtz, Jennifer	Smith, Colin
Robinson, Richard	Schaub, John	Smith, Jill
Robson, Michael	Scherf, Brian	Smith, Kathleen
Rodin, Nick	Schmitt, Richard and Kathy	Smith, Pamela
Rogers, Alan	Schneider, Greg	Smith, Tracy
Roggow, Philip	Schneider, Jane	Smith, William
Rohde, Justin	Schneider, Joann	Snow, Edward
Rohm, Melissa	Schubert, Dana	Snow, Esther
Rojas-Ramirez, Bernadette	Schuessler, Gail	Sommerer, Joy
Rolfes, Kay	Schuett, Greg	Sommerfelt, Suzanne
Romeo, Francesca	Schulz, Martin	Soria, Cythia
Ronstadt, Jeff	Schwartz, Jennifer	Sosa, Hector
Rose, Pandora	Sciacca, Barbara	Sparrow, D
Rosenberg, Jennifer	Scovil, Geoff	Spears, Tim
Rosenfeld, Cheryl	Scullion, Jason	Spock, Richard
Rosenkrantz, Stewart	Seamster, Ginny	Stablein, Angela
Ross, John	Seeger, Trish	Stafford, Sally
Ross, Margaret J.	Sego, Barbara	Stanley, Tracy
Ross, Thomas	Sendler, Nancy	Starkweather, Andy
Rosson, Linda	Seney, Clysta	Steele, Volney
Rouleau, David	Senour, Jon	Steitz, Jim
Rubin, David	Sever, Florian	Stephen, Mike
Rubin, Michael	Sewell, Patrick	Stephenson, Trina
Rudin, David	Shaddox, James	Sterling, Jordan
Rugen, Nick	Shapira, Susan	Stevens, Dane
Russell, Anne	Shapiro, Richard	Stevens, Donna
Russell, John	Shaw, Janis	Stieber, Frank
Rutkowski, Robert	Shephard, Tiffany	Stimpert, Jacqueline
Safran, Roselle	Sher, Anna	Stinnett, Ken
Sahm, Ken	Sherman, Brenda	Stoltenberg, John P.
Salazar, Joe	Sherman, Peter	Stolzenberg, Gretchen
Saltz, Charlene	Shmid, George	Stone, Kathy

Table 1-6. Bulk Emails (continued)

Bulk Email #1		Page 2.4-1
Strawder-Bubala, Jill	Thompson, Mary	Vincent, Thomas
Stubblefield, Adrian	Thomson, Kurt	Voelker, Roger
Studenbaker, Hilary	Thoron, Joe	Vogel, Karen
Sugg, Judy	Thurber, Dale	von Guillaume, Holly
Suitt, Joseph	Tindall, Dorothy	vonHoldt, Diana
Sukojuwono, Anggraeni	Toush, Lawrence	Voss, Randall
Sukumar, N.	Trammel, Dean	Wages, Nancy
Sulanke, Carol	Traub, Susan	Wagner, Robert
Sulanke, Thom	Treasurefield, Tara	Waldron, Steven
Sullivan, Kate	Trebec, JD	Walker, Anne
Sunquist, Dave	Triola, Dushana	
Sunquist, Marcia	Trotter, Eleonora	
Svabenik, JP	Tuler, Jeremy	
Swanes, Carl	Turek, Gabriella	
Swanick, Connie	Turner, Christopher	
Swanson, Scott	Turner, Johanna	
Sweel, Greg	Tyler, Steve	
Sybert, Brian	Vacariu, Kim	
Szujewski, Sigmund	Vaccaro, Tony	
Tasoff, Jack	Valdes, Francisco	
Tax, Wienke	Valentine, Susan	
Taylor, Sherry	Vallone, Cheryl	
Teel, Julie	Van Dyke, Ruth	
Terbot, Charlotte	Varga, John	
Terbot, Lee	Varner, Alex	
Thigpen, Ron	Vassar, Kristen	
Thomas, Jon	Vermillion, Eliza	
Thomas, Ronrick	Vertrees, Gerald	
Thompson, David	Vierra, Terry	
Thompson, Janet	Villano, Juliana	
Thompson, Linda	Vincent, Peggie	
Bulk Email #2		Page 2.4-3
Becker, Suzanne	Kuhn, Hedy	Sikora, Victoria
Campbell, James	Oliver, Darla	Young, Rebecca
Flanders, Meg		

Table 1-7. Multiple Signatory Letters

Letter #1-List of Signatories			Page 2.5-1
Antonio, Elena	Fregosi, Ralph	Mandle, Ron	
Bailey, Fiona	Huang, Jennifer	Srit, Greg	
Cabrera, Rosaria	Lao, Zili	Van Zetphen, Casey	
Costy-Bennett, Seres	Mandle, Jo		
Letter #2-List of Signatories			Page 2.5-3
Antonio, Elena	Huang, Jennifer	Rometo, Adonna	
Bailey, Fiona	Lao, Zili	Srit, Greg	
Costy-Bennett, Seres	Mandle, Jo	Van Zetphen, Casey	
Fregosi, Ralph	Mandle, Ron		

2.0 COMMENT DOCUMENTS AND RESPONSES

This chapter presents the scanned images of original documents submitted to the Federal agencies on the Draft EIS, comments recorded as part of the transcripts of the public meetings (and any hand-ins), and the Federal agencies' responses to each comment. The scanned images are marked with sidebars denoting the identified comments and Federal agencies' responses corresponding to these comments. The responses to comments identical or similar in nature are repeated throughout the document.

2.1 Federal, State and Local Officials, Agencies, Companies, Organizations, and Special Interest Groups

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COMMISSIONERS
MARC SPITZER - Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES



ARIZONA CORPORATION COMMISSION

BRIAN C. MCNEIL
Executive Secretary

October 14, 2003

Dr. Jerry Pell, Environmental Scientist
Manager, Electric Power Regulation
U. S. Department of Energy
Office of Fossil Energy, FE-27
Washington, D.C. 20585-0001

RE: **Tucson Electric Power Company, Sahuarita-Nogales Transmission Line
Draft Environmental Impact Statement
DOE/EIS-0336, BLM Reference No. AZA 31746**

Dear Dr. Pell:

Staff of the Arizona Corporation Commission provide the following Comments for the above-captioned matter, in accordance with the Department of Energy's Notice published August 27, 2003.

Very truly yours,

A handwritten signature in cursive script, appearing to read "C. Butler".

Caroline A. Butler
Legal Division

Encl. As stated.

cc: Anthony J. Como, Engineer, Team Leader

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347
www.cc.state.az.us

This document is available in alternative formats by contacting Yvonne McFarlin, ADA Coordinator, voice phone number 602-542-3931, E-mail YMcFarlin@cc.state.az.us

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Comment No. 1

The information provided by the Arizona Corporation Commission (ACC) Staff provides an explanation underlying the ACC's decision to order the construction of a second transmission line to Nogales, Arizona. Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, has been added to the Final EIS to include an explanation of the relevant ACC decisions and the relationship to TEP's proposed project. Additionally, the relevant proceedings of the ACC have been placed in Appendix J in order for interested parties to review the ACC's record regarding this matter.

Tucson Electric Power Company
Sahuarita-Nogales Transmission Line
Draft Environmental Impact Statement
DOE/EIS-0336, BLM Reference No. AZA 31746

Comments of the Arizona Corporation Commission Staff

I. Purpose of Comments

The following formal comments are submitted by Utilities Division Staff ("Staff") of the Arizona Corporation Commission ("ACC" or "Commission"). The foundation for these comments is derived from the evidentiary records of several Commission cases dealing with the need for a second transmission line to serve Santa Cruz County in southern Arizona.¹ Tucson Electric Power Company ("TEP") proposes to build such a new, double circuit, 345 kV transmission line from its existing South Substation near Sahuarita, Arizona to a new Gateway Substation located several miles west of the existing Valencia Substation in Nogales, Arizona. A 115 kV line is also proposed from the new Gateway Substation to the Valencia Substation. The double circuit 345 kV line will continue south from Gateway Substation, cross the U.S. - Mexico border and extend approximately 60 miles into Mexico to connect with the Comisión Federal de Electricidad ("CFE") Santa Ana Substation.

1

Staff's comments are offered for the sole purpose of providing a factual record regarding the consequences of the "No Action Alternative" contained in the Draft Environmental Impact Statement ("DEIS"). The DEIS defines the "No Action Alternative" as meaning that TEP's proposed transmission line is not built. The Commission has established a need for such a transmission line to resolve major electric service concerns for the approximately 13,000 residents of Santa Cruz County.² Similarly, the Commission has established that there are no other technical solutions to assure continuity of service during the outage of the sole transmission line serving these consumers.³ Therefore, it is reasonable to conclude that the "No Action Alternative" is not in the public's best interest.

For the Department of Energy ("DOE") and the cooperating Federal agencies, "no action" would be achieved by any one of the Federal agencies declining to grant TEP permission to build in the agency's respective jurisdiction. Thus, in the case of DOE, "no action" means denying the Presidential Permit; for the United States Forest Service ("USFS"), "no action" means denying the special use permit; for the Bureau of Land Management ("BLM"), "no action" means denying access to BLM-managed Federal lands; and for the US Section of the International Boundary Water Commission ("USIBWC"), "no action" means not approving construction plans. Each agency makes its own decision independently, so that it is possible that one or more agencies could grant permission for the proposal while another could deny permission. All three routes considered in the DEIS cross Federal lands. If any Federal agency denied permission for the proposed transmission line, it could not be built. Such independent "no action" by a

¹ Docket No. E-01032A-99-0401 and Docket No. L-00000C-01-0111.

² Docket No. E-01032A-99-0401, Decision No. 62011, November 2, 1999.

³ Docket No. L-00000C-01-0111, Decision No. 64356, January 15, 2002.

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cooperating Federal agency should be viewed as not in the affected public's best interest given the consequences outlined herein.

II. Need for Proposed New Transmission Line

In Decision No. 62011, the Commission ordered Citizens Communication Company ("Citizens") to construct a second transmission line to Nogales, Arizona by December 31, 2003 to improve the reliability of electric service to its customers in Santa Cruz County.⁴ This Decision approved a Settlement Agreement between Commission Staff and Citizens that included construction of a second transmission line to Nogales to address long-standing quality of service complaints related to frequent and extended electric power outages in Santa Cruz County. Staff concluded that Citizens' quality of service was unacceptable and that construction of a second transmission line was essential to provide adequate service.⁵ This conclusion was formed as a result of reviewing Citizens' 1998 outage history for Santa Cruz County customers. The average hours of outage experienced annually by customers rose from 3.5 hours in 1997 to 12.3 hours in 1998. The associated number of customer service interruptions rose over the same period of time from 545 in 1997 to 584 in 1997. The primary cause of service degradation during that one year was attributable to four transmission line outage events.

1
cont.

Transmission line outages are prevalent in Santa Cruz County during summer storm season due to lightning activity and strong winds accompanying annual monsoon weather activity. With only one transmission line serving Santa Cruz County, a transmission line outage results in extended interruption of service to customers. It is reasonable for customers' to complain about the frequency and duration of such transmission outages that leave them without air conditioning during the deadly heat of summer. Such transmission outages continue to plague these customers today. For example, a transmission outage of several hours duration occurred within the past several months. Such outages can be expected to occur until such time as a second transmission line is constructed to Nogales. Only then, will customers be able to expect continuity of service for a transmission line outage.

Citizens was to file an application for a CEC by November 11, 2000 according to Decision 60211. On October 31, 2000 Citizens filed a request for extension of filing an application for a Certificate of Environmental Compatibility ("CEC") for the second transmission line to Nogales. The extension was granted for two reasons. Additional time was required to resolve a special use permit for the proposed line to cross Coronado National Forest land. Secondly, Citizens and TEP agreed to jointly file an application for a 345 kV and 115 kV line project (Gateway Transmission Project) that would allow Citizens to fulfill its requirements of Decision No. 62011. Citizens and TEP jointly filed a CEC application for the Gateway 345 kV and 115 kV Transmission Project with the Commission on March 1, 2001. The 345 kV line portion of that project is the subject of this DEIS.

In its Decision No. 64356, dated January 15, 2002, the Commission granted TEP and Citizens a CEC to construct the subject Gateway Transmission Project utilizing the preferred

⁴ Finding of Fact 16 at 3, Decision 62011 (November 2, 1999)

⁵ Staff Witness, Jerry D. Smith, Direct Testimony, Docket No. E-01032A-98-0611, April 6, 1999 pp. 4-6 (Exhibit A).

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Comment No. 2

Comment noted.

1
CONT.

Western Route as defined in this DEIS. During the course of the state's transmission line siting proceedings the rationale for the proposed new transmission line was revisited. Staff once again testified that continuity of service could not be assured for the residents of Santa Cruz County as long as a radial transmission line is the sole means of connecting Citizens' Santa Cruz Electric Division facilities to the state grid. Restoration of service following a transmission line outage can take up to two hours under ideal conditions even with operating procedures utilizing local generation operating in a standby mode during storm season.⁶ A second transmission line to Citizens' electric service area is required to resolve this service reliability problem.

Staff also testified in the siting of the Gateway 345 kV and 115 kV Transmission Project that additional benefits are derived from the project as currently defined in the DEIS.⁷ Service reliability to Citizens' customers via the proposed project will be better than what could have been achieved solely with a new 115 kV line from South Substation to Nogales. The proposed transmission interconnection from Gateway Substation to Mexico offers two other new benefits. It offers the opportunity for bilateral international power transactions between parties on either side of the U.S. – Mexico border. The international interconnection also affords TEP the opportunity to import power to the Tucson service area from the south thereby helping to mitigate its local transmission import constraint.

More importantly, the Gateway transmission line siting hearings established a new important concern regarding service to Citizens' Santa Cruz County customers.⁸ Citizens offered a load forecast presented at the hearing during Mr. Cravens testimony (See Exhibit D, RAC-2)⁹ and testified that Santa Cruz County load could exceed the 60 MW rating of the existing 115 kV line as early as the summer of 2003. In ordering Citizens to construct a second transmission line to Nogales by December 31, 2003, the Commission had only considered what Citizens felt was a reasonable time period to go through a transmission line siting process that also required an EIS. No consideration was given to the level of system loading that would occur on the existing 115 kV line in the interim. It is expected that the Santa Cruz County load will consistently exceed the 60 MW rating for the existing 115 kV line in the summer of 2004 and beyond. (See Exhibit D).

2

If Staff were making a determination today, we would make quite a different requirement of Citizens. Staff is very concerned about how Santa Cruz County customers will be served beyond the summer peak of 2003, even with the second transmission line. Staff would have recommended system improvements in addition to the second transmission line to Nogales and at an earlier date had the RAC-2 load forecast been known back in 1999. Additional local generation capacity, upgrades to the existing transmission line to increase its capacity, a new third transmission line, or a combination thereof would have been required.¹⁰

⁶ Jerry D. Smith, Direct Testimony, (Hearing Exhibit S-1) Docket No. L-00000C-01-0111, May 3, 2001, pp. 3-4. (Exhibit B)

⁷ Ibid, pp. 6-7. (Exhibit B)

⁸ Docket No. L-00000C-01-0111, Tr. Volume III, pp. 683-685. (Exhibit C)

⁹ Hearing Exhibit Citizens-1, *Santa Cruz Electric Peak Loads 1995-2010* (Exhibit D herein)

¹⁰ Ibid, Tr. Volume IV, pp. 856-870. (Exhibit C)

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Comment No. 3

III. Other Technical Alternatives Considered

Staff has considered the effects of distribution system improvements made by Citizens, operation of existing local generation and construction of new local generation. None of these system improvements have proven effective in resolving the fundamental system reliability concerns for Santa Cruz County. Contrary to comments provided at the DEIS public meetings, a second transmission line to Nogales is the only technical means of assuring continuity of service for Santa Cruz County customers for an outage of the existing 115 kV transmission line.

There are those that claim distribution system improvements made by Citizens have basically resolved their quality of service concerns. Staff does not agree. Review of distribution system improvements made by Citizens led Staff to conclude that greater system flexibility for restorative distribution switching and reduced customer exposure to distribution outages were being achieved.¹¹ There is more to quality of service than just outages. When the lights dim, when your television screen shrinks in size, or when you turn on the air conditioner or your washing machine and the voltage dips and the lights dim are all examples of distribution system issues. Staff believes such quality of service issues have been substantially improved by the distribution improvements made by Citizens over the past few years. Nevertheless, the primary cause of the local electric service degradation, loss of a transmission line, has not been adequately addressed.

It became evident to Staff that operation of Citizens' Valencia generating units was not an effective solution to the loss of the 115 kV transmission line.¹² Local generating units trip off line for the loss of any portion of the transmission line. Therefore Staff and Citizens agreed that the three Valencia units should be operated in standby mode anytime a storm is eminent. This facilitates and expedites the restoration of service following a transmission outage and avoids the need for a black start of the units when no local AC power exists. However, operating the Valencia units in this manner does not solve the reliability problem.

Similarly, new local generation does not pre-empt the need for a second transmission line. This is because the system deficiency is not a supply problem but rather a delivery problem that new generation can not solve. New local generation would be susceptible to tripping off line for a transmission line outage just like the existing Valencia units until a second transmission line connects Nogales to the Arizona grid.¹³ Once a second transmission line is in service, new local generation can serve very effectively as a competitive supply source for Santa Cruz County.¹⁴ In fact, Staff has consistently required that two transmission lines emanate from power plants as a requirement when seeking a CEC from the Commission.

¹¹ Jerry D. Smith, Direct Testimony, Docket No. L-00000C-01-0111, May 3, 2001, p. 3. (Exhibit B)

¹² *Ibid.*

¹³ Docket No. L-00000C-01-0111, Tr. Volume IV, pp. 720-725, 864-870. (Exhibit C)

¹⁴ *Ibid.* Tr. Volume IV, pp. 541, 681. (Exhibit C)

In revising the EIS, the Federal agencies have included additional information provided by the commentor on the nature of the reliability concerns in Nogales and on the reasons why the ACC staff concluded that an additional transmission line is needed. (See Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee; ACC Decision No. 62011, dated November 2, 1999, in Appendix J; and Section 2.1.5, which discusses why a local power plant was eliminated as a reasonable alternative in the EIS.)

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Comment No. 4

Impacts associated with the delay in building the transmission line are encompassed within the No Action alternative.

IV. Expedited Approval Warranted

4

Staff was asked to comment on the effects of potential delays in approving the proposed Gateway Transmission Project.¹⁵ This is in effect equivalent to asking what are the consequences of a "No Action Alternative" finding in the DEIS. Staff's response was that deferring the granting of a CEC for the project, waiting for the NEPA process to run its course, and then completing the state siting process would ultimately result in delay of the service date for the second transmission line. The evidence in the record suggests that would not be a prudent choice when considering the public's interest. (See Exhibit D). Slow action or "no action" regarding the needed facility basically ensures there are going to be serious problems serving the customers in Santa Cruz County beyond the summer of 2002. Similarly, Staff was asked what it would recommend to the Commission regarding whether or not to waive the December 31, 2003 in-service date requirement for the project. Staff responded that facts currently on the record suggest it would be appropriate to encourage acceleration rather than delay of the project.

¹⁵ Ibid. Tr. Volume III, pp. 687-688. (Exhibit C)

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A

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BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
Commissioner-Chairman
TONY WEST
Commissioner
CARL J. KUNASEK
Commissioner

IN THE MATTER OF THE JOINT NOTICE OF	)	DOCKET NOS. E-01032A-98-0611
INTENT OF CITIZENS UTILITIES COMPANY,	)	T-03214A-98-0611
CITIZENS TELECOMMUNICATIONS OF	)	T-02115B-98-0611
THE WHITE MOUNTAINS, NAVAJO	)	T-01954B-98-0611
COMMUNICATIONS COMPANY, INC.,	)	T-02755A-98-0611
CITIZENS UTILITIES RURAL COMPANY,	)	SW-02276A-98-0611
INC., CITIZENS TELECOMMUNICATIONS	)	W-01656A-98-0611
COMPANY, SUN CITY SEWER COMPANY,	)	SW-02334A-98-0611
SUN CITY WATER COMPANY, SUN CITY	)	W-03454A-98-0611
WEST UTILITIES COMPANY, CITIZENS	)	W-03455A-98-0611
WATER SERVICE COMPANY OF ARIZONA,)	
CITIZENS WATER RESOURCES COMPANY)	
OF ARIZONA, TUBAC VALLEY WATER)	
COMPANY, INC., AND ELECTRIC)	
LIGHTWAVE, INC. TO ORGANIZE A PUBLIC)	
UTILITY HOLDING COMPANY AND FOR)	
RELATED APPROVALS OR WAIVERS)	
PURSUANT TO R14-2-801, ET SEQ.)	

DIRECT

TESTIMONY

OF

JERRY D. SMITH

UTILITIES CONSULTANT

UTILITIES DIVISION

April 6, 1999

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Direct Testimony of Jerry D. Smith
Docket No. E-01032A-98-0611
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basic character of the system is changing. A network of distribution substations containing redundant transformer capacity serving customers via shorter distribution feeders with greater switching flexibility is emerging. The emerging distribution system is taking on operational characteristics representative of urban settings.

Q. What is a radial 115 kV transmission line?

A. A radial line is defined as being connected to a single source of power on one end of the line and serves load at various connections along its length.

Q. Please describe the quality of electric service being provided by Citizens in Santa Cruz County.

A. Citizens' quality of service to Santa Cruz County customers has been unacceptable over the past year. Citizens' 1998 outage history for Santa Cruz is attached as Exhibit JS-2. It reflects the average hours of outage experienced annually by customers has risen from 3.5 hours to 12.3 hours since 1997. The associated customer service interruptions rose from 545 in 1997 to 584 in 1998. The primary cause of service degradation is attributable to four transmission line outage events. However, service in 1998 deteriorated even if one disregards the effects of the transmission outages.

Q. Did you observe any field conditions during your visit that may contribute to such degradation of service?

A. I observed a broken insulator on Sonoita Substation transformer #2 and an oil leak on the same transformer. These two items were first observed during an April 3, 1997 site visit. Staff has requested Citizens to make the needed repairs on two occasions. Citizens committed in a January 26, 1999 letter to making the needed repair by March 30, 1999, but has failed to do so. Equipment in such a state of disrepair is more susceptible to failure during adverse weather or system operating conditions.

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Q. Do the system improvements made by Citizens over the past few years seem prudent and offer the opportunity for improved electrical service to its customers?

A. Citizens' addition of two new substations to serve the Rio Rico and Tubac regions accompanied by associated new sectionalizing equipment, distribution feeders, and capacitors was appropriate. Customer exposure to distribution outages is reduced and greater system flexibility for restorative distribution switching now exists. The quality of normal distribution service should also be enhanced as a result of shorter distribution lines. However, the primary cause of service degradation, loss of a transmission line, has not been adequately addressed.

Q. What are the operational implications of recent system improvements made by Citizens?

A. The redundancy of distribution facilities offers more operational flexibility to respond to disturbances. This ability is further enhanced by remote monitoring and control of certain system elements via Supervisory Control And Data Acquisition ("SCADA") equipment. Unfortunately, outages can also be exacerbated by remote operation of SCADA controlled devices in the absence of information concerning the status of elements not monitored by SCADA. This implies a greater need for operational dispatch training, procedural guidelines and documentation of the status of unmonitored equipment.

Q. What level of operational preparedness has Citizens demonstrated in accommodating recent Santa Cruz Electric District system improvements?

A. Operating procedural guidelines do not appear to exist for the electric system as it is currently configured. I perceive it was quite an exercise for Citizens to prepare and provide procedures for restoring service following a transmission line outage. The same is true of documenting the "Black Start Procedure" used for starting its gas turbine generators at Valencia Substation when there is no AC power. This is astounding as they actually were required to take such action for transmission outages that occurred in 1998.

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1 Although Citizens claims to rehearse black start of its turbines on a weekly basis, the
2 procedures it has for doing this were just recently provided to Staff. Staff first requested
3 this type of information in January 1999. These procedures are attached as Exhibit JS-3
4 and should have been part of Citizens' protocols since the turbines were first put in
5 service.

6
7 Q. Do you have other concerns regarding the operational preparedness of Citizens?

8 A. Citizens has not given an indication of how they expect the transmission outage
9 procedures to change as additional SCADA capability is added and a dispatch center is
10 placed in operation. Nor does a map room currently capture the current status of all
11 system equipment and switches. Given all of the system changes occurring, it would be
12 difficult for dispatch personnel to know the status of a large segment of the system. This
13 poses considerable risk from a safety of operation perspective. Particularly, the remote
14 operation of reclosures not located in substations which could result in energizing a line
15 that has personnel working on it. Provision of the above items should be a prerequisite to
16 allowing SCADA dispatch control from locations remote to the service area.

17
18 **RESPONSE TO MR. DANIEL MC CARTHY'S TESTIMONY**

19 Q. Do you agree with Mr. McCarthy's testimony concerning expected results of its planned
20 transmission line service reliability improvements?

21 A. I agree that installing a 115 kV ring bus and accompanying circuit breakers at Nogales
22 Tap will greatly improve the reliability of WAPA's delivery of power to Citizens at that
23 location. It automatically sectionalizes WAPA's transmission line for disturbances and
24 leaves Citizens' line connected to the unaffected line section. Nevertheless, Citizens
25 transmission line reliability is unchanged by this \$2 million expenditure. It continues to
26 operate as a radial line offering 55 miles of outage exposure. A second transmission line
27 to Citizens' electric service area is required to resolve this service reliability problem.
28

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Direct Testimony of Jerry D. Smith
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Page 7

1 Q. Does Citizens plan to install a second transmission line into its Santa Cruz service area?

2 A. According to Mr. McCarthy's testimony, Citizens has temporarily suspended preliminary
3 studies of transmission alternatives until a Citizens Advisory Group is formed in Santa
4 Cruz County. Mr. McCarthy has reported to me that Citizens is using Power Engineering
5 and Dames & Moore as consultants for the proposed new transmission line and is
6 awaiting their report. Mr. Resal Craven of Citizens responded to a Staff data request
7 concerning the proposed new transmission line with a map showing potential routes and
8 an explanation of how a 2003 in service date was derived. This information is included as
9 Exhibit JS-4. Citizens' responses lead me to conclude their plans for a second
10 transmission line are still in the infancy of development. No sense of urgency is evident
11 in Citizens reported action.

12
13 **COMMISSION DECISION No. 61383**

14 Q. This Commission has ordered Citizens to file in this docket an "Analysis of Alternatives
15 and Plan of Action" to rectify service problems in Santa Cruz Electric Division. Have
16 you seen such a Plan?


17 A. No. I have not. Mr. McCarthy reported to me that Citizens intends to file the required
18 Plan of Action by April 15, 1999. He did commit to providing me a preliminary plan and
19 did so on April 1, 1999.

20 Q. Have you formed an opinion as to the adequacy of the preliminary plan?

21 A. I am in the process of reviewing the preliminary plan. Several days will be required to
22 digest the contents of the preliminary plan and assess the degree to which it has complied
23 with the intent of the Commissions' order. I will file supplemental Staff testimony once
24 Citizens has filed its final Plan of Action and I have the opportunity to review Citizens
25 final plan.
26
27
28

EXHIBIT
B

1 BEFORE THE ARIZONA CORPORATION COMMISSION
2 WILLIAM A. MUNDELL
3 Chairman
4 JIM IRVIN
5 Commissioner
6 MARC SPITZER
7 Commissioner
8
9 IN THE MATTER OF THE JOINT)
10 APPLICATION OF TUCSON ELECTRIC) DOCKET NOS. L-00000C-01-0111
11 POWER COMPANY AND CITIZENS) L-00000F-01-0111
12 COMMUNICATIONS COMPANY FOR A)
13 CERTIFICATE OF ENVIRONMENTAL)
14 COMPATIBILITY FOR A PROPOSED 345 KV)
15 TRANSMISSION LINE SYSTEM FROM)
16 TUCSON ELECTRIC POWER COMPANY'S)
17 EXISTING SOUTH 345 KV SUBSTATION)
18 IN SEC. 36, T.16S., R.13E, SAHUARITA,)
19 ARIZONA, TO THE PROPOSED GATEWAY)
20 345/115 KV SUBSTATION IN SEC. 12, T.24S.,)
21 R.13E., NOGALES, ARIZONA WITH A 115 KV)
22 INTERCONNECTION TO THE CITIZENS) STAFF'S NOTICE OF FILING
23 COMMUNICATIONS COMPANY'S 115 KV) OF TESTIMONY
24 VALENCIA SUBSTATION IN NOGALES,)
25 ARIZONA, WITH A 345 KV TRANSMISSION)
26 LINE FROM THE PROPOSED GATEWAY)
27 SUBSTATION SOUTH TO THE INTER-)
28 NATIONAL BORDER IN SEC. 13, T.24S.,)
R.13E.

18 The Utilities Division staff of the Arizona Corporation Commission hereby files in these
19 dockets the comments of Jerry D. Smith, Electric Utilities Engineer, Utilities Division Engineering
20 Section.
21
22 RESPECTFULLY SUBMITTED this 3rd day of May, 2001.
23
24 
25 Teena Wolfe
26 Attorney, Legal Division
27 Arizona Corporation Commission
28 1200 West Washington Street
Phoenix, Arizona 85007
(602) 542-3402
e-mail: TWOLFE@CC.STATE.AZ.US

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Comments of Jerry D. Smith, ACC Staff
Docket No. L-00000C-01-0111

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1 was attributable to four transmission line outage events. Mr. Smith concluded that Citizens'
2 quality of service to its Santa Cruz County customers was unacceptable.³

3 Review of system improvements made by Citizens over the past few years led Mr. Smith
4 to conclude that greater system flexibility for restorative distribution switching and reduced
5 customer exposure to distribution outages were being achieved.⁴ Nevertheless, the primary
6 cause of service degradation, loss of a transmission line, was not adequately addressed.
7 Furthermore, written operating procedural guidelines did not exist for restoring service following
8 a transmission line outage. The same was true regarding the lack of "Black Start Procedures" for
9 starting Citizens' gas turbine generators at Valencia Substation when no AC power exists.
10 Citizens actually had to take such action four times following transmission outages in 1998.
11 Written procedures were developed and submitted to Staff on January 28, 1999.⁵

12 It became evident, during review and refinement of the newly developed operating
13 procedures, that operation of Citizens' generators was not an effective solution. As long as a
14 radial transmission line is the sole means of connecting Citizens' Santa Cruz Electric
15 Division facilities to the state grid, continuity of service cannot be assured by means of local
16 generators. Local generating units will trip off line for the loss of any portion of the radial
17 transmission line. The generating units would then be restarted as part of service restoration
18 procedures.

19 Citizens and ACC Staff agreed the three Valencia generating units should be operated at
20 100% speed with no load anytime a storm rolls in.⁶ This avoids use of black start procedures for
21 the units and shortens the service restoration time following a system disturbance. Even so,
22 restoration of service following a transmission line outage can take up to two hours under
23 ideal conditions. A second transmission line to Citizens electric service area is required to
24
25

26 ³ ACC Docket No. E-01032A-98-0611, April 6, 1999, Testimony of Jerry D. Smith, page 4, lines 12-18.

27 ⁴ ACC Docket No. E-01032A-98-0611, April 6, 1999, Testimony of Jerry D. Smith, page 5.

28 ⁵ ACC Docket No. E-01032A-98-0611, April 6, 1999, Testimony of Jerry D. Smith, Exhibit JS-4, page 1-2.

⁶ ACC Docket No. E-01032A-99-0401, July 16, 1999, Supplemental Testimony of Jerry D. Smith, Exhibit JS-6, page 1.

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Comments of Jerry D. Smith, ACC Staff
Docket No. L-00000C-01-0111

Page 4

1 resolve the service reliability problem and enable continuity of service for a transmission
2 line outage.⁷

3 The Commission ordered in its Decision No. 61383 that Citizens file an "Analysis of
4 Alternatives and Plan of Action" to rectify service problems in Santa Cruz County. The Plan
5 was to include a cost benefit analysis of alternatives, the alternative chosen and proposed
6 deadlines for implementation of the chosen alternative. The Commission dismissed the City of
7 Nogales' complaint about Citizens service in Decision No. 61792 which approved a settlement
8 agreement among parties. In addition to the terms of the settlement agreement, that decision
9 further ordered Citizens to provide a planned service date and cost benefit analysis for the cost of
10 system components of the second transmission line included in its Plan of Action as directed by
11 Decision No. 61383.

12 Citizens filed a "Santa Cruz Transmission Alternatives and Plan of Action" on April 15,
13 1999. The report was essentially a preliminary transmission line environmental siting document.
14 Citizens filed an associated "Supplement" on May 7, 1999 and a second "Supplement" on July
15 13, 1999. The composite of all three documents does comply with the reporting requirements of
16 both Decision No. 61383 and Decision No. 61792.

17
18 **COMPLIANCE WITH ACC DECISION NO. 62011**

19 The Commission adopted an August 9, 1999 settlement agreement between Citizens and
20 Staff via Decision No. 62011. That decision ordered that Citizens comply with the
21 settlement agreement by filing for a Certificate of Environmental Compatibility for a new
22 transmission line to Nogales by November 11, 2000. It further ordered that Citizens build
23 the second transmission line to serve its customers in Santa Cruz County by December 31,
24 2003. The scheduled in-service date for the line is to be accelerated if an Environmental Impact
25 Statement is not required. The settlement agreement also establishes a framework for delay
26 penalties for Citizens' failure to perform in accordance with its proposed schedule.

27
28 ⁷ ACC Docket No. E-01032A-99-0401, July 16, 1999, Supplemental Testimony of Jerry D. Smith, Exhibit JS-6, page 3, lines 21-25.

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There is one segment of the proposed project that does not comply with the intent of Decision No. 62011. Staff does not support Citizens placement of the new 115 kV line from Gateway to Valencia on a double circuit pole with the existing 115 kV line terminating at Valencia. This is in direct conflict with the reliability objective of the ACC ordered construction of a new transmission line. If the two 115 kV lines must occupy the same right of way, they should at least be on separate poles. Staff's preference would be for the two 115 kV lines to traverse different routes until reaching the new Valencia Switchyard site. Such an alternate route is depicted as link 60 on Exhibit A-3.1 of the application.

ADDITIONAL BENEFITS OF THE GATEWAY 345 AND 115 KV PROPOSAL

It is Mr. Smith's professional opinion that the proposed project will improve the reliability of service to Citizens customers beyond what could have been achieved via a second 115 kV transmission line. Gateway Substation will be served by multiple 345 kV transmission lines and will likely become a more robust delivery point for Citizens 115 kV system than the existing Nogales Tap Substation. This will afford Citizens the opportunity to plan and expand its electric system in the vicinity of Nogales in a much more efficient and reliable manner. This project will also allow Citizens to sectionalize its 115 kV system with circuit breakers in a different manner in the future. This is particularly true if a second 115 kV transmission line from Gateway Substation is ultimately constructed to Citizens system.

There are other benefits of the Gateway 345 kV and 115 kV Transmission Project if TEP is successful in obtaining a Presidential Permit to interconnect its Gateway Substation to Mexico. By constructing the two proposed 345 kV ties from Gateway to the Comision Federal de Electricidad ("CFE") system, bilateral international power transactions can occur between parties on either side of the US-Mexico border. Such an international interconnection might also serve as a precursor for other international transmission interconnections that could result in service reliability improvements of other Arizona and CFE electric systems aligned along the US-Mexico border.

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The Gateway 345 kV and 115 kV Transmission Project also affords TEP the opportunity to import power to the Tucson service area from the south. This is an important technical issue given TEP's two county financing requirement that power must simultaneously flow into TEP's Tucson service area via its three extra high voltage ("EHV") delivery points. Similarly, the 345 kV lines constructed via the proposed project offers an opportunity to deliver power to consumers (Arizona or Mexico) from any new power plant that chooses to construct on either side of the border and interconnect with the proposed project.

ACC STAFF RECOMMENDATION

Given that DOE has not concluded its environmental assessment of all proposed transmission routes, the applicants have requested approval of a primary and alternate route for the 345 kV line. This affords the applicants the opportunity to proceed with the alternate route if the preferred route is found to be unacceptable during DOE's environmental assessment. Staff supports this approach for this project given the short time line for constructing the project.

ACC Staff recommends that link 60 of the alternate 115 kV route be approved in lieu of Applicant's preferred ingress to the new Valencia 115 kV Switchyard. This avoids the undesirable use of common structures to double circuit the new 115 kV line and the existing 115 kV line. Staff would also request that distribution circuits not be allowed to attach to the new 115 kV line when it is constructed or in the future. Distribution circuits can always be placed underground as an alternative. Staff recommends these provisions in order to assure that the desired system reliability is achieved and that the outage of 115 kV and distribution lines will be independent events.

Staff recommends approval of the proposed project in accordance with the above-stated provisions. Such approval will comply with the implied reliability objectives of Decision No. 62011. Staff echoes the previously cited sentiments expressed by DOE in Exhibit A. Staff believes approval of this project does not prohibit, impede or inhibit the opportunity for other local transmission or power plant projects to proceed on their own merits. In fact, such projects may benefit from the prior siting and construction of these applicants' project.

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EXHIBIT
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1 BEFORE THE POWER PLANT AND TRANSMISSION
2 LINE SITING COMMITTEE
3
4 IN THE MATTER OF THE JOINT)
5 APPLICATION OF TUCSON ELECTRIC POWER)
6 COMPANY AND CITIZENS COMMUNICATIONS)
7 COMPANY, OR THEIR ASSIGNEE(S), FOR A)
8 CERTIFICATE OF ENVIRONMENTAL)
9 COMPATIBILITY FOR A PROPOSED 345 KV) CASE NO. 111
10 TRANSMISSION LINE SYSTEM FROM TUCSON)
11 ELECTRIC POWER COMPANY'S EXISTING)
12 SOUTH 345 KV SUBSTATION IN SEC. 36,) DOCKET NOS.
13 T.16S., R.13E., SAHUARITA, ARIZONA,) L00000C-01-0111
14 TO THE PROPOSED GATEWAY 345/115 KV) L00000F-01-0111
15 SUBSTATION IN SEC. 12, T.24S.,)
16 R.13E., NOGALES, ARIZONA, WITH A)
17 115 KV INTERCONNECT TO THE CITIZENS)
18 COMMUNICATIONS COMPANY'S 115 KV)
19 VALENCIA SUBSTATION IN NOGALES,)
20 ARIZONA, WITH A 345 KV TRANSMISSION)
21 LINE FROM THE PROPOSED GATEWAY)
22 SUBSTATION SOUTH TO THE INTERNATIONAL)
23 BORDER IN SEC. 13, T.24S., R.13E.)
24)
25 At: Phoenix, Arizona
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1	INDEX TO EXAMINATIONS	1	BE IT REMEMBERED that the above-entitled
2	WITNESSES	2	and numbered matter came on regularly to be heard
3	DANIEL ELDER	3	before the Power Plant and Transmission Line Siting
4	Cross Examination by Mr. Duffy	4	Committee, at the Ranada Inn Motel, 601 North First
5	Vote One Examination by Mr. Heyman	5	Street, Phoenix, Arizona, commencing at 9:00 a.m. on
6	Redirect Examination by Mr. Heyman	6	the 17th day of May, 2001.
7	EDMOND A. BECK	7	
8	Cross Examination by Mr. Duffy	8	
9	Redirect Examination by Mr. Campbell	9	BEFORE: LAURIE A. WOODALL, Chairman
10	Recess Examination by Mr. Campbell	10	RAY WILLIAMSON, Arizona Corporation
11	RESAL CRAVEN	11	Commission
12	Cross Examination by Mr. Duffy	12	RICHARD TOBIN, Department of Environmental
13	Redirect Examination by Mr. Grant	13	Quality
14	Cross Examination by Mr. Magnuder	14	MARK McWHIRTER, Department of Commerce
15	WALTER MEER	15	WAYNE SMITH, appointed member
16	Statement	16	SANDIE SMITH, appointed member
17	Cross Examination by Mr. Heyman	17	MIKE PALMER, appointed member
18	Cross Examination by Mr. Grant	18	JEFF McGUIRE, appointed member
19	Cross Examination by Mr. Duffy	19	
20	Cross Examination by Mr. Magnuder	20	APPEARANCES
21	TERRY FRONTERHOUSE	21	For the Arizona Corporation Commission:
22	Direct Examination by Mr. Wolfe	22	Mr. Tom I. Wolfe
23	Cross Examination by Mr. Grant	23	Staff Attorney, Legal Division
24	Cross Examination by Mr. Duffy	24	1200 West Washington Street
25	JERRY SMITH	25	Phoenix, Arizona 85007
			For Citizens Communications Company:
			GALLAGHER & KENNEDY
			By Mr. Michael Grant
			2515 East Camelback Road
			Phoenix, Arizona 85016-9225

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1	INDEX TO EXHIBITS	1	APPEARANCES
2	NO. DESCRIPTION IDENTIFIED ADMITTED	2	
3	Exhibit 1	3	For Tucson Electric Power Company
4	Statement of Emilio Balco	4	BOSKHA HEYMAN & DEWULF, P.C.
5	Citizen's 3	5	By Mr. Raymond S. Heyman
6	Map	6	Two Arizona Center, Suite 1000
7	TEP-10 Notice of public hearing	7	400 North Fifth Street
8	TEP-12 Map	8	Phoenix, Arizona 85004-1902
9	TEP-13 Copy of Exhibit A-3	9	and
10	TEP-14 Photo simulations	10	Mr. Marcus Jorden
11	Meet-1 Prefiled statement of	11	Senior Attorney, Tucson Electric Power
12	Walker Jorden	12	220 West Sixth Street
13	S-1 Prefiled direct testimony	13	Tucson, Arizona 85702-0711
14	S-2 Diagram	14	For Public Service Company of New Mexico:
15	S-3 Staff conditions	15	LEWIS AND ROCA, LLP
16	Portions marked for Member Tobin	16	By Mr. Thomas H. Campbell
17	Pages 720 and 729	17	40 North Central Avenue
18		18	Phoenix, Arizona 85004-4429
19		19	For Santa Cruz Valley Citizens Council:
20		20	RIDGE & ISAACSON, P.C.
21		21	By Mr. Steven J. Duffy
22		22	1101 North Central Avenue, Suite 1500
23		23	Phoenix, Arizona 85012-2641
24		24	For Santa Cruz County:
25		25	Mr. Nicole Weber
			Deputy County Attorney
			and Mr. Martha S. Chase
			County Attorney
			2150 North Congress Drive, Suite 301
			Nogales, Arizona 85621

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1	transmission there is Western Area Power	1	problems for all the time. RAC-2 principally
2	Administration; however, at this point they have no	2	illustrates the fact that by about December, 2003, we
3	additional lines to which we can interconnect.	3	will need additional capacity in the area. This
4	Q. Well, I guess maybe I missed it and you	4	interconnection is a way of doing that. And that
5	answered my question and I didn't get it, but do you	5	doesn't preclude the fact that at some point we may
6	have any, with respect to the rates that are going to	6	have to add other lines to do other things. The
7	be paid to Tucson Electric under those circumstances,	7	projection is that, it's a projection. We believe
8	do you have any reason that that's going to be	8	that our load is going to be to the point where our
9	favorable to Citizens' ratepayers?	9	existing line will be -- the load will be pushing the
10	A. I'm not following your question at all. I	10	limits of the existing line by the time we get this
11	think I've answered it twice that the economic effect	11	one constructed.
12	is comparable regardless of who the interconnection is	12	Q. Are there other ways you could solve that
13	with.	13	problem?
14	Q. Mr. Craven, if the TEP project were not	14	A. We don't believe so, in that the basic
15	available, you're still faced with the Decision	15	purpose is or was a reliability addition, and that
16	No. 62011 requirement that you construct a second	16	requires a second transmission line.
17	transmission line by December 31st, 2003; correct?	17	Q. Have you explored other ways to solve that
18	A. Yes.	18	problem?
19	Q. How would you solve that problem?	19	A. We looked at the possibility of generation in
20	A. The reason that one of the items included in	20	the area. However, as I said, that's not viewed as a
21	the joint project development agreement is that if all	21	solution to the reliability problem. It's not an
22	else fails, Tucson will construct a second 115 kV	22	energy supply problem in Nogales, it's a continuity of
23	line.	23	service problem.
24	Q. That's one way -- you know it's going to get	24	Q. So other than looking at the possibility of
25	solved one way or the other, and that's one way it may	25	generation and rejecting it, have you considered any

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1	get solved; correct? Just that part of the problem.	1	other options to solve that problem?
2	I don't want to get into the peak demand problem.	2	A. No.
3	A. Yes.	3	MR. DUFFY: Thank you, Mr. Craven.
4	Q. Thank you.	4	I've got a few questions for Mr. Elder.
5	If you didn't have that agreement with TEP,	5	
6	are there other ways you could solve that particular	6	CROSS-EXAMINATION OF
7	problem?	7	DAN ELDER
8	A. In our original proposal or original plan of	8	
9	action filed with the Commission, Citizens had	9	Q. (BY MR. DUFFY) Mr. Elder, you testified
10	proposed to construct a stand-alone 115 kV line, the	10	earlier you personally walked, rode or flown over the
11	principal reason being that at that point they did	11	rocks; is that correct?
12	not -- there was not an opportunity to connect to the	12	A. That is correct.
13	345 system in an economical manner. With Tucson's	13	Q. If I understood your prefiled testimony --
14	proposal to construct another circuit line, that meets	14	and I'm sorry, my own note is deceiving me so it may
15	our purposes plus theirs. Now there is an opportunity	15	be in the application, so if I'm wrong, correct me.
16	to build a short three-mile line tied to the 345	16	But if I understand it correctly, whatever it is, you
17	system.	17	have concluded that with respect to wildlife and
18	Q. Turning to the other problem, if I	18	vegetation kinds of issues at least the preferred
19	understand, and I just want to make sure, Citizens is,	19	route and the preferred alternative route, that is the
20	if I understand it, solving two problems with this	20	west route and the central route are not significantly
21	application. One is the compliance with the decision,	21	different; is that correct?
22	and the other is the peak demand problem that shows up	22	A. That is correct.
23	in your exhibit RAC-2; is that a fair	23	Q. As to human aspects, however, they are very
24	characterization?	24	different, aren't they?
25	A. I don't know that line will solve all the	25	A. Yes.

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<p>1 A. Yes, I was.</p> <p>2 Q. At that time did you hear public comment and</p> <p>3 some parties' testimony that indicated a preference</p> <p>4 for generation solutions over a new transmission line?</p> <p>5 A. Yes, I did.</p> <p>6 Q. In your professional opinion, are there</p> <p>7 nontransmission solutions to the service quality</p> <p>8 issues that exist in Santa Cruz County?</p> <p>9 A. I would like to give a conditional response</p> <p>10 to that. I'd first like to respond from the context</p> <p>11 of the service via the existing 115 kV line, and then</p> <p>12 I'd like to respond to that by speaking to conditions</p> <p>13 once a second transmission line is in service.</p> <p>14 My professional opinion, having done the</p> <p>15 investigation that led to the order issued by the</p> <p>16 Commission to require Citizens to build a second</p> <p>17 transmission line to resolve reliability concerns for</p> <p>18 Santa Cruz County, it is my opinion that transmission</p> <p>19 is the only option available to resolve those</p> <p>20 transmission reliability issues.</p> <p>21 Let me explain. The existing substations are</p> <p>22 served by radial transmission lines. The complaints</p> <p>23 that were posed regarding quality of service were</p> <p>24 varied, but the most emphatic concerns were of the</p> <p>25 lengthy outage conditions that occurred predominantly</p>	<p>1 Commission Staff's only concern. The complaints that</p> <p>2 we've heard have been about service quality in</p> <p>3 general, and I want to come back and address that</p> <p>4 later as we look at how we move forward with the</p> <p>5 proposed second transmission line.</p> <p>6 So if a second transmission line is the</p> <p>7 solution for the transmission reliability concerns,</p> <p>8 what about the future? Are there other options</p> <p>9 available to address some of the quality service</p> <p>10 concerns? And the answer is possibly. There are a</p> <p>11 variety of solutions that may be available to deal</p> <p>12 with further system improvements dealing with service</p> <p>13 quality issues in general, not just reliability.</p> <p>14 Those may involve upgrading existing facilities, it</p> <p>15 may involve providing voltage support in the system,</p> <p>16 it may mean building additional transmission lines.</p> <p>17 It may mean consideration of local generation. And we</p> <p>18 are open to considering a variety of options as we</p> <p>19 move forward in time in looking at the future for the</p> <p>20 customers in Santa Cruz County.</p> <p>21 Q. Mr. Smith, does the Decision 62011 require</p> <p>22 those additional improvements you were talking about,</p> <p>23 or does it require only an additional line being</p> <p>24 installed at this time?</p> <p>25 A. There's I guess two answers to that question</p>
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<p>1 when transmission outages occurred. And in fact, it</p> <p>2 is that particular component that caused the</p> <p>3 Commission to take the action to recommend a second</p> <p>4 transmission line.</p> <p>5 Citizens do have existing, a generator at</p> <p>6 Valencia substation on the southern end of their</p> <p>7 system that is connected to that existing 115 kV</p> <p>8 transmission line.</p> <p>9 It does not provide any service reliability</p> <p>10 to ensure continuity of service when there is an</p> <p>11 outage of the existing transmission line.</p> <p>12 When an outage occurs, if that generator is</p> <p>13 on line, it is going to trip off line. Therefore,</p> <p>14 what exists today is that for transmission line outage</p> <p>15 there is no continuity of service, and it takes a</p> <p>16 period of hours, a minimum of several hours, given the</p> <p>17 improvements that have been made in the system, to</p> <p>18 restore service by restarting the generator and doing</p> <p>19 the field switching to reconnect the service using</p> <p>20 distribution system facilities. So for a short-term</p> <p>21 answer, a second transmission line is the only</p> <p>22 solution to the reliability service issue.</p> <p>23 Let me also clarify, while the decision</p> <p>24 speaks to reliability of service, from a service</p> <p>25 continuity perspective, that is not the Corporation</p>	<p>1 as well.</p> <p>2 Order Decision 62011 addresses the fact that</p> <p>3 there was a settlement agreement between Citizens and</p> <p>4 the City of Nogales regarding the Nogales complaint.</p> <p>5 That included numerous distribution system upgrades.</p> <p>6 So given that context, the Corporation Commission's</p> <p>7 decision simply overlaid on top of that the need for a</p> <p>8 second transmission line for reliability service</p> <p>9 purposes.</p> <p>10 Q. Did Decision No. 62011 specify the voltage</p> <p>11 class of that required line?</p> <p>12 A. It did not. And that was by design, because</p> <p>13 we did not, again, want to prescribe a particular</p> <p>14 solution for the utility. We wanted to leave open the</p> <p>15 opportunity for it to explore a variety of options,</p> <p>16 which it has done.</p> <p>17 You have heard earlier testimony that in the</p> <p>18 early stages Citizens did consider its go-alone 115 kV</p> <p>19 second line option. But it also participated in the</p> <p>20 Southeast Arizona Transmission Study with other</p> <p>21 transmission providers in southeastern Arizona, and</p> <p>22 also included Public Service Company of New Mexico, to</p> <p>23 look at alternatives that could look at service issues</p> <p>24 beyond just those that Citizens was trying to address.</p> <p>25 And it is my opinion that those options were well --</p>

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<p>1 the technical assessment of those options were well</p> <p>2 documented in a report filed with the Commission, and</p> <p>3 that the project before us today is a reflection of</p> <p>4 the type of options that we viewed by being considered</p> <p>5 by Citizens as it looked for a solution.</p> <p>6 Q. Mr. Smith, were you present for the testimony</p> <p>7 of Mr. Craven when he was asked to comment on an</p> <p>8 exhibit that was included in his testimony? His</p> <p>9 testimony was marked as Exhibit C-1, and he referred</p> <p>10 to an exhibit within his testimony that was marked as</p> <p>11 Exhibit RAC-2. Were you present when he was</p> <p>12 testifying as to that exhibit?</p> <p>13 A. Yes, I was.</p> <p>14 Q. And saw that exhibit in his prefiled</p> <p>15 testimony?</p> <p>16 A. Yes, I have.</p> <p>17 Q. Prior to looking at his prefiled testimony,</p> <p>18 was Staff aware of the load projection contained in</p> <p>19 RAC-2?</p> <p>20 A. No, we were not.</p> <p>21 Q. Upon learning of those load projections and</p> <p>22 hearing Mr. Craven testify in regard to those, did</p> <p>23 that raise any additional concerns for Staff?</p> <p>24 A. Yes, it has.</p> <p>25 Q. Could you describe those?</p>	<p>1 excess of the capacity of the generators. And had we</p> <p>2 had the forecast before us back in 1999 that we have</p> <p>3 now, we would have been requesting additional</p> <p>4 generation at an earlier date. In fact, you heard</p> <p>5 testimony from Mr. Craven that their earlier forecast</p> <p>6 showed they did not reach 60 megawatts until the year</p> <p>7 2009. It's amazing what two years' difference can</p> <p>8 make in terms of system operation and in terms of our</p> <p>9 view where we're headed in serving customers.</p> <p>10 So I am very concerned not only about</p> <p>11 reliability from a transmission outage perspective,</p> <p>12 but I am very concerned about how Citizens proposes to</p> <p>13 serve its customers beyond the summer peak of 2003,</p> <p>14 even with the second transmission line.</p> <p>15 Let me put that in context for you. There's</p> <p>16 been a little bit of confusion, I believe, in terms of</p> <p>17 what this project really does. This project is no</p> <p>18 different than if they had built their own 115 kV line</p> <p>19 and connected to Tucson's system at South substation.</p> <p>20 The difference is that by building the 345 kV lines to</p> <p>21 Gateway, it brings the EHV system source closer to the</p> <p>22 load to be served. So what you have in this case is a</p> <p>23 very strong source being proposed locally to Nogales.</p> <p>24 That is a significant improvement over what would have</p> <p>25 occurred if they had had simply interconnected back at</p>
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<p>1 A. I'll be glad to. Let me pull it in front of</p> <p>2 me.</p> <p>3 As I have previously stated, the Corporation</p> <p>4 Commission's order required the construction of a</p> <p>5 second transmission line for reliability purposes by</p> <p>6 December, 2003. What I need to tell you is that that</p> <p>7 date was arrived at through a very arbitrary fashion</p> <p>8 by looking at what Citizens felt was a reasonable time</p> <p>9 period for it to go through a siting process. It was</p> <p>10 not based upon any kind of system loading concerns at</p> <p>11 that point in time.</p> <p>12 However, if you look at RAC-2, at the load</p> <p>13 forecast, and you now see that the existing line is</p> <p>14 capable of delivering 60 megawatts and that the load</p> <p>15 forecast is likely to achieve that level of system</p> <p>16 peak by the summer of 2003, I would suggest to you if</p> <p>17 we were making our determination today, we would be</p> <p>18 making quite a different requirement of the applicant</p> <p>19 because frankly, folks, what we're faced with is not</p> <p>20 rolling blackouts in Santa Cruz County; we're talking</p> <p>21 about total blackouts when the load exceeds the</p> <p>22 60 megawatts capability of that line.</p> <p>23 Let me explain. You heard earlier for</p> <p>24 transmission outage that the area goes black. They do</p> <p>25 have local generation. It cannot serve loads in</p>	<p>1 South substation and built a 50- to 60-mile 115 kV</p> <p>2 line.</p> <p>3 Q. Mr. Smith, if I could interject here. There</p> <p>4 were some questions that the Committee members asked</p> <p>5 at the last hearing. One of them, Mr. Palmer asked if</p> <p>6 building the additional 115 kV line only, would double</p> <p>7 the capacity to Citizens. Could you answer that</p> <p>8 question?</p> <p>9 A. Yes, be glad to. The answer is no. The</p> <p>10 existing project has a 100 megawatt delivery</p> <p>11 capability from Gateway to the Valencia substation</p> <p>12 over a new 115 kV line. However, when you lose that</p> <p>13 115 -- new 115 kV line, Citizens is still limited to</p> <p>14 the ability of serving 60 megawatts over the existing</p> <p>15 line. So what we really have for those that have been</p> <p>16 following Staff's transmission concerns over the last</p> <p>17 few months, we have been saying that we have three</p> <p>18 transmission import constraint zones in the state.</p> <p>19 I'm here to tell you we have a fourth, and that is in</p> <p>20 Santa Cruz County, because the capacity, the</p> <p>21 transmission import capacity, even with this second</p> <p>22 transmission line being constructed, is 60 megawatts.</p> <p>23 We want to see a reliable system plan that</p> <p>24 ensures that the load in excess of 60 megawatts moving</p> <p>25 forward in time can be served reliably and at a</p>

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<p>Page 687</p> <p>1 cost-effective manner. As I described earlier, there 2 are a variety of options available now that we have a 3 second transmission line to the area. But that is a 4 major concern I have that's new that did not exist 5 when we originally had the order issued by the 6 Commission. 7 Q. Another question that the Committee asked at 8 the last proceeding was posed by Committee Member 9 Tobin. He did want the parties to address what the 10 impact would be of not granting the certificate at 11 this point, but instead waiting for the NEPA 12 evaluation. Would you comment on that? 13 A. I believe we've heard some significant 14 testimony that delays in siting this project and 15 waiting for the NEPA process to run its course and 16 then completing this siting would ultimately result in 17 delay of the service date for the second transmission 18 line. 19 I think the evidence that we have on the 20 record in RAC-2 says that is not a prudent choice. 21 What you are basically doing is dictating that by our 22 slow action on the needed facility, that we are 23 ensuring there are going to be some serious problems 24 serving the customers in Santa Cruz County beyond the 25 summer of 2002.</p>	<p>Page 689</p> <p>1 today, but without the fuel supply for the generators 2 that were used to restore service. So that is one of 3 the principal reasons that we would recommend, given 4 all other factors being the same, the preference of 5 the alternate route for the 115 kV line. 6 Now, that can be mitigated to some degree by 7 the offsets that we have recommended. 8 The second concern that we have regarding the 9 preferred 115 kV route is one that deals with the 10 double circuit proposal for four-tenths of a mile 11 approaching Valencia substation. It is simply not 12 prudent and proper for Staff to agree to a double 13 circuit 115 kV line that is the principal cause for us 14 being before the Siting Committee requiring a second 15 transmission line to resolve reliability. 16 Q. Mr. Smith, to put that in context, if someone 17 were to follow along on applicant's exhibit, would 18 that be Exhibit A-3.1? 19 A. Yes, if you would look at Exhibit A-3.1 in 20 the application. In this exhibit are the two routes 21 considered and presented by the applicant between the 22 Gateway substation and the Valencia substation for the 23 new 115 kV line. The red routes are the alternative 24 routes that Staff indicated we would have a preference 25 for. The black dashed lines are the applicant's</p>
<p>Page 688</p> <p>1 Q. Mr. Smith, if Staff was called upon to make a 2 recommendation to the Commission whether or not to 3 waive the December 31st, 2003 in-service requirement 4 that's currently the Commission's last word on this 5 issue, what would Staff's recommendation be? 6 A. Given the facts as I know them today, I would 7 not be recommending delay; in fact, I would be 8 encouraging acceleration. 9 Q. Moving on to some more technical issues with 10 the 115 kV line. Do you have a preference for the 11 route of the Citizens 115 kV line? 12 A. The 115 kV route preference that Staff would 13 offer relates a little bit to two factors. One is the 14 issue that we began with Staff's testimony today, and 15 that is our concern about routing a transmission line 16 along an existing gas pipeline. Where there are 17 options available to do otherwise and the public 18 supports those alternate routes, we think that is a 19 wise choice to make. 20 Let me give that a little more context 21 regarding the 115 kV line. If you choose the 22 preferred route from Gateway to Valencia, it is along 23 an existing gas pipeline. If that gas pipeline were 24 to explode and take the new transmission line out of 25 service, you're left with conditions that we have</p>	<p>Page 690</p> <p>1 preferred route, and if you will notice, they are 2 aligned with the yellow dotted lines that represent 3 the existing gas line and there are some circles that 4 have a number in it. And if you look to the 5 right-hand side where it has 40, 50 and 60 encircled, 6 that is the area that we are talking about in 7 particular. 8 The section that runs left and right to the 9 west of the indicator for 60 is where the applicant is 10 proposing to build a double circuit. The red line 11 that runs to the north is the existing 115 kV line and 12 it is that segment that the applicant has proposed be 13 double circuit, the existing 115 plus the new 115, and 14 a corner with the existing one gas pipeline. Talk 15 about putting all your eggs in one basket. I'm not 16 sure that is a good, reliable choice. 17 Now, Staff has had discussions with the 18 applicant about going ahead and having gas line 19 offsets with the transmission line and about not 20 having a double circuit line, but having two separate 21 lines along that same corridor. Staff is willing to 22 consider that from a technical perspective, but I 23 would ask the Committee to give some thought to the 24 environmental and aesthetic impact that that would 25 pose.</p>

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<p>Page 719</p> <p>1 all over again, only it will be a bigger picture. 2 Q. Mr. Smith, those distribution system 3 improvements do not change, I would underline 4 distribution system improvements do not change the 5 need for a second transmission source? 6 A. Correct. 7 Q. Finally, Mr. Smith, if you would turn to 8 Page 7 of your comments. With some trepidation, I 9 will state that at least on my copy this occurs at 10 Lines 10 to 14. 11 You have the statement there that Staff 12 supports approval of both a primary and alternate 13 route for the 345 kV line. Could you explain to the 14 Committee why Staff supports the approval of both the 15 preferred and the preferred alternative route? 16 A. We support the preferred route based on the 17 evidence that has been presented in the case and that 18 we've heard testimony before the Committee. We 19 support the inclusion of a preferred alternative route 20 based upon the fact that the environmental work is not 21 yet complete, and we do not want to presume that the 22 western preferred route is void of environmental 23 concerns. If that should surface, we want to ensure 24 that the applicants have the ability to move forward 25 with an alternative route.</p>	<p>Page 721</p> <p>1 you're supporting? 2 A. Given the proposal of a new generator 3 connecting to the existing 115 kV system, without the 4 addition of a second transmission line would likely 5 pose the same deficiency that the existing units at 6 Valencia pose, and that is local generators connected 7 to a radial transmission line are going to trip off 8 line for transmission outage, and that means there 9 would not be continuity of service for the outage of a 10 transmission line. 11 Depending on where that generation was 12 located, it might change the time required to restore 13 service following the transmission outage. In fact, 14 one of the benefits that came from our investigation 15 of the prior concerns of Citizens' system is we were 16 able to -- they had been experiencing outages that ran 17 up to six hours in duration for transmission line 18 outage. That's how long it took them to get the 19 generator restarted, reconfiguring the distribution 20 system to get all of the customers back in service. 21 By taking the utility through the steps of 22 documenting operating procedures to be used to restore 23 service following transmission outages, ensuring that 24 the generators had an alternate backup to their black 25 start capability, and requiring that the existing</p>
<p>Page 720</p> <p>1 The real key, caveat that we offer in this 2 paragraph is to be found on Line 13, where we say we 3 feel it's appropriate, should the preferred route be 4 found to be unacceptable during DOE's environmental 5 assessment. That's the context of our giving support 6 for moving forward with the preferred alternate route. 7 MR. GRANT: Thank you very much, Mr. Smith. 8 MEMBER TOBIN: Cece, would you mark that. 9 CHMN. WOODALL: Mr. Meek. 10 MR. MEEK: Thank you, Madam Chairman. I have 11 a couple questions for Mr. Smith. 12 13 CROSS-EXAMINATION OF 14 JERRY SMITH 15 16 Q. (BY MR. MEEK) Good afternoon, Mr. Smith. 17 A. Good afternoon. 18 Q. I'd like to return briefly to your discussion 19 about generation as an alternative to the reliability 20 issues. I think it's clear you think the existing 21 facility does not meet reliability requirements for 22 Citizens' system. Let's suppose hypothetically that 23 somebody came along for a proposal for brand-new 24 generation. What would the configuration of that 25 facility have to be to meet reliability standards that</p>	<p>Page 722</p> <p>1 units be placed on spinning operation during storm 2 season, we ensure that we could have shorter 3 restoration of service. I think that same type of 4 restoration of service will be likely if you connected 5 new generators to that same system. 6 Q. Wouldn't it be possible to build generators 7 that were not connected to the existing transmission 8 system, stand-alone units? 9 A. Certainly you could have generators that were 10 serving load that is not connected to the grid, but 11 those same customers would be subject to an outage of 12 that generator and not have the benefit of the service 13 from the interconnected grid. 14 Q. If someone were to propose a merchant plant 15 in that area, would it be the Staff's position that 16 that plant would have to be connected to the grid? 17 A. It would depend on the size. If we're 18 talking about a plant that's less than 100 megawatts 19 in size, it could very easily connect to the existing 20 transmission system and the proposed transmission line 21 without going through a siting process. What is yet 22 to be determined is whether a local generator 23 connected to that interconnected system could ride out 24 a disturbance on the transmission system. 25 It would take some pretty sophisticated</p>

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<p>1 control equipment to ensure that they could withstand</p> <p>2 that type of disturbance, but certainly that is among</p> <p>3 the options that we're leaving open for Citizens and</p> <p>4 market participants to consider.</p> <p>5 Q. What I was getting at was that if someone</p> <p>6 were to propose a fairly large scale system,</p> <p>7 generation project built on this side of the border,</p> <p>8 with presumably commercial capabilities, based on the</p> <p>9 Staff's previous recommendations on commercial</p> <p>10 generators isn't it likely that you would suggest that</p> <p>11 the project ought to be connected to the grid to the</p> <p>12 north?</p> <p>13 A. I would suggest that a large generator plant</p> <p>14 in excess of 100 megawatts would properly connect to</p> <p>15 the EHV transmission system rather than to Nogales'</p> <p>16 115 kV system. And in fact that's exactly what this</p> <p>17 project offers, is the opportunity for such a plant to</p> <p>18 interconnect with the two 345 kV circuits from Gateway</p> <p>19 back to South, and Tucson or to the two 345 kV ties</p> <p>20 once they were approved and interconnected to Mexico.</p> <p>21 Q. So by building a generating project, we're</p> <p>22 not necessarily avoiding the transmission issue?</p> <p>23 A. I have given testimony that generation of any</p> <p>24 size is not a solution to the transmission reliability</p> <p>25 issue being dealt with in Nogales.</p>	<p>1 A. If we look at the fact that the load will</p> <p>2 exceed the existing transmission line by the summer of</p> <p>3 2003, there is not a power plant that would have to go</p> <p>4 through the siting process that would have ample lead</p> <p>5 time to meet that need.</p> <p>6 MR. MEEK: Thank you, that's all.</p> <p>7 CHMN WOODALL: Mr. Duffy.</p> <p>8 MR. DUFFY: Thank you. I have one question</p> <p>9 for Mr. Fronterhouse. I didn't want him to be too</p> <p>10 bored.</p> <p>11</p> <p>12 CROSS-EXAMINATION OF</p> <p>13 TERRY FRONTERHOUSE</p> <p>14</p> <p>15 Q. (BY MR. DUFFY) I kind of want to understand,</p> <p>16 on -- you have Exhibit S-2 handy?</p> <p>17 A. Yes.</p> <p>18 Q. The 100-foot offset that's from the edge of</p> <p>19 the right-of-way of the gas right-of-way to the actual</p> <p>20 structure that is the pole of the support structure,</p> <p>21 is that the 100 feet we're talking about?</p> <p>22 A. Yes, it is.</p> <p>23 Q. It doesn't matter whether it's a lattice</p> <p>24 structure or some other kind of structure?</p> <p>25 A. No, not really. It's just from the edge.</p>	
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<p>1 Q. We heard some mention earlier today on the</p> <p>2 Maestro project. Has either that -- and apparently</p> <p>3 that project is before DOE, from what we heard earlier</p> <p>4 today. Does that project or any similar project have</p> <p>5 an application before the Commission today that would</p> <p>6 might the deadlines set up in the 62011?</p> <p>7 A. We have no such application before the</p> <p>8 Commission or the Siting Committee. I do understand</p> <p>9 that it has filed for the presidential permit, but I</p> <p>10 can tell you we have had informal conversation via</p> <p>11 letters and a few phone calls regarding a variety of</p> <p>12 generation projects related to the Maestro Group's</p> <p>13 development intent. We have encouraged those</p> <p>14 participants to move forward as they felt they could</p> <p>15 justify their projects, and we have even suggested to</p> <p>16 those parties that we feel the project that's before</p> <p>17 this Committee today is an excellent precursor to</p> <p>18 making their projects viable and provide a means for</p> <p>19 them to deliver to a larger market.</p> <p>20 Q. In your professional opinion, at this stage</p> <p>21 of the game could anybody file a proposal for a</p> <p>22 generating project that would meet either the</p> <p>23 Commission's deadline for Citizens Communications or</p> <p>24 for that matter the growth load projections that are</p> <p>25 reflected in RAC-2?</p>	<p>1 And then of course we use the calculation to do the</p> <p>2 triangle to the wires. So to get the distance you</p> <p>3 have to get the distance there, too, because even</p> <p>4 though a pipeline ruptured, they don't happen every</p> <p>5 day, it is a possibility, it has happened, you have to</p> <p>6 have a far enough distance so that you don't damage</p> <p>7 the structure or the wires that are on the structure.</p> <p>8 Q. So you have to take into account how far out</p> <p>9 the wires are as well?</p> <p>10 A. That's correct.</p> <p>11 MR. DUFFY: Thank you. Now I have a few</p> <p>12 questions for Mr. Smith.</p> <p>13</p> <p>14 CROSS-EXAMINATION OF</p> <p>15 JERRY SMITH</p> <p>16</p> <p>17 Q. (BY MR. DUFFY) With the exception of</p> <p>18 Mr. Gran's last question, I just kind of wanted to</p> <p>19 make sure. With the exception of answering his last</p> <p>20 question about the 345 route, you were talking about</p> <p>21 the alternative route in and around, that is between</p> <p>22 the Gateway and Valencia substation; correct?</p> <p>23 A. That is correct. In fact, I'm aware there</p> <p>24 may be some confusion about some of my earlier</p> <p>25 comments when I was talking about Staff willing to</p>	
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<p>1 BEFORE THE POWER PLANT AND TRANSMISSION</p> <p>2 LINE SITING COMMITTEE</p> <p>3</p> <p>4 IN THE MATTER OF THE JOINT)</p> <p>APPLICATION OF TUCSON ELECTRIC POWER)</p> <p>5 COMPANY AND CITIZENS COMMUNICATIONS)</p> <p>COMPANY, OR THEIR ASSIGNEE(S), FOR A)</p> <p>6 CERTIFICATE OF ENVIRONMENTAL)</p> <p>COMPATIBILITY FOR A PROPOSED 345KV) CASE NO. 111</p> <p>7 TRANSMISSION LINE SYSTEM FROM TUCSON)</p> <p>ELECTRIC POWER COMPANY'S EXISTING)</p> <p>8 SOUTH 345 KV SUBSTATION IN SEC. 36,) DOCKET NOS.</p> <p>T.16S., R.13E., SAHUARITA, ARIZONA,) L00000C-01-0111</p> <p>9 TO THE PROPOSED GATEWAY 345/115 KV) L00000F-01-0111</p> <p>SUBSTATION IN SEC. 12, T.24S.,)</p> <p>R.13E., NOGALES, ARIZONA, WITH A 115)</p> <p>10 KV INTERCONNECT TO THE CITIZENS)</p> <p>11 COMMUNICATIONS COMPANY'S 115 KV)</p> <p>VALENCIA STATION IN NOGALES, ARIZONA,)</p> <p>12 WITH A 345KV TRANSMISSION LINE FROM)</p> <p>THE PROPOSED GATEWAY SUBSTATION)</p> <p>13 SOUTH TO THE INTERNATIONAL BORDER)</p> <p>IN SEC. 13, T.24S., R.13E.)</p> <p>14)</p> <p>15 At: Phoenix, Arizona</p> <p>16 Date: June 11, 2001</p> <p>17 Filed:</p> <p>18 REPORTER'S TRANSCRIPT OF PROCEEDINGS</p> <p>VOLUME IV</p> <p>19 (Pages 736 through 992)</p> <p>20 ARIZONA REPORTING SERVICE, INC.</p> <p>Court Reporting</p> <p>Suite Three</p> <p>2627 North Third Street</p> <p>Phoenix, Arizona 85004-1103</p> <p>22 By: CECELIA BROOKMAN, RPR</p> <p>23 CCR No. 50154</p> <p>24 Prepared for:</p> <p>25</p>		
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<p>Page 853</p> <p>1 projections were arrived at, and that those might 2 better be directed to the applicant's witnesses. 3 MR. MAGRUDER: I do teach forecasting and 4 reduction in my MBA courses, and upon reading the 5 transcript, I do have lots of questions. 6 CHMN. WOODALL: To the extent the applicant 7 puts on a rebuttal case and those issues come up, 8 you'll have an opportunity to ask them if they come up 9 in his rebuttal case. 10 Having said that, it's about time for our 11 noon break. I'm wondering, Mr. Magruder, how many 12 more questions you have. 13 MR. MAGRUDER: They're getting to be shorter. 14 CHMN. WOODALL: Would this be a convenient 15 time to break? 16 MR. MAGRUDER: Yes, it would be a convenient 17 time. 18 CHMN. WOODALL: We'll resume at 1:15. 19 (The lunch recess ensued from 12:04 p.m. to 20 1:25 p.m.) 21 CHMN. WOODALL: Do we have any last minute 22 procedural matters? 23 If not, Mr. Magruder, are you prepared to 24 resume with your cross-examination? 25 MR. MAGRUDER: Yes, I have exhibits I</p>	<p>Page 855</p> <p>1 115 kV line to Valencia. 2 Q. Isn't it customary for lines to be rated in 3 proposals so that you have an idea what the capacity 4 is that's going to be -- of the electricity that's 5 going to be transmitted on that line? 6 A. (BY MR. JERRY SMITH) It's a fairly common 7 practice to identify the rating. 8 Q. Page 438 of Mr. Craven's proposal says: The 9 project development agreement with Tucson provides us 10 with 100 megawatts of transmission capacity on their 11 line. And I agree with the 100 megawatt statement. 12 What I didn't see was how that 100 megawatts 13 was going to make it to Citizens Utilities for use at 14 the Valencia substation. 15 A. (BY MR. JERRY SMITH) Let me suggest, if you 16 want verification of that you might want to ask the 17 applicant. 18 Q. I hope they would bring it up then in their 19 rebuttal. 20 A. (BY MR. JERRY SMITH) I would say this, 21 Mr. Magruder: The 115 kV system is only capable of 22 serving 60 megawatts of load irrespective of whatever 23 the line rating is from Gateway to Valencia, because 24 the system must be able to withstand the outage of 25 that new line, and we do have testimony and evidence</p>
<p>Page 854</p> <p>1 distributed. When we -- 2 MR. MEEK: Excuse me, Madam Chairman. I 3 haven't been favored with the latest pile of Magruder 4 exhibits. 5 CHMN. WOODALL: Mr. Magruder, I wonder if you 6 could give Mr. Meek a copy. You'll make sure that he 7 has a copy of that before you refer to it? 8 MRS. MAGRUDER: Yes. 9 CHMN. WOODALL: Thank you so much. 10 Q. (BY MR. MAGRUDER) Mr. Smith, in the 11 testimony of Mr. Craven, he indicated on Page 437, 12 Line 19, talks about the concept of 60 megawatts at 13 the 115 and you were the one who indicated 100 14 megawatts at the 115 interface between Gateway and 15 Citizens. 16 Where in the proposal does it say it's going 17 to be 100 megawatts delivered to Citizens' Valencia 18 substation? Do you know of anyplace? 19 A. (BY MR. JERRY SMITH) I cannot cite specific 20 reference in the application. I do know we have a 21 data request of the applicant, and that was one of the 22 responses we got from the applicant. We also heard in 23 testimony from the applicant that they had contractual 24 arrangements for 100 megawatts to be delivered at 25 Gateway, and that that could be delivered over the new</p>	<p>Page 856</p> <p>1 that the existing line can only accommodate 60 2 megawatts. 3 Q. Let me clarify. In other words, the wires 4 that connect Gateway and Valencia will never be 5 allowed to carry more than 60 megawatts; is that 6 correct? 7 A. (BY MR. JERRY SMITH) No, I did not say that. 8 Q. How many megawatts can be transferred on the 9 line between Gateway and Valencia substation? 10 A. (BY MR. JERRY SMITH) It's my understanding 11 the rating of that facility is to be 100 megawatts. 12 However, the 115 kV system serving Santa Cruz County 13 is only capable as a system of serving 60 megawatts 14 because it must meet the N-1 outage criteria for the 15 loss of the new line. 16 Q. Could you please further explain what the N-1 17 means in this case? 18 A. (BY MR. JERRY SMITH) With the proposed 19 project, you have two lines, two 115 kV lines serving 20 the Citizens Utilities customers in Santa Cruz County, 21 the existing line, which is rated at 60 megawatts, and 22 the new line from Gateway to Valencia, which is rated 23 100 megawatts. If you lose the new line, you have the 24 ability to serve only 60 megawatts over the existing 25 line, and in fact, it is that concern that is new to</p>

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<p>Page 857</p> <p>1 these proceedings that did not exist at the time the 2 Arizona Corporation Commission gave its decision 3 ordering construction of a second transmission line. 4 Q. Would you have any recommendations that could 5 solve that dilemma? 6 A. (BY MR. JERRY SMITH) Staff has a variety of 7 solutions that we consider as acceptable. We have 8 intentionally, in our proposed condition, left that 9 question open-ended for the utility to explore what it 10 views to be the best investment opportunity to meet 11 the load requirements, but I can give you some 12 examples. 13 The first would be they could upgrade the 14 existing transmission line, whatever that entails, 15 such that it had a 100 megawatt rating, thereby 16 rendering the network serving capacity to 100 17 megawatts. And another option, with that first 18 option, it might mean actually doing some line 19 construction, or as an alternative, because a 20 60 megawatt criteria is not necessarily a line 21 capacity problem, they could deal with the voltage 22 issues by putting in voltage equipment. 23 Option two might consist of a third 115 kV 24 line. If that was the proposal I would suggest the 25 best source for connecting that third 115 kV line</p>	<p>Page 859</p> <p>1 Q. So if a third line went, then, from Gateway 2 to Sonoita, that would then be satisfactory and meet 3 the N-1 criteria? 4 A. I would say we would have to see studies that 5 indicate flow wise that that is a sound system, but 6 just subjectively doing some back-of-the-envelope 7 planning, I would say it would appear to be a good 8 solution. 9 Q. Now I understand the word hypothetical, let 10 me ask you a hypothetical on the same situation. 11 Instead of the Gateway substation, if it was a power 12 generation station rated at 100 megawatts, would that 13 also then meet the N-1 criteria? 14 A. I feel it may be inappropriate for Staff to 15 speak about generation plant solutions, given we're 16 aware of a project that is being proposed that may 17 come before this Staff, this Committee, and 18 Commission, and I'm not sure it's prudent for Staff to 19 comment on those types of projects without proper 20 evidence of facts dealing with N-1 of those projects. 21 Q. Understanding that I thought the N-1 strategy 22 was feasible, how many power plants would you have? 23 A. (BY MR. JERRY SMITH) If you're asking Staff 24 to support generation as a solution to N-1 criteria, I 25 would say Staff has taken a position that we need</p>
<p>Page 858</p> <p>1 would be Gateway, because it has expansion capacity 2 that the delivery from the Nogales tap that is the 3 delivery point out of the Western Area Power 4 Administration does not have. The Western Area Power 5 Administration system is fully committed capacity wise 6 and does not have the expansion capability that this 7 project offers at Gateway. 8 Those are transmission solutions that Staff 9 would certainly entertain and consider to be 10 reasonable solutions. 11 Q. Mr. Smith, on your second solution to add a 12 third 115 kV line, would it be satisfactory if it went 13 from Gateway to one of the substations such as 14 Sonoita, which is one station north of the Valencia 15 substation, would that also be an acceptable solution? 16 A. (BY MR. JERRY SMITH) Yes. In fact, I would 17 suggest from a planning perspective that would be a 18 prudent choice, because it offers the ability -- it 19 could offer the ability to improve the reliability 20 over just connecting a second line -- excuse me. 21 Three lines at Valencia. It would offer a loop system 22 between Gateway, Sonoita, and Valencia, and could have 23 the net effect of avoiding the need to upgrade the 24 existing transmission line between Sonoita and 25 Valencia.</p>	<p>Page 860</p> <p>1 adequate transmission capacity to meet the N-1 2 criteria irrespective of generation. 3 Q. Do I understand, then, that if the Gateway 4 substation was changed hypothetically with a 5 generating station, the same electrical transmission 6 characteristics would be the end result? 7 A. (BY MR. JERRY SMITH) For Citizens system, 8 yes, that would be Staff's judgment. 9 Q. That's what I was looking for. Thank you. 10 If we had 100 megawatt capability in Santa 11 Cruz County, would that solve the long-term growth 12 projections based on anybody's forecast, or most 13 people's forecast for the next decade or two? 14 MS. WOLFE: Objection. Could the question be 15 restated as to where exactly that 100 megawatt 16 capability would be? 17 CHMN. WOODALL: Please rephrase, 18 Mr. Magruder. 19 Q. (BY MR. MAGRUDER) If 100 megawatts came from 20 Gateway station to, let's say, Sonoita and Valencia 21 substation, would that be enough to meet the general 22 growth demands for this county? 23 A. (BY MR. JERRY SMITH) Let me better 24 understand the question you asked, Mr. Magruder. Are 25 you talking about Citizens' system consisting of two</p>

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<p>Page 861</p> <p>1 115 kV lines or three 115 kV lines?</p> <p>2 Q. Mr. Smith, I don't think the present 115 kV</p> <p>3 line is going to go away. I think in fact Mr. Craven</p> <p>4 in his testimony indicated that's how he intends to</p> <p>5 buy electricity, and not use the TEP line. So I'm</p> <p>6 pretty sure that line is going to stay. Do you</p> <p>7 remember that portion of testimony?</p> <p>8 A. (BY MR. JERRY SMITH) I remember that</p> <p>9 portion. I'm not sure I would agree that's the</p> <p>10 characterization that I heard. I believe the</p> <p>11 transmission capacity that Citizens can take from</p> <p>12 Western is limited and cannot achieve the long-term</p> <p>13 growth projected for the area.</p> <p>14 Q. But at least if you get its base load or up</p> <p>15 to 60 megawatts from its present line?</p> <p>16 A. (BY MR. JERRY SMITH) I'm not sure what the</p> <p>17 contract limit is with Western Power Administration.</p> <p>18 Q. Well, okay.</p> <p>19 A. (BY MR. JERRY SMITH) It is certainly no more</p> <p>20 than 60 megawatts. I suspect it is less than that.</p> <p>21 Q. So if it could get 60 watts from that</p> <p>22 transmission line, and 100 watts from either a line</p> <p>23 going into Sonora and/or Valencia, would that 160</p> <p>24 watts then provide enough capacity for Santa Cruz</p> <p>25 County?</p>	<p>Page 863</p> <p>1 MS. WOLFE: Objection; calls for speculation.</p> <p>2 CHMN. WOODALL: Sustained.</p> <p>3 Q. (BY MR. MAGRUDER) When people have firm</p> <p>4 contracts, what percentage of the time do they not</p> <p>5 have delivery, approximately, in this state?</p> <p>6 A. (BY MR. JERRY SMITH) A firm contract implies</p> <p>7 deliverability, otherwise it's not firm.</p> <p>8 Q. In other words, it's close to 100 percent?</p> <p>9 A. (BY MR. JERRY SMITH) Firm means that service</p> <p>10 cannot be interrupted by operator intervention. It</p> <p>11 can only be interrupted as a result of a natural</p> <p>12 system event, and that is a distinction from a power</p> <p>13 plant outage.</p> <p>14 Q. And how often do power plants have natural</p> <p>15 outages or failures?</p> <p>16 MS. WOLFE: Objection as to the relevance of</p> <p>17 this line of questioning.</p> <p>18 CHMN. WOODALL: Sustained.</p> <p>19 Mr. Magruder, can you connect this up with</p> <p>20 something that's material with respect to this</p> <p>21 application?</p> <p>22 MR. MAGRUDER: What I'm trying to compare is</p> <p>23 is it a transmission line problem or a generation line</p> <p>24 problem that we're talking about, and I believe that</p> <p>25 generation reliability is higher than the transmission</p>
<p>Page 862</p> <p>1 A. (BY MR. JERRY SMITH) From a transmission</p> <p>2 delivery standpoint it's immaterial what the source of</p> <p>3 that energy and demand is; what is important is the</p> <p>4 deliverability. And if you're asking me do I think a</p> <p>5 generation plant at Valencia can serve to be as</p> <p>6 reliable as an EHV, extra high voltage transmission</p> <p>7 interconnection at Gateway, I would say that is</p> <p>8 something that would require some study to determine</p> <p>9 the reliability merits of one versus the other.</p> <p>10 Q. For the average medium-size power plant how</p> <p>11 many hours a year are they out, do they have outages?</p> <p>12 MS. WOLFE: Objection. Please tell us what a</p> <p>13 medium power plant is.</p> <p>14 MR. MAGRUDER: Let's say 100, 200 megawatt,</p> <p>15 average size power plant.</p> <p>16 MR. JERRY SMITH: I would say that question</p> <p>17 is very difficult today to answer, because we're</p> <p>18 entering a market environment where power plants have</p> <p>19 been known to withhold their delivery. They no longer</p> <p>20 have an obligation to serve. And I would characterize</p> <p>21 those plants as being very suspect in terms of the</p> <p>22 dependability of their output to the consumer.</p> <p>23 Q. (BY MR. MAGRUDER) If you have a firm</p> <p>24 contract how many hours a year would you not have</p> <p>25 delivery from the power plant?</p>	<p>Page 864</p> <p>1 reliability. Could I ask that question?</p> <p>2 CHMN. WOODALL: Go ahead.</p> <p>3 Q. (BY MR. MAGRUDER) What has a higher</p> <p>4 reliability, generation reliability or transmission</p> <p>5 reliability in this state?</p> <p>6 A. (BY MR. JERRY SMITH) I would say that in</p> <p>7 this state probably we have comparable outage results</p> <p>8 for transmission and generation. That is not always</p> <p>9 the case. The more strain the transmission system</p> <p>10 has, the more vulnerable it is to outages. And when</p> <p>11 you look on the average nationally power plants</p> <p>12 generally have, historically have had a higher</p> <p>13 capacity factor than a transmission line would. But</p> <p>14 as I stated before, in a merchant power plant</p> <p>15 environment, that is yet to see that that is factual</p> <p>16 for moving forward in time.</p> <p>17 Mr. Magruder, it appears from your line of</p> <p>18 questioning that you're trying to address whether we</p> <p>19 have a supply problem or delivery problem. And I'm</p> <p>20 going to tell you it's this Staff member's opinion we</p> <p>21 have a delivery problem. It matters not where the</p> <p>22 source is, we have a delivery problem.</p> <p>23 Q. Is the delivery problem greater on the 65</p> <p>24 mile line or a three- to six-mile line?</p> <p>25 MS. WOLFE: Objection; vague.</p>

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<p>Page 865</p> <p>1 CHMN. WOODALL: Do you understand the</p> <p>2 question, Mr. Smith?</p> <p>3 MR. MAGRUDER: Of the same characteristics</p> <p>4 line.</p> <p>5 MR. JERRY SMITH: It depends on what's at</p> <p>6 each end of the line. If all that's on the end of the</p> <p>7 line is a power plant, it is not secure, is that there</p> <p>8 is sufficient transmission capacity to deliver to the</p> <p>9 underlying 115 system independent of operation of the</p> <p>10 plant.</p> <p>11 Q. (BY MR. MAGRUDER) The reason I wanted to get</p> <p>12 on the power plant issue, but don't power plants have</p> <p>13 more than one generator, and don't they have</p> <p>14 redundancy and the same type of redundancy we talked</p> <p>15 about, the second 115 kilovolt line a little while</p> <p>16 ago? But would that kind of redundancy also affect</p> <p>17 and improve the reliability of a power plant?</p> <p>18 A. (BY MR. JERRY SMITH) The power plant segment</p> <p>19 of the industry has multiple units and has set aside</p> <p>20 what is called reserves so that they can lose a power</p> <p>21 plant, a unit, and still continue to deliver the full</p> <p>22 output to the load.</p> <p>23 That same phenomena exists in the</p> <p>24 transmission system, and it exhibits itself in terms</p> <p>25 of the N-1 criteria which says you have to have enough</p>	<p>Page 867</p> <p>1 supply problem that we're concerned about, it's a</p> <p>2 deliverability problem. And in fact Staff, in prior</p> <p>3 hearings, has taken a very strong position supporting</p> <p>4 construction of power plants within transmission</p> <p>5 constrained import zones in this state, and we would</p> <p>6 do the same for future power plant in this area. But</p> <p>7 we want to assure that there is sufficient</p> <p>8 transmission capacity to serve all of the load in</p> <p>9 Citizens' service area in Santa Cruz County without</p> <p>10 having to rely on any particular generation resource</p> <p>11 being available. Because to do so puts the consumer</p> <p>12 at risk if they lose that supply and there's not</p> <p>13 sufficient transmission, then it means a blackout.</p> <p>14 CHMN. WOODALL: Thank you, Mr. Smith.</p> <p>15 Thank you, Mr. Magruder. Please proceed.</p> <p>16 Q. (BY MR. MAGRUDER) Mr. Smith, if you lost a</p> <p>17 whole generation plant, which would probably be a low</p> <p>18 probability, and you still had the 60 megawatts coming</p> <p>19 in on the present power line, would you have 60</p> <p>20 megawatts then available for the Citizens service</p> <p>21 area?</p> <p>22 A. (BY MR. JERRY SMITH) In the scenario you</p> <p>23 describe, if we lose a power plant at Gateway that has</p> <p>24 two 115 kV transmission lines to Citizens' system, and</p> <p>25 what that power plant outage does is leave all of</p>
<p>Page 866</p> <p>1 transmission capacity in the system to be able to</p> <p>2 withstand the loss of a single transmission line and</p> <p>3 still serve the load. So from that standpoint,</p> <p>4 they're very comparable technologies and implications</p> <p>5 from a reliability standpoint.</p> <p>6 Q. Are you trying -- are you saying that two</p> <p>7 transmission lines are more or less reliable than,</p> <p>8 let's say, four generators at a power station?</p> <p>9 MS. WOLFE: Objection; irrelevant.</p> <p>10 MR. MAGRUDER: I'm talking from a redundancy</p> <p>11 viewpoint here.</p> <p>12 CHMN. WOODALL: Sustained. Could you ask</p> <p>13 another question, Mr. Magruder?</p> <p>14 I had a question for Mr. Smith. Staff has</p> <p>15 testified that they support this application</p> <p>16 because -- for a second line because, one, there was a</p> <p>17 Commission order, and two, based upon evidence that</p> <p>18 came through the hearing that -- through Mr. Craven,</p> <p>19 concerning increased demand or load in the future; is</p> <p>20 that correct?</p> <p>21 MR. JERRY SMITH: That's correct.</p> <p>22 CHMN. WOODALL: If we assume that there's</p> <p>23 another power plant that can serve that load, is Staff</p> <p>24 still supporting this application?</p> <p>25 MR. JERRY SMITH: Yes, because it's not a</p>	<p>Page 868</p> <p>1 Santa Cruz County load served by the existing 115 kV</p> <p>2 transmission line, that limitation is 60 megawatts,</p> <p>3 and it is that concern that leaves Staff concerned</p> <p>4 that there is transmission service at Gateway, not</p> <p>5 just the power plant.</p> <p>6 Q. You also realize there's 48 megawatts of</p> <p>7 backup or peaking power also available?</p> <p>8 A. (BY MR. JERRY SMITH) I would agree there's</p> <p>9 48 megawatts of backup. I would not characterize that</p> <p>10 generation as being suitable for running on a normal</p> <p>11 basis to meet load, because in its history, it has</p> <p>12 been shown that that plant will trip off line for</p> <p>13 system disturbances.</p> <p>14 Now, we certainly do not have at this point</p> <p>15 technical studies that would describe the performance</p> <p>16 of those units with the network configuration this</p> <p>17 application proposes. Certainly, that is an option</p> <p>18 that Staff would entertain as a temporary measure to</p> <p>19 allow us to get past the 60 megawatts in the</p> <p>20 short-term, but we would not view that as a long-term</p> <p>21 acceptable solution.</p> <p>22 Q. Do you know how many days in the year 2000</p> <p>23 load above 4,000 megawatts were experienced by</p> <p>24 Citizens Utilities?</p> <p>25 A. (BY MR. JERRY SMITH) I have no idea.</p>

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<p>Page 869</p> <p>1 Q. The data that I received from Citizens was 2 four days and that would be four afternoons. 3 A. (BY MR. JERRY SMITH) I would suggest, 4 Mr. Magruder, that's four days the customers would be 5 without power. 6 Q. They also operated turbines during both of 7 those days as spinning reserve. Is that a reasonable 8 mitigation problem? 9 CHMN. WOODALL: Mr. Magruder, you need to ask 10 him if he knows that, then you can proceed with your 11 question. 12 Q. (BY MR. MAGRUDER) Do you know if they put 13 spinning turbines and used them whenever they reached 14 close to their capacity? 15 A. (BY MR. JERRY SMITH) I'm aware that they 16 have had their units on serving load at various parts 17 of the season. And what I can tell you is part of the 18 reason that they've had their units on line in a 19 spinning mode, but not connected to the network, was 20 out of the Commission decision requiring them to do so 21 during storm season, so that we could shorten the 22 service restoration time period. 23 Q. Is that a reasonable thing that a good 24 utility company would do? 25 A. (BY MR. JERRY SMITH) It's something that we</p>	<p>Page 871</p> <p>1 MR. GRANT: Objection; relevance, 2 materiality. 3 CHMN. WOODALL: Sustained. 4 Q. (BY MR. MAGRUDER) Could Citizens become a 5 municipal utility? 6 MR. GRANT: Objection; relevance, 7 municipality. 8 CHMN. WOODALL: Sustained. 9 Q. (BY MR. MAGRUDER) The charter of the City of 10 Nogales permits it to own utilities. Since there are 11 rural co-op utilities on both sides of the county, 12 there is a possibility that Citizens could possibly 13 become a shareholder own a rural co-op as a utility? 14 MS. WOLFE: Objection, relevance. 15 MR. GRANT: Objection. 16 CHMN. WOODALL: Mr. Magruder, can you tell me 17 where you're going with these questions? 18 MR. MAGRUDER: Local control versus remote 19 control on the power plant. Local electrical system. 20 Right now it's controlled from the board rooms in 21 Connecticut. 22 CHMN. WOODALL: And your point as it relates 23 to these proceedings is what? 24 MR. MAGRUDER: It was generally in, the 25 newspapers regarded it was a lack of interest by the</p>
<p>Page 870</p> <p>1 think should have been avoided. We should have had 2 the transmission line so that was not necessary. That 3 is a fuel expense and environmental pollution 4 requirement that we don't feel is prudent and proper. 5 Q. I understand you really do like transmission 6 lines. There's no chance, then, in your mind that a 7 generation system is a solution to the problem in 8 Santa Cruz County? 9 A. (BY MR. JERRY SMITH) Oh, I think there's a 10 definite role for generation in Santa Cruz County. 11 I'm just not sure it's as you've characterized it. I 12 think generation offers local consumers an alternative 13 supplier other than Citizens, and the competitive 14 environment, that's what it's all about. 15 Q. You would like to have your own utility plant 16 in your county under your Citizens control, is that a 17 reasonable assumption? 18 MS. WOLFE: Objection. 19 MR. HEYMAN: Objection. 20 CHMN. WOODALL: Sustained. 21 Q. (BY MR. MAGRUDER) As you know, Citizens 22 Utilities is for sale. Did you know that? 23 A. Yes, I am aware of that for some time. 24 Q. And there are multiple options on what might 25 happen to that utility?</p>	<p>Page 872</p> <p>1 board of directors in Citizens that caused the 2 degradation in the capabilities of that county that 3 caused the problem for the ACC ruling S-2011. 4 CHMN. WOODALL: Your suggestion if it was 5 owned locally there would be a closer eye on what was 6 going on, is that the point? 7 MR. MAGRUDER: Yes, local interest, local 8 control I think is independence, and it's good for the 9 local people and generally that's what everybody I've 10 talked to would like to have instead of some large 11 company come in and controlling us from Salt Lake City 12 or something like that. 13 CHMN. WOODALL: Mr. Magruder, I do not find 14 that that line of questioning is relevant or material 15 to what is in front of us here, so if you can proceed 16 to another line of questioning. 17 Q. (BY MR. MAGRUDER) Let me talk about the 18 costs of a 345 kV line. It was earlier indicated by 19 Mr. Craven that he intends to use his present line. 20 Do you remember that testimony? 21 A. (BY MR. JERRY SMITH) Yes. 22 Q. He also indicated that it, transmission cost, 23 is bundled in the present costs, but it was a little 24 less than \$2 per kilowatt hour per month. Do you 25 remember that?</p>

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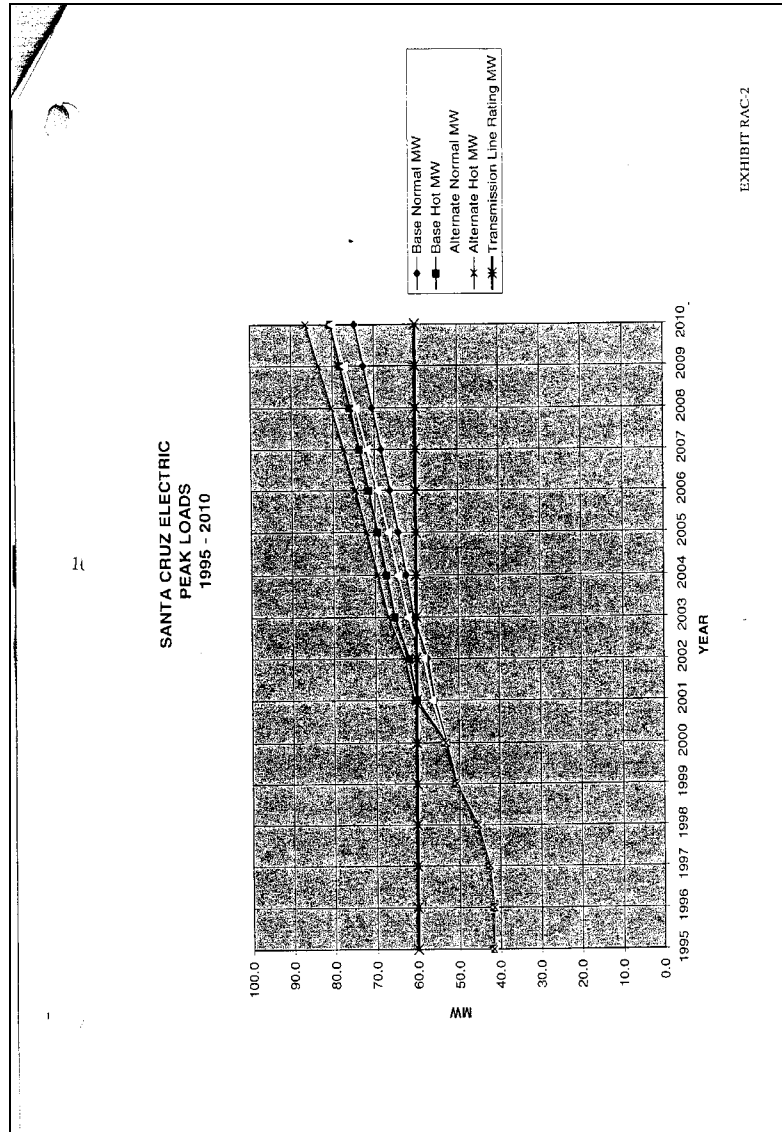
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Arizona Wilderness Coalition, Western Deserts Regional Coordinator
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From: Jay Krienitz [jkrienitz@azwild.org]
Sent: Tuesday, September 23, 2003 5:52 PM
To: Pell, Jerry
Subject: Concerning the Tucson Electric Power Sahuarita-Nogales Transmission line DEIS

Dr. Jerry Pell

Office of Fossil Energy
U.S. Department of Energy
Washington D.C. 20585

Concerning the Tucson Electric Power Sahuarita-Nogales Transmission line DEIS

As a long time wilderness user and wilderness advocate, I have had the chance to experience the grandeur of Arizona's wild places, of which the Tumacacori and Atascosa Mountains are an unparalleled beauty. The proposed powerline will forever degrade the natural features and character of this majestic place, and is incompatible with the public desire to preserve for future generations. This area is a very important place for the people of Arizona as is indicated through the citizen's proposal of the Tumacacori's for wilderness designation. This powerline would forever scar future wild and recreational qualities of the area.

Both the Western and Crossover Routes are unacceptable proposals. The preferred Western Route is the longest, most expensive, and most environmentally damaging of all alternatives considered. The Crossover route is equally terrible.

TEP proposes to build over 20 new miles of road for the Preferred Route. The road density in the Tumacacori EMA is already above acceptable limits as set forth in the current Forest Plan. More road building, even with associated closures (often unsuccessful) would be in gross violation of the Forest Plan.

Comment No. 1

The Federal agencies recognize that many people value certain areas along the alternative transmission corridors as wild places and have a holistic concern for the natural beauty, undisturbed landscape features, and abundant plant and animal wildlife that characterize those areas. These unique natural characteristics give such wild areas their "sense of place," which includes peoples' visual and aural perceptions of the area's undisturbed sky, natural landscape, water resources, and plant and animal populations. The sense of place also includes the spiritual value that many people associate with these wild areas because of their cultural and religious significance. The Federal agencies recognize and appreciate this holistic sense of place and have revised the introductory text of Chapters 3 and 4 of the Final EIS to acknowledge these values.

The agencies recognize that the natural and cultural characteristics that contribute to a sense of place cannot be measured in the same manner as some other resources in an environmental analysis. However, in order to analyze potential impacts effectively and document the analysis, it is necessary to consider the resource areas individually. Thus, the EIS discussions of affected environment in Chapter 3 and potential impacts in Chapter 4 are divided into distinct resource areas (e.g., visual resources, biological resources, cultural resources). For example, Section 3.2 of the EIS presents information about the visual resources of the Tumacacori and Atascosa Mountains, and Section 4.2 presents an analysis of potential impacts to those resources for each alternative. Similarly, Sections 3.1.2 and 4.1.2, respectively, present information on existing recreational settings and activities and potential impacts to recreation from the proposed project, including impacts to characteristics such as remoteness and naturalness.

Section 4.1.2 specifically evaluates impacts to indicators such as remoteness and naturalness, both of which would have changes that are not compatible with the existing Recreation Opportunity Spectrum (ROS) classes for much of the length of the Western and Crossover Corridors within the Coronado National Forest. Section 4.1.2.4 (ROS Impacts Summary for Western, Central, and Crossover Corridors) in the Final EIS includes revised text which concludes that the proposed transmission line is out of character with recreational settings in the area, but that when considering the overall impact

Comment No. 1 (continued)

of the proposed transmission line for each area it crosses, it alone would not change ROS settings. Therefore, the proposed project would not result in the re-classification of areas by USFS in terms of the recreational experience each area provides. The Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori Ecosystem Management Area (EMA). Maps provided by commentors indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as the Wilderness Act of 1964 and Forest Service regulations (36 CFR 293.15) allow for the existence, establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

Comment No. 2

The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan. Road density limits set forth in the Forest Plan are for the Coronado National Forest as a whole, not for individual land units or EMAs within the Coronado National Forest. On a Forest-wide basis, the density of existing roads and new road construction is limited to one mile of road or less per square mile. Per the *Coronado National Forest Forest Level Roads Analysis Report* dated January 13, 2003, the existing road density on the Coronado National Forest is approximately 0.8 miles per square mile based on the area of the National Forest Systems Land (1,717,857 acres (2,684 square miles) and 2,187.25 miles of jurisdiction road in the inventory). None of the alternatives would change the existing road density because TEP would close 1.0 mi (1.6 km) of existing classified road for every 1.0 mi (1.6 km) of proposed road to be used in the operation or long-term maintenance of the project. Any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions, as appropriate, to ensure road barrier effectiveness and maintenance. Based on the discussion above, the proposed project would be consistent with Forest Plan standards and guidelines for road density.

Arizona Wilderness Coalition, Western Deserts Regional Coordinator
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Comment No. 3

3	<p>I agree with other concerned parties that there is no "Need" stated for a 345 kV line by either the applicant (TEP) or agencies - because most of the energy transmitted on the line would not benefit Santa Cruz County, why is the 345 kV, and not a smaller line, needed? A smaller, less obtrusive powerline, such as a 115 kV line was not considered for any route. Why not? A 115 kV line is cheaper, can more easily be buried in sensitive areas near homes, and would serve the long-term needs of Santa Cruz County.</p> <p>I do not support the proposed routes because they do not serve Santa Cruz County's interests, as originally intended under ACC order 62011. They are an unnecessary economic, environmental, and culture burden on Southern Arizona.</p>
1 cont.	<p>In a time of shrinking wildlands, this is another attempt at the theft of our God-given natural heritage. This landscape has been wild since the beginning of time, and is still in beautiful natural condition. This powerline will exist far into the future and is not worth degrading what geologic and natural evolution has produced in this beautiful landscape. Please consider withdrawing the Draft Environmental Impact Statement and issuing an assessment that properly analyzes real solutions to power needs in Santa Cruz County that include a smaller powerline and/or locally run power plant.</p>
3 cont.	<p></p>
<p>Jay Krienitz AWC Western Deserts Regional Coordinator www.azwild.org</p>	
<p>Office: (928)717-6076 Cell: (928)713-0245</p>	
<p>"You can't hug a biogeochemical cycle" -Ed Grumbine, 1992</p>	

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the

Comment No. 3 (continued)

ACC has directed TEP to construct.

Section 2.1.5 discusses why a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). As discussed in that section, "new local generation does not pre-empt the need for a second transmission line. This is because the system deficiency is not a supply problem but rather a delivery problem that new generation can not solve. New local generation would be susceptible to tripping off line for a transmission line outage just like the existing Valencia units until a second transmission line connects Nogales to the Arizona grid." Likewise, a smaller transmission line in lieu of the proposed 345-kV line (e.g., a 115-kV line) would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Beals, Linda R., Manager, Arizona State Land Department
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From: Linda Beals [mailto:LBeals@land.az.gov]
Sent: Monday, April 05, 2004 1:03 PM
To: Mark.Blauer@tetratech.com
Cc: Keith_Moon@blm.gov; Pell, Jerry; Greg Keller; Jim Adams; James Rees; Richard Hubbard; Richard Oxford
Subject: TEP-DOE Siting

The Arizona State Land Department is still in the process of reviewing the Draft Environmental Impact Statement prepared by the DOE for the TEP Sahuarita-Nogales Transmission Line.

Our initial observations are as follows:

1.) There is a significant amount of Arizona State Trust Land impacted by all of the proposed alignments. (Approximately 30% of the alignment in each of the proposed routes.) We are concerned about the limited discussion of the State Trust and would propose the following language by incorporated into the EIS under (Section 1.2.2):

The Arizona State Land Department manages approximately 9.3 million acres of State owned "Trust" lands. These lands were granted to the State of Arizona under provisions in the federal Enabling Act that provided for Arizona's statehood in 1912. The lands are held in trust for fourteen public beneficiaries including Arizona's public schools and several state supported institutions.

1 The Department functions as the trustee of the State Land and its natural resources. The Department's management of the trust is governed by extensive and detailed provisions in the Enabling Act (Sections 24-30), Act June 20, 1910, (c). 310,36 U.S. Stat. 557, 568-579). The Arizona Constitution (Article 10), and statutes in A.R.S. Titles 27 and 37. In addition there is extensive case law which governs the Department's procedures and management of the Trust.

The role, in this instance, of the State Land Department is to determine whether to approve an easement for the preferred right of way alignment for a power transmission line as well as a fiber optic communication line incorporated in the power line. In processing an application for a right of way, the Department will consider land status, current uses, existing lessees, affected resources, environmental issues, local and regional land use plans and comments from interested parties as well as other issues that may present themselves in the application process.

2 2.) Each of the alignments will have some degree of impact on trust land. The Department's mission is to manage State Trust Lands and resources to enhance value and optimize economic return for the Trust's beneficiaries consistent with sound stewardship, conservation and business management principles. The central alignment would have the greatest impact on the monetary value/income producing ability of the trust land. This is the land closer to the highway, portions of which are anticipated to be developed in the foreseeable future. However, the proposed Western and Crossover corridors cross approximately five miles of trust land and the proposed Central corridor crosses approximately 6.5 miles of trust land in the Tinaja Hills area (Pima County) identified as "conservation option lands" under the proposed State Trust Land Reform package to be presented to Arizona's voters in 2004. A goal of the State Trust Land Reform package is to improvement management and planning of trust lands and to conserve significant lands. The "Conservation Option" trust lands impacted are as follows:

11/23/2004

Comment No. 1

State Trust Lands in the project area are shown in Figure 1.1–2. The information submitted by the commentor has been incorporated, as appropriate, into Section 3.1.1 of the Final EIS.

Comment No. 2

This information submitted by the commentor has been incorporated, as appropriate, into Section 4.1.1 of the Final EIS.

Beals, Linda R., Manager, Arizona State Land Department
Page 2 of 3

	Page 2 of 3
	WESTERN AND CROSSOVER CORRIDORS
	Township 19 South, Range 12 East
	* S2, Section 5; All Section 6
	S2, Section 7;
	N2, Section 8;
	* All, Section 16; All Section 17
	* E2, Section 19; All Section 20
	All, Section 32
	Township 20 South, Range 12 East
	N2NE, Section
	CENTRAL CORRIDOR
2	Township 18 South, Range 12 East
cont.	S2S2, Section 23
	All, Section 26
	All, Section 35
	Township 19 South, Range 12 East
	* All, Section 2; All, Section 3
	* All, Section 10; All, Section 11
	* All, Section 14; All, Section 15
	N2N2 Section 22
	*Proposed corridor alignment appears to follow section line boundaries between the parcels identified.
	3.) Existing Leases- There are a number of existing leases within the proposed alignments. Most of them are grazing leases and proposed corridor should be able to co-exist these. There are minor accommodations for fencing, ranch roads, water facilities and similar grazing improvements that we need to consider. However, as we have previously discussed, the Arizona State Land Department currently leases approximately 4,500 acres of land to Caterpillar Corporation for their proving grounds and training center. With the majority of the buildings and other significant improvements are on their fee land. The leased land is utilized in conjunction with the fee land for testing and demonstration purposes. This lease could be jeopardized if the proposed power lines created a physical restriction/constraint on the use of the facility or if the aesthetic view corridor Caterpillar uses as a backdrop for its facility were to be severely impacted by the power lines. In either case, the income producing ability of the lease would be jeopardized, as well as the significant financial benefit to the local community. Caterpillar has outlined their economic benefit to the community in a previous correspondence to the DOE.
3	4.) Acquisition of State Trust Lands - Under Chapter 9 (applicable Environmental Laws, Regulations, Permits and DOE Orders) it is indicated that TEP would acquire access across State Trust lands via condemnation. This is incorrect. Only the federal government may exercise its power of eminent domain and condemn State Trust lands. TEP does not have condemnation power on trust lands. It should also be noted, that the Arizona State Corporation Commission has no authority to require the Arizona State Land Department to issue a right of way across trust lands.
	As initially stated, we are still in the process of analyzing the impacts of the proposed routes and since TEP has not formally filed an application to purchase the required easement no final determination can or will be made at this time. Based upon our current mission and the laws governing the Trust we cannot endorse the central alignment. But as stated, there are concerns regarding both of the other proposed alignments, not the lease of which is the Caterpillar Lease. These concerns could become more acute if the proposed legislation for conservation of these land is passed.
	Hopefully this information can and will be incorporated into the final EIS report and taken into consideration in any recommendations made by the DOE.
	11/23/2004

Comment No. 3

Chapter 9 has been revised to indicate that construction on State Trust lands would require a right-of-way grant from the State Land Department. Also, a footnote has been added, stating: "Only the Federal government may exercise its power of eminent domain and condemn State Trust lands. TEP does not have condemnation power on State Trust lands. It should also be noted, that the Arizona Corporation Commission has no authority to require the Arizona State Land Department to issue a right of way across State Trust lands."

Beals, Linda R., Manager, Arizona State Land Department
Page 3 of 3

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If you need any clarification on the matter herein for any additional information, please do not hesitate to call me at 602-542-2648.

Linda R. Beals, Manager
Right of Way Section
Arizona State Land Department

11/23/2004

Border Power Plant Working Group

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October 14, 2003

Dr. Jerry Pell, Senior Environmental Scientist
 Fossil Energy, FE-27
 U.S. Department of Energy
 Forrestal Bldg., Room 4G-025
 Washington, DC 20565
 fax: 202-318-7761

Subject: Border Power Plant Working Group Comments on Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement

Dear Jerry:

Thank you for this opportunity to comment on the Tucson Electric Power Company (TEP) Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement (EIS). I have reviewed the document on behalf of the Border Power Plant Working Group (BPPWG). My comments are provided in the following paragraphs.

Overview of Principal Issues

The current power glut in Arizona is well documented. New combined-cycle gas turbine power plants that cost hundreds of millions of dollars to build are sitting idle due to over-capacity and high natural gas prices. Arizona utilities are facing an “energy market that is overbuilt” according to Arizona Public Service.¹ In this supply context, the Arizona Corporation Commission (ACC) has the obligation to “. . . balance, in the broad public interest, the need . . . for electric power (and transmission of electric power) with the desire to minimize the effect thereof on the environment . . .”² ACC Order No. 62011 mandated that TEP and partner Citizens build a second transmission line from Tucson to customers in Santa Cruz County by December 31, 2003. It is my understanding that ACC Order No. 62011 was highly contested by citizens groups precisely because the mandated second transmission line did not minimize impact on the environment relative to viable alternatives.

Santa Cruz County has a population of approximately 40,000 people.³ Typical electrical load is well under 50 MW, and peak load is approximately 65 MW (EIS, pg. 1-8). The 50 MW peaking gas turbine power plant in Nogales was recently upgraded by Citizens and is fully capable of meeting the power needs of Santa Cruz County⁴, except under extreme summer heat conditions, if the existing 115 kv line from Tucson goes down for any reason. Upgrades to the 115 kv line

¹ Hogan, T., *Power Plant Regulation in Arizona*, presented at Dry Cooling Symposium, San Diego, May 31, 2002.

² *Ibid.*

³ U.S. Census Bureau, QuickFacts for Santa Cruz County, <http://quickfacts.census.gov/qfd/states/04/04023.html>

Comments No. 1 and 2

TEP’s purpose and need for the proposed project is to connect to electrical systems in both Nogales, Arizona, and Mexico. If TEP’s proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

A double-circuit transmission line, such as the proposed 345-kV transmission line, is built for redundancy, so that if one of the circuits is out of service, the other circuit can carry the entire load that would normally be split between the two circuits. This effectively limits the maximum amount of power that would be put on this transmission line to 1,000 MW total, or 500 MW per circuit, which is what this EIS assesses

If DOE issues a Presidential Permit, it would contain limits on the amount of power that could be placed on the transmission line. These limits are based on reliability studies done in support of the application and also on the design limiting the transmission line to operate at 500 MW. If TEP wanted to operate the transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA.

Section 2.1.5 discusses why a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP’s proposal). As discussed in that section, “new local generation does not pre-empt the need for a second transmission line. This is because the system deficiency is not a supply problem but rather a delivery problem that new generation can not solve. New local generation would be susceptible to tripping off line for a transmission line outage just like the existing Valencia units until a second transmission line connects Nogales to the Arizona grid.” Likewise, a smaller transmission line in lieu of the proposed 345-kV line (e.g., a 115-kV line) would not meet the international interconnection aspect of TEP’s proposal. The original ACC Decision No. 62011 (ACC 1999) mandates the construction of a second transmission line to serve customers in Santa Cruz County and does not reference the export of electricity to Mexico. However, a second ACC order (Decision No. 64536, issued in January 2002) grants a CEC to TEP to construct only a 345-kV transmission line with the dual purpose of

Border Power Plant Working Group**Page 2 of 4**

Dr. Jerry Pell
October 14, 2003
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1
cont.

to increase capacity to 100 MW could readily be carried-out in the cooler months. The Nogales peaking plant could provide power for those periods when the 115 kv line had to be offline. There is no reason to build a second transmission line capable of transmitting 2,000 MW to briefly unload the existing 115 kv line for necessary upgrades.

2

The proposed transmission line, permitted to carry 500 MW but capable of transmitting up to 2,000 MW, will meet Santa Cruz County's projected power demand growth for a few centuries. It makes no sense to build a project of this size for Santa Cruz County. The purpose of the 345 kv transmission is to (hopefully) find a market for excess Arizona power in Mexico. This is probably wishful thinking, given the two Mexican urban areas within 200 miles of Santa Ana County, Nogales and Hermosillo, are building (or have built in the case of Hermosillo) combined-cycle power plant capacity to meet local demand.⁵ Ultimately the TEP and Citizens ratepayers will pay the price for Arizona merchant power plant developer miscalculations if this transmission line is built. The merchants rolled the dice and lost. Arizona is overbuilt and will be for the foreseeable future. This transmission line proposal is ill-advised, given there is no obvious market for Arizona power in Sonora. It is my opinion that TEP and Citizens would never have considered pursuing the construction of this 345 kv line if they had to build it as a merchant project.

3

The draft EIS follows thin logic in rejecting the obvious alternative to the transmission line, the addition of 25 to 50 MW of peaking power in Nogales, by stating such an approach would not meet ACC Order No. 62011. The DOE's ability to evaluate increased power generation in Nogales is in no way limited by of ACC Order No. 62011. The stated purpose of the TEP/Citizens proposal, to build a 345 kv transmission line capable of moving 2,000 MW to supply a county that at some point in the distant future could have a peak demand of 100 MW, is ridiculous if taken at face value. This is a project designed to export power to Mexico. Exporting power to Mexico is not mentioned in ACC Order No. 62011. Citizens has committed to purchase up to 100 MW of power from the new line to meet the foreseeable needs of Santa Cruz County (pg. 1-8). DOE must evaluate transmission projects with a capacity of 100 MW (only) if ACC Order No. 62011 is being used by DOE to justify eliminating alternatives. Any capacity beyond 100 MW is outside the scope of ACC Order No. 62011.

DOE Office of Fossil Energy and Conflict of Interest

4

There is at a minimum an appearance of a major conflict of interest in having the DOE Office of Fossil Energy (OSE) prepare an EIS for a cross-border transmission project when DOE OSE has an electricity import/export team devoted to promoting cross-border transmission projects.⁶ How can OSE fairly evaluate the most appropriate course of action from an environmental standpoint, which in my opinion would be an incremental increase in available power assets in Nogales,

⁴ Citizens Communication Company - Arizona Electric Division, company overview presentation at Arizona Local Government Energy Symposium, April 6, 2001.

⁵ Ramos-Elorduy, A., *CFE Strategies to Address Opportunities in the Power Sector - Mexican Perspective on Case Study and Bid Process*, presented at U.S.-Mexico Cross Border Energy Interconnection and Trade Workshop, November 2002. (attached)

⁶ <http://fossil.energy.gov/programs/electricityregulation>

Comments No. 1 and 2 (continued)

addressing the service reliability problems in Santa Cruz County and providing interconnection with Mexico. Alternatives that would not satisfy both elements of TEP's dual purpose are not reasonable alternatives for the Federal agencies to consider in detail. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Regarding consumer electricity rates, the ACC controls what actions electric utilities can take in Arizona to serve its citizens and approves the necessary ACC, not the Federal agencies. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS. Refer to the ACC's website (<http://www.cc.state.az.us/about/index.htm>) for more information on how electricity rates are determined. In addition, the potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

Comment No. 3

In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants

Border Power Plant Working Group
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Dr. Jerry Pell
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- 4
 cont. Arizona or at most a 100 MW transmission line from Tucson that could readily be undergrounded, when the same OSE has an entire team dedicated to promoting the export of large amounts of electricity to Mexico? Any public official or judge would be required by law to recuse him- or herself in a similar situation.

Alternatives that Must be Examined in Revised Draft EIS

1. Expansion of Generating Capacity in Nogales, Arizona

5

Expanding power generation capacity in Nogales resolves all substantive negative environmental issues associated with the proposed transmission line and must be evaluated in the EIS. The EIS should note that this alternative conflicts with the current form of ACC Order No. 62011. ACC Order No. 62011 could be amended at any time to remove the conflict. The environmental disruption of major overhead transmission line projects is significant, controversial, and permanent. Moving electricity long distances over transmission lines results in large system efficiency losses. The California Energy Commission estimates that 5 to 9 percent of all electricity produced in California is lost on transmission lines before doing any useful work. Presumably the situation is similar in Arizona. From an energy efficiency and infrastructure security standpoint it is far more appropriate to build new power plants close to the demand than to promote a form of "competition" that requires huge investments in long transmission infrastructure and huge energy losses on these long transmission lines, neither of which the "competitors" pay for. In addition, building local generation assets to serve local demand is consistently less expensive than constructing high tension transmission lines from distant power plants.

2. Evaluate a 100 MW Capacity Transmission Line

6

The stated purpose of ACC Order No. 62011 (pg. 1-7) is to mandate the construction of a second transmission line to serve customers in Santa Ana County. TEP has reached an agreement with Citizens to provide up to 100 MW of transmission capacity from Tucson to Nogales to meet ACC Order No. 62011 (pg. 1-7). Once the second line is in service, Citizens would be able to make necessary upgrades to the existing transmission line to achieve a capacity of 100 MW, allowing either line to serve Citizen's load for the foreseeable future (pg. 1-8). ACC Order No. 62011 mandates sufficient ratepayer investment to construct a 100 MW transmission line. Given DOE used ACC Order No. 62011 as a deciding factor in assessing viable alternatives, one alternative that clearly must be evaluated is a transmission line that meets the explicit intent of ACC Order No. 62011 – a second transmission line capable of meeting the 100 MW capacity commitment to Citizens.

2
 cont.

Any transmission capacity beyond 100 MW is strictly a speculative venture from the standpoint of ACC Order No. 62011, and environmental impacts caused by transmission capacity beyond 100 MW should be viewed in this light. The additional cost of transmission capacity beyond 100 MW should also be compared to the expected revenue to TEP based on accurate electric supply and demand forecasts for Sonora, Mexico. It is quite likely that: 1) TEP and Citizens

Comment No. 3 (continued)

provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct. Transmission projects with a capacity of 100 MW, as suggested by the commentor, are not considered in detail because they would not satisfy one or both elements of TEP's dual purpose. Section 2.1.5 of the FEIS has been revised to provide additional information about the reasons why these and other suggested alternatives would not satisfy TEP's purpose and need.

Comment No. 4

The facilitation of cross-boundary projects referred to on the DOE website that the commenter cites does not include promotion of specific projects. Rather, the DOE Office of Fossil Energy (FE) is responsible for facilitating international electricity trade by coordinating the review of regulatory proceedings among all jurisdictional Federal agencies and relevant agencies in Canada and Mexico. This facilitation takes the form of reducing duplicative reviews and streamlining internal administrative processes where possible.

FE does not promote or otherwise pre-decide the merits of any Presidential Permit proceeding. FE's role in the facilitation of international electricity trade is limited to ensuring that review processes comply with all applicable laws. The Department of Energy will determine in a Record of Decision (ROD) whether a Presidential Permit is in the public interest.

Border Power Plant Working Group
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Dr. Jerry Pell
 October 14, 2003
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2 | ratepayers will be stuck with the bill for transmission capacity twenty times greater than they
 cont. | could possibly use, 2) a great deal of irreparable environmental damage will be done to the
 transmission corridor, and 3) little revenue will be generated via power sales to Mexico.

3. Evaluate Undergrounding the Transmission Line

7 | The obvious alternative to building transmission towers in sensitive areas such as the Coronado
 National Forest, assuming the transmission capacity is absolutely necessary, is to underground
 the transmission line(s). This is standard practice in many urban areas of the country.
 Undergrounding transmission lines is more expensive than constructing overhead lines.
 However, undergrounding the transmission line will eliminate the visual impact and greatly
 reduce the width of the right-of-way proposed to provide access to the monopole transmission
 towers. The citizens of southern Arizona have a right to a comprehensive assessment of the
 technical issues and costs associated with undergrounding the 100 MW or 2,000 MW
 transmission line alternatives.

Thank you again for this opportunity to comment on the TEP Sahuarita-Nogales Transmission
 Line Draft EIS. I look forward to receiving your response. In the meantime, I can be reached at
 (619) 295-2072 if you have any questions about this comment letter.

Sincerely,

Bill Powers, Chair
 Border Power Plant Working Group

Attachment: *CFE Strategies to Address Opportunities in the Power Sector – Mexican
 Perspective on Case Study and Bid Process*, presented at U.S.-Mexico Cross Border
 Energy Interconnection and Trade Workshop, November 2002

cc: Senator John McCain
 Senator Jon Kyl
 Congressman Jim Kolbe
 Congressman Ed Pastor
 Richard Kamp, Border Ecology Project
 Tim Hogan, Arizona Center for Law in the Public Interest
 Matt Skroch, Sky Island Alliance
 Kieran Suckling, Center for Biological Diversity

Comment No. 5

There are negative environmental impacts associated with construction and operation of a power plant. Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, has been revised to describe the types of environmental impacts that could be associated with a new power-generating facility. The major adverse impacts would be to air quality, water resources, and visual resources, along with impacts from land disturbance at the generating facility site and along required infrastructure such as connecting transmission lines or fuel supply lines. Impact from land disturbance could affect biological, cultural, and soil resources. That section also explains why a new power plant in Nogales is not a viable alternative to the proposed project.

It is not within the discretion of the Federal agencies to determine the best means for providing for the energy needs of the state. If the ACC were to issue new or amended decisions (for example, in relation to ACC Decision No. 62011) relevant to TEP's proposed project, the Federal agencies would consider such amendments as they relate to the purpose and need for the proposed project.

Comment No. 6

A smaller transmission line (e.g., 100 MW capacity line) in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis). See reply to comment 3 above.

Comment No. 7

It is technically feasible to bury both the 345-kV and 115-kV transmission lines. Burying transmission lines reduces the visual impacts of the transmission lines at ground level to only the disturbances associated with the cleared ROW, and aboveground level to facilities that are required along the transmission line for operational reasons. For approximately every 14 mi (22.5 km) of buried transmission line, intermediate facilities are required to boost the conductor cables' current-carrying ability.

There are disadvantages to burying transmission lines, including technical difficulties (reliability and implementation) and potential impacts to

Comment No. 7 (continued)

environmental resources other than visual resources. A major disadvantage of burying transmission lines is that reliability can be greatly reduced through lengthening power outages, as experience has shown that a failure underground is difficult to locate, and once located, is relatively more difficult to repair. Implementation difficulties include working with geologic conditions such as bedrock (necessitating explosives blasting), and needing to avoid existing underground utilities such as gas, sewer, phone, and electrical distribution lines in more populated areas. The primary utility to be avoided by TEP's proposed project would be the existing natural gas pipeline in the vicinity of portions of each of TEP's proposed corridors. Given these implementation difficulties, the cost of burying transmission lines can be an estimated 7.5 to 12 times higher than traditional overhead construction for a given project (EEI 2003). Increased environmental impacts result from trenching for the length of the transmission line, resulting in disturbance to soils, biological, and cultural resources. The resulting disturbance is larger than that associated with support structures and access roads for traditional overhead transmission lines.

Because of the disadvantages and cost differential associated with burying transmission lines, this alternative is not evaluated in detail in the EIS. Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, has been revised to explain why the option of burying transmission lines was considered but eliminated from further analysis in the EIS.

Californians for Western Wilderness

Page 1 of 2

Tucson Electric Power Sahuarita-Nogales Transmission Line
DEIS

From: Mike Painter [SMTP:mike@caluwild.org]

To: Pell, Jerry

Cc:

Subject: Tucson Electric Power Sahuarita-Nogales Transmission
Line DEIS

Sent: 10/14/2003 4:31 PM

Importance: Normal

October 14, 2003

Dr. Jerry Pell

Office of Fossil Energy

U.S. Department of Energy

Washington, DC 20585

via e-mail: Jerry.Pell@hq.doe.gov

Re: Tucson Electric Power Sahuarita-Nogales Transmission Line
DEIS

Dear Dr. Pell:

I am writing on behalf of more than 601 members and supporters of Californians for Western Wilderness. We are an unincorporated citizens organization dedicated to encouraging and facilitating citizen participation in legislative and administrative actions affecting wilderness and other public lands in the West.

- 1 I wish to object to the preferred alternative in the Draft Environmental Impact Statement, the Western Route. This route would cut through areas proposed for inclusion in the National Wilderness Preservation System, rendering any such designation impossible or useless. The Crossover Route of Alternative 3 would do the same thing. These alternatives are unacceptable.

Comment No. 1

The Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori EMA. Maps provided by commentors indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as the Wilderness Act of 1964 and Forest Service regulations (36 CFR 293.15) allow for the existence, establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

Comment No. 2

Sections 3.3.3 and 4.3.3 presents analyses of the existing special status species, and potential impacts to these species as a result of the proposed project. Section 3.3.2 discusses the existing vegetation and wildlife in the proposed project area. Sections 3.2 and 4.2 present analyses of the existing visual resources and potential impacts to visual resources as a result of the proposed project. As indicated in those sections, the proposed project has the potential to impact habitat and species, and would impact visual resources.

Comment No. 3

The Federal agencies recognize that many people value the sense of place that exists along areas of the alternative transmission corridors because of the areas' natural beauty, undisturbed landscape features, abundant plant and animal wildlife, and cultural resources. The Federal agencies appreciate this holistic sense of place and have revised the introductory sections of Chapters 3 and 4 of the Final EIS to acknowledge these values.

The Final EIS has also been revised to provide more information about the other topics raised by the commentor. Specifically, Sections 3.1, Land Use, and 3.12, Transportation, discuss the existing roads and inventoried roadless areas (IRAs) within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts related to roads. Section 3.1.2 states that there is off-highway (off-road) vehicle use in the project area.

Californians for Western Wilderness

Page 2 of 2

2 This area of Arizona is home to many species of endangered, threatened, or otherwise rare animals and plants. In addition it is a scenic area, and the presence of transmission lines and towers will degrade the scenic values, especially in Coronado National Forest.

3 The project will require the construction of roads in roadless areas, and even if those roads are closed, they will leave scars that will take a very long time to heal. Also, some off-road vehicle enthusiasts pay no attention to road closures and use those roads for their recreation. Powerlines and roads are a known vector for the spread of non-native, invasive weeds.

2 cont. Additionally roads fragment wildlife habitat. We also question the adequacy of the DEIS, since it does not look at alternatives containing other than 345 kV transmission lines. In fact, Tucson
4 Electric Power does not state a need for a transmission line of that size. There are other alternatives carrying less, especially given the power needs of Santa Cruz County. I urge you to analyze that more carefully in a revised draft of the EIS.

Thank you for this opportunity to comment. Please keep us informed of your decision in this matter and further opportunities for public involvement.

Sincerely,
Michael J. Painter
Coordinator

=====
Californians for Western Wilderness
P.O. Box 210474
San Francisco, CA 94121-0474
415-752-3911
info@caluwild.org
http://www.caluwild.org
=====

Comment No. 3 (continued)

Section 4.1.2 analyzes the impacts of off-highway vehicle use as one of many recreational uses of the project area, including the Coronado National Forest.

Section 4.3.2, Biological Resources, states that the long-term reductions in biological activity (e.g., lack of vegetation in an area due to construction traffic) tend to be more pronounced in arid areas such as the proposed project area where biological communities recover very slowly from disturbances. Sections 3.3.3 and 4.3.3 presents analyses of the existing special status species, and potential impacts to these species as a result of the proposed project. Section 3.3.2 discusses the existing vegetation and wildlife in the proposed project area, and Section 4.3.2 analyzes habitat fragmentation impacts. Sections 3.3.6 and 4.3.6 discuss the existing invasive species (nonnative plants) in the project area, and potential invasive species impacts that could result from the proposed project.

Comment No. 4

In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders,

Comment No. 4 (continued)

including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct. Section 2.1.5 of the EIS explains why other alternatives, such as a smaller transmission line, were eliminated from detailed analysis in the EIS.

Center for Biological Diversity
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Center for
Biological Diversity

October 14, 2003

Dr. Jerry Pell, Manager
Office of Electric Power Regulation
Fossil Energy, FE-27
U.S. Department of Energy
Washington, D.C. 20585

Sent via electronic mail to Jerry.Pell@hq.doe.gov

RE: Tucson Electric Power Company (TEP) Sahuarita-Nogales Transmission Line Draft
Environmental Impact Statement

Dear Dr. Pell:

The following comments on the draft Environmental Impact Statement (DEIS) for Tucson Electric Power's (TEP) proposed Sahuarita-Nogales transmission line are submitted on behalf of the Center for Biological Diversity, Defenders of Wildlife, and Arizona Wilderness Coalition (collectively "CBD"). The Center for Biological Diversity is a non-profit, public interest organization dedicated to the preservation, protection and restoration of biological diversity, native species and ecosystems of North America as well as the marine ecosystems and islands of the Pacific. CBD currently has over 7,500 members and works to achieve its goals through the use of science, policy, education and environmental law.

Defenders of Wildlife is a national non-profit, public-interest organization with over 430,000 members and supporters, over 5,000 of whom reside in Arizona. Defenders works to preserve the integrity and diversity of natural ecosystems, prevent the decline of native species, and restore threatened habitats and wildlife populations.

The Arizona Wilderness Coalition is working to protect Arizona's canyons, mesas, forests, and rivers. AWC coordinates and conducts inventories and educates citizens about the unique features of Arizona's landscape, while advocating and building support for their lasting protection. The AWC has completed inventories and has prepared preliminary wilderness recommendations for nearly one half of the state. AWC actively organizing volunteers to complete this effort for all of Arizona. AWC's long-term goal is to secure and protect major new

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wilderness units and Wild and Scenic River designations that will benefit all regions of the state and inspire visitors from all over the globe.

1 CBD commends the authors of the DEIS for the effort expended in producing a well written and readable document. However, CBD also feels that the analysis provided in the DEIS contains fundamental flaws in relation to compliance with the National Environmental Policy Act (NEPA), National Forest Management Act (NFMA), the Roadless Rule, the Wild and Scenic Rivers Act and other laws. In light of these issues, CBD urges DOE to correct these errors and once again release a DEIS for comment, rather than producing a final EIS at this time.

In general, we believe that the proposal at issue has enormous ramifications for both the United States and Mexico, ramifications that have not been adequately explained or presented to the public at large. While the U.S. and Canada have for many years had interconnected grid systems, the same cannot be said for the U.S. and Mexico. While recent energy developments in the Mexican state of Baja California Norte have increased the interdependence of our nations' means of energy production and distribution, these two systems remain largely independent.

2 The recent massive blackout in the Northeastern United States and Southeastern Canada underscores the extremely fragile nature of our grid system. This event also underscores the need for the utilities industry, the Department of Energy, the Department of Homeland Security and other governmental and private entities to immediately address the enormous challenges facing our existing infrastructure. Under our myopically deregulated system, in which responsibility for such events becomes frustratingly elusive, desperately needed improvements and maintenance of generation, distribution and transmission infrastructure has increasingly taken a backseat to rampant speculation and profiteering by unaccountable and often ephemeral corporations. Our nation's decisions regarding energy, once closely regulated and which by and large served the public interest, have gradually become dominated by self-interested, unaccountable corporations whose only allegiance is to bottom line profits and stock values.

3 TEP's proposed Sahurita to Santa Ana, Sonora, Mexico transmission line (inaccurately described by the DEIS as the Sahuarita-Nogales transmission line) is a timely reflection of this trend towards serving corporate profits, rather than the public interest. As noted in the preface to the DEIS, fully 80% of the 500 MW to be transmitted by this line would be exported to the Mexican state of Sonora. This undertaking is completely without precedent along the U.S.-Mexico border. Clearly, TEP's primary motivation in proposing this project is not the provision of power to Nogales, Arizona and Santa Cruz County, but opening the extremely lucrative Mexican power market which traditionally has been off-limits to non-Mexican energy interests. Recognizing the potential public relations difficulties that would be faced in being forthright about these motivations, TEP in public pronouncements consistently claims that this line is designed to serve Santa Cruz county, and ameliorate the sometimes unreliable energy service in this area, while scarcely mentioning TEP's primary motivation—making billions off of the export (and eventual import) of energy to Mexico.

Comment No. 1

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review. It is noted that the Final EIS contains revisions based on public comments and internal reviews.

Comment No. 2

While TEP's proposed project would be the highest capacity transmission interconnection between the U.S. and Mexico, if approved, the concept is not without precedent. Electricity trade between the United States and Mexico has existed since 1905. Presently, 16 electrical connections exist between the U.S. and Mexico that range in voltage from 115-kV to 230-kV. Three of the 230-kV connections between southern California and Baja California are synchronous interconnections that actually connect the U.S. and Mexican electrical grids. Over the past several years, DOE has received applications from NRG Energy, Inc., for a proposal for a 500-kV transmission link with Mexico, and from the Public Service Company of New Mexico (PNM) for a project similar to the TEP proposal. However, neither is currently active, and as discussed in Section 5.2.1, PNM recently indicated that it would be withdrawing its Presidential Permit Application.

As part of DOE's decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project would adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export would not impair sufficiency of supply within the United States and would not impede, or tend to impede, the coordinated use of the regional transmission system.

Comment No. 3

TEP's proposal has a dual purpose. It is intended to address the problems with electric power reliability in Santa Cruz County, Arizona, and to cross the border to interconnect with the Mexican electrical grid. Potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

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Nonetheless, the DEIS completely fails to address the precedent setting nature of this proposal or the fact that TEP plans to “unplug” much of northern Sonora’s grid and “plug” this system into our own grid. This major development, and the promise of future interconnections between the U.S. and Mexico grid, is a fundamental shift in energy policy that demands a full programmatic EIS before this proposal is even considered. To stress, the opening of energy trade between the U.S. and Mexico is significant event that under NEPA must itself undergo a full programmatic analysis, so that elected representatives, policy makers, other agency officials and the public in both the U.S. and Mexico have the opportunity to fully engage in full and honest discourse regarding this extremely important issue and its implications for our communities, our environment, our economies and our safety.

Without such analysis, the TEP DEIS is merely a Trojan horse for effecting a radical shift in the level of energy interdependence between the United States and Mexico. The linking of these grids is not a decision to be made within an administrative process, and should not be driven by corporations such as TEP which are required by law to prioritize profit to the exclusion of myriad other social values and considerations.

In addition to these general comments, please also address the following specific concerns:

I. THE DEIS’S PURPOSE AND NEED STATEMENT IS FUNDAMENTALLY FLAWED

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Under the Council on Environmental Quality’s implementing regulations for the National Environmental Policy Act, federal agencies proposing actions shall “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. § 1502.13. While federal agencies are afforded deference with respect to a reasonable statement of the purpose and need for a particular project, “it is unreasonable for an agency ‘to narrow the objective of its action artificially and thereby circumvent the requirement that relevant alternatives be considered.’” Vermont Public Interest Research Group v. United States Fish & Wildlife Service, 247 F. Supp. 2d 495, 526 (Dist. Vt. 2002), citing City of New York v. Dep’t of Transportation, 715 F.2d 732, 743 (2nd Cir. 1983).

In its consideration of a project’s purpose and need, federal agencies are further required to consider the direction given to the agency under relevant statutes, regulations or other direction, such as the ACC Order which precipitated the proposal of TEP’s powerline. See Citizens Against Burlington v. Busey, 938 F.2d 190, 196 (D. D.C. 1991). Thus, the requirement that an agency define a purpose and need statement is not determined in a vacuum, but must be considered in relation to the statutory, regulatory and other duties and responsibilities of the agency.

Importantly, the determination of the appropriate scope of the purpose and need for a proposed project—and the determination of alternatives which flows from that determination—is the province of the federal action agency (or agencies) not the private party applicant. In other words, NEPA’s mandate is not met by looking to what is most convenient, cost-effective, profitable or preferred by the private party, but by determining the project’s purpose in relation to

Comment No. 4

Electricity trade between the United States and Mexico has existed since 1905. In 1935, the *Federal Power Act* was amended to require approval by the Executive Branch before electricity could be exported to a foreign country. In 1939, President Roosevelt issued Executive Order 8202 requiring Presidential approval for the construction of transmission lines across the U.S. international border. The *North American Free Trade Agreement* (NAFTA), passed in 1993, states that “... it is desirable to strengthen the important role that trade in energy... play[s] in the North American region and to enhance this role through sustained and gradual liberalization” (Public Law 103-192, Article 601.2). Prior to NAFTA’s passage, the Office of the U.S. Trade Representative coordinated the preparation of *The NAFTA: Report on Environmental Issues* (USTR 1993) on the likely significance of the NAFTA and associated agreements on environmental and conservation issues. Applications for Presidential Permits are initiated by private entities based on private business decisions. It would be speculative for the Federal agencies to conceive of future private enterprise proposals for Presidential Permits and to combine them into a programmatic EIS for analysis. Each Federal agency evaluates proposals on a case-by-case basis in light of its own missions. In summary, Federal agencies have not created any new programs that would require the development of a programmatic EIS evaluation.

Comment No. 5

In permit proceedings such as TEP’s, where an applicant seeks permission for a specific proposed project to meet the applicant’s specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant’s purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant’s proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant’s business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant’s purpose and need and that the applicant would be willing and able to implement, plus the no-action

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the agency or agencies involved, and the statutory, regulatory and other guidance which directs that agency's actions. As stated by one court, "the evaluation of 'alternatives' mandated by NEPA is to be an evaluation of alternative means to accomplish the general goal of an action; it is not an evaluation of the alternative means by which a particular applicant can reach his goals." *Van Abbema v. Fornell*, 807 F.2d 633, 638 (7th Cir. 1986)(emphasis added).

In contravention of this mandate, the purpose and need section at pages 1-7 through 1-10 of the DEIS is clearly bounded by, and reliant upon, the preferred outcome of the project proponent, Tucson Electric Power. In fact, the first purpose and need statement provided is not that of the lead federal agency, Department of Energy, or of the other cooperating agencies, but of TEP. As made clear by NEPA, its implementing regulations, and judicial interpretations of those provisions, the purpose and need statement is to be defined by the federal agencies, not the private applicant.

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While TEP's statement attempts to portray the intent of the line as meeting the mandate of ACC Decision No. 62011 and providing reliable electricity service to Santa Cruz County, it is readily apparent that the overriding and primary purpose of the proposed powerline is the opening of lucrative Mexican power markets to TEP and other U.S. based corporations. This is evident simply by the fact that 80% of the energy which would be carried by this line would be exported to Mexico. Nonetheless, TEP attempts to portray this as a secondary goal, stating "TEP anticipates using the remaining 400 MW [of 500 MW] of capability for transport of energy between the United States and Mexico" (emphasis added).

By allowing TEP to define the terms of the DEIS's purpose and need statement, the Department of Energy and other cooperating federal agencies are impermissibly narrowing the scope of the NEPA analysis. In particular, the defined purpose of a proposed action may greatly affect the feasibility of alternatives. ("The stated goal of a project necessarily dictates the range of 'reasonable' alternatives and an agency cannot define its objectives in unreasonably narrow terms." *Carmel-by-the-Sea v. United States DOT*, 123 F.3d 1142, 1155 (9th Cir. 1997)). ("If the purpose is defined too narrowly, 'only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality.'" *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991)). CBD strongly feels that the proper purpose and need for this project is to meet the mandate of ACC Decision No. 62011, which simply mandates that a backup transmission line be constructed to serve Nogales and Santa Cruz County. The desire of TEP to complete a binational line is only a peripheral consideration, and cannot be allowed to drive this NEPA analysis. The issue of this overly narrow purpose and need statement affecting the range of alternatives is discussed in detail below.

II. THE DEIS FAILS TO ANALYZE A REASONABLE RANGE OF ALTERNATIVES, AS REQUIRED BY NEPA

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NEPA requires that an EIS contain a discussion of the "alternatives to the proposed action." 42 U.S.C. §§ 4332(C)(iii),(E). The discussion of alternatives is at "the heart" of the NEPA

Comment No. 5 (continued)

alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

Comment No. 6

Section 2.1.5, which has been revised, explains why the alternatives suggested by the commentor were considered but eliminated from detailed analysis. Additionally, the response to comment 5 above explains the purpose and need and the range of alternatives analyzed in the EIS. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

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process, and is intended to provide a "clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. 1502.14; Idaho Sporting Congress, 222 F.3d 562, 567 (9th Cir. 2000)(compliance with NEPA's procedures "is not an end in itself. . . [but] it is through NEPA's action forcing procedures that the sweeping policy goals announced in § 101 of NEPA are realized."). NEPA's regulations and Ninth Circuit caselaw require the agency to "[r]igorously explore and objectively evaluate all reasonable alternatives." Id. § 1502.14(a) (emphasis added); Citizens for a Better Henderson v. Hodel, 768 F.2d 1051, 1057 (9th Cir. 1985) (EIS must consider "every" reasonable alternative). The courts, in the Ninth Circuit as elsewhere, have consistently held that an agency's failure to consider a reasonable alternative is fatal to an agency's NEPA analysis. See, e.g., Idaho Conservation League v. Mumma, 956 F.2d 1508, 1519-20 (9th Cir. 1992) ("The existence of a viable, but unexamined alternative renders an environmental impact statement inadequate."); Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 48 Fed. Reg. 18,026 (March 16, 1981)("In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out the particular alternative. Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.")

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As noted above, the analysis of alternatives within a NEPA document is driven by, and inextricably linked to, the initial definition of the project's purpose and need. Because DOE has allowed the purpose and need statement to be impermissibly narrowed to conform to an analysis deemed acceptable by TEP, it has also impermissibly narrowed the full range of alternatives which must be considered in order to meet NEPA's mandate that such analysis consider a "reasonable" range of alternatives ("Logic and law dictate that every time an agency prepares an environmental impact statement, it must answer three questions in order. First, what is the purpose of the proposed project (major federal action)? Second, given that purpose, what are the reasonable alternatives to the project? And third, to what extent should the agency explore each particular reasonable alternative?" See City of Carmel-by-the-Sea v. United States Dep't of Transportation, 95 F.3d 892, 903 (9th Cir. 1996)).

Specifically, the DEIS fails to address at least two important categories of alternatives which would meet the true primary purpose of this powerline, which is meeting the ACC's mandate to construct a backup transmission line to provide reliable electrical service to Nogales and Santa Cruz County: 1) construction of a smaller line which could be routed within existing powerline corridors or along Interstate 19. Although residents in the area have strongly objected to a 345 kV line, a smaller line is much less obtrusive and may not raise the same objections among residents. In addition, a smaller line could possibly be buried near towns and other densely populated areas; or 2) a much shorter line linking from a locally generated power plant, which has long been under consideration in Santa Cruz County.

The fact that such alternatives were "considered but eliminated from further analysis" does not help DOE meet NEPA's mandate to analyze a reasonable range of alternatives. In fact, the reasons given for eliminating such alternatives again demonstrates that DOE is illegally allowing

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TEP to drive the NEPA process. For example, at page 2-8, the DEIS states that “on July 3, 2002, TEP wrote a letter to DOE requesting that the Eastern Corridor alternative, originally proposed by TEP and included in the Notice of Intent, be removed from further analysis in the EIS.” Similarly, an “I-19 corridor” alternative was eliminated from further analysis because of visual and other impacts through densely populated areas. Yet, these impacts would be largely mitigated if DOE did not in the first instance accept TEP’s demand that a 345 kV line must be constructed to export power to Mexico, thus precluding any consideration of smaller lines. CBD urges DOE to reissue the DEIS to consider smaller line proposals which would meet the purpose and need of providing reliable electrical service to Santa Cruz County, as this would allow the consideration of a much broader array of alternatives with substantially reduced environmental, human health, cultural and other impacts.

As noted recently by one court, “if NEPA mandates anything, it mandates this: a federal agency cannot ram through a project before first weighing the pros and cons of the alternatives. In this case, the officials of the Army Corps of Engineers . . . never looked at an entire category of reasonable alternatives and thereby ruined its environmental impact statement.” Simmons v. United States Army Corps of Engineers, 120 F.3d 664, 670 (7th Cir. 1997). In this case, DOE is abiding by TEP’s wishes to “ram through” an enormous 345 kV powerline without considering the many alternatives which could meet the important purpose of providing reliable electricity service to the city of Nogales and Santa Cruz County. Especially in light of NEPA’s overriding purpose to “use the NEPA Process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment,” 40 C.F.R. § 1500.2 (e), this course of action is clearly deficient, and the DEIS must be reissued with an analysis of the full range of reasonable alternatives available to TEP and the federal agencies in completing this project.

III. THE FOREST SERVICE ROADS ANALYSIS FOR THIS PROPOSAL IS DEFICIENT

The U.S. Forest Service administers the largest road transportation network of any agency, governmental entity, or nation on Earth. More than 386,000 miles of classified roads are contained within national forest boundaries. Forest service lands also contain an additional 137,000 miles within their boundaries, including 54,600 miles of public roads, 22,400 miles of private roads, and 60,000 miles of unclassified, unauthorized roads. It total, a nearly inconceivable 523,000 miles of roads are harbored within the Forest Service “transportation” system.¹

In a direct acknowledgment of this untenable situation, the sheer impossibility of maintaining such a system, and the innumerable deleterious environmental impacts of roads, the

¹ Data compiled by Wildlands Center for Preventing Roads. POB 7516, Missoula, Montana. wildlandscpr@wildlandscpr.org

Comment No. 7

Forest Service policy regarding roads is beyond the scope of this environmental review. However, a Roads Analysis (URS 2003a) was completed for the project using the *USDA Forest Service Miscellaneous Report FS 643* as guidance. This study considered and analyzed environmental, economic, and associated impacts.

On a Forest-wide basis, the density of existing classified roads and new road construction is limited to one mile of road or less per square mile. Per the *Coronado National Forest Forest Level Roads Analysis Report* dated January 13, 2003 (USFS 2003a), the existing road density on the Coronado National Forest is approximately 0.8 miles per square mile based on the area of the National Forest Systems Land (1,717,857 acres and 2,187.25 miles of jurisdiction road in the inventory). None of the alternatives would change the existing road density because TEP would close 1.0 mi (1.6 km) of existing classified road for every 1.0 mi (1.6 km) of proposed road to be used in the operation or long-term maintenance. Any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions to ensure road barrier effectiveness and maintenance, as appropriate. Based on the measures described above for ensuring the effectiveness of road closures, the proposed project is consistent with Forest Plan standards and guidelines for road density.

The Federal agencies have revised Section 5.2 of the Final EIS based on the U.S. Border Patrol’s response (USBP 2004) to the Federal agencies’ request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The residential and business developments cited by the commentor are included in Section 5.2 of the Draft EIS.

Based on the revisions to Section 5.2, as described above, the Federal agencies have revised Section 5.3, Cumulative Impact Analysis, in the Final EIS to more completely assess the cumulative impacts.

In addition, Table 5.4-1 has been added to the Final EIS to provide a summary comparison of the cumulative impacts by resource area and identify any differences in cumulative impacts for the Western, Central, and Crossover Corridors.

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Forest Service on January 12, 2001 published its final rule implementing the Forest Service Roads Strategy. The implementation of this strategy modified Forest Service regulations at 36 C.F.R. parts 212 and 261, as well as replacing Forest Service Manuals addressing Planning (Title 1900) and the Transportation System (Title 7700).

Unfortunately, the Bush administration has waged an undemocratic and underhanded assault on both the Roads Strategy and the Roadless Policy, both of which were finalized only after what was perhaps the most extensive effort ever undertaken by a federal agency to solicit public opinion and comment on a proposed rule. In contrast, the various subterfuges of these policies by the Bush administration have allowed the American public little to no opportunity for public comment or review. See 66 Fed. Reg. 8899, February 5, 2001 (delaying effective date of the roadless rule); Interim Directive 7710-2001-2 (delegating authority to the Chief to approve road construction or reconstruction in roadless areas); Interim Directive 2400-2001-1 (extending the deadline by which all decisions must be informed by a roads analysis). In cases where public comment has been allowed, such as "New Interim Directive No. 7710-2001-3," which essentially guts the Roadless policy, these comments are ostensibly invited and considered even though the Forest Service has made them effective upon issuance. And of course, the Bush administration has baldly directed the Department of Justice to abdicate its duties to defend itself in the industry litigation challenging the adequacy of public participation during the Roadless policy NEPA process, leaving the legal defense of this landmark effort to intervenor environmental organizations.

Under the Roads Strategy, a revised administrative policy to guide transportation planning, analysis, and road management on national forest lands, the agency is required to conduct roads analysis before implementing site-specific projects. The purpose of this analysis is to finally provide some semblance of sanity and balance to the forest service roads system, for economic, ecological, and simple planning purposes. For example, revised Forest Service Manual Chapter 7712.13 (c) states:

"When proposed road management activities (road construction, reconstruction, and decommissioning) would result in changes in access, such as changes in current use, traffic patterns, and road standards, or where there may be adverse effects on soil and water resources, ecological processes, or biological communities, those decisions must be informed by roads analysis."

The final EA for the Roads Strategy also clearly contemplates such analysis, stating that all project decisions, ecosystem assessments, or forest plan revisions published more than six months after the effective date of the rule (January 10, 2001) require a roads analysis process or appropriate documentation explaining why information from a higher-level roads analysis was not needed to inform the project-level decision (Final EA, p. 30).

The Roads Strategy not only provides procedural direction to conduct roads analysis, but establishes substantive standards with respect to road closure, particularly unclassified roads. In recognition of the vast excessiveness of the current forest service transportation network, and the

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large contribution that illegal, uninventoried, and wildcat roads contribute to this problem, the Roads Strategy implements new policy stating that the forest service will:

"not maintain unclassified roads except under emergency resource protection circumstances. Unclassified roads will be closed and made inaccessible where funding permits unless they are made part of the authorized forest road system as provided for in this policy." FSM 7703.2 (1).

The Strategy provides for additions to the road system "only where resource management objectives are clearly demonstrated and where long-term funding obligations have been carefully considered," 7703.1 (4); further, any decision to add roads to the system "must be informed by a roads analysis process," involving consideration of several environmental impacts, including ecological processes, introduction of exotic species, effects on threatened and endangered species, cultural uses or historical sites, fish and wildlife habitat, water quality, and visual quality. 7703.2 (3). 7703.2 (2) further states that "many unplanned, unauthorized, unclassified travelways exist within National Forest System lands and are high priority candidates for decommissioning."

Despite the Road's Strategy clear presumption in favor of decommissioning unclassified roads, and its detailed requirements for adding any road to the transportation system, the DEIS anticipates the construction or "reconstruction" of substantial amounts of road in conjunction with TEP's proposed powerline. For example, page 4-114 of the DEIS states that, "for the Western Corridor, an estimated 20 miles (32 km) of temporary new roads would be built by TEP for project construction" and that "an estimated 95 locations within the Western Corridor would require repair or improvement." While the DEIS indicates that TEP apparently contemplates closing some of these roads after construction, the extent of such closures is not specified.

The proposed road construction and reconstruction in relation to the proposed Sahuarita-Nogales powerline conflicts with the Roads Strategy presumption in favor of road decommissioning, as well as its stated goal and requirement to reduce the extent of mileage within the Forest Service transportation system. As noted in the DEIS, page 3-93, approximately 320 miles of classified roads already exist within the Tumacacori ecosystem management area. An additional 350 miles of unclassified, wildcat roads are also found in the EMA. Biologically and ecologically important areas such as the Tumacacori EMA with existing excessive levels of road densities are precisely the type of areas for which the Roads Strategy contemplates extensive road closures. The TEP proposal would achieve precisely the opposite result.

Additionally, the roads analysis informing this project does not meet substantive direction contained in the Roads Strategy in several respects. For example, the analysis does not adequately analyze the various environmental, economic and other impacts of both the existing road system within the Tumacacori EMA. Additionally, it does not meet or address the Strategy's presumption in favor on closing and decommissioning non-system roads, but instead contemplates the "reconstruction" and eventual addition of many of these roads into the classified roads system. Finally, the analysis clearly does not address the fact that under the Roads Strategy, additions to

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the roads systems may only be made where "resource management objectives are clearly demonstrated (in this case, the Forest Service concedes that the proposal is at odds with existing direction, and would require forest plan amendments) and there has been no consideration of long term funding objectives.

IV. THE PROPOSED ROAD CONSTRUCTION AND RECONSTRUCTION VIOLATES CORONADO FOREST PLAN DIRECTION

The Coronado National Forest completed a Land and Resource Management Plan (LRMP) for the lands it administers in 1986. The LRMP has subsequently been amended several times, most recently in 1996. The Forest Service is required by both the National Forest Management Act and its own implementing regulations to follow the directives contained in the LRMP. This requirement of project consistency with Forest Plan objectives, standards and guidelines has been affirmed by many cases in the 9th Circuit. See *Pacific Rivers Council v. Thomas*, 30 F.3d 1052 (9th Cir. 1994); *Idaho Conservation League v. Mumma*, 956 F.2d 1512 (9th Cir. 1992).

The road construction and reconstruction proposed within the DEIS violates objectives, standards and guidelines of the Coronado LRMP, thus violating NFMA. For example, the Coronado LRMP states the following with respect to roads:

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"Limit density of existing and new road construction to one mile of road or less per square mile."

(Coronado LRMP at p.34).

In addressing this issue, the DEIS states that "USFS has indicated that current road density is estimated to be near this level." This statement appears to be clearly and directly at odds with the fact, however, that there are over 650 miles of classified and unclassified roads within the Tumacacori EMA. In addressing levels of road density, it is both inappropriate and unlawful for the Forest Service to only address official system roads, especially when the proposal at hand will be "reconstructing" many unofficial, wildcat roads.

Moreover, the DEIS's proposed "one mile road closed, for one mile opened" or "no net increase" in roads fails to bring the Forest Service into conformance with its Forest Plan road density requirements. Conformance with this standard cannot be delayed until a later date, but must be ensured now, before the powerline EIS process is completed. While TEP and the Forest Service's intent to close "high priority" roads such as wildcat roads and roads crossing riparian areas is to be commended, it cannot be overlooked that the proposed powerline would require the construction or reconstruction of additional wildcat and riparian-crossing roads. Additionally, both funding constraints and the Forest Service's recent policy shift mandating full NEPA procedures for any road closures (even of non-system, illegal, wildcat roads) ensures that such promised road closures are far from certain.

Comment No. 8

The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan. Road density limits set forth in the Forest Plan are for the Coronado National Forest as a whole, not for individual land units or EMAs within the Coronado National Forest, and are calculated only for classified roads. The Draft EIS does not state that the proposed road closures would bring USFS into compliance with Forest Plan road density requirements.

None of the roads to be constructed or reconstructed as part of the proposed project would remain as unclassified ("wildcat") roads. All proposed roads to structure sites would become administratively closed special use roads, and roads to access these maintenance roads would be Level 2 roads (see Section 4.12.1, Transportation).

The commentor is correct in stating that some of the access roads to be constructed or reconstructed would cross through riparian areas. Section 4.3.2 (see USFS Classified Riparian subheadings) provides analysis of the disturbance to riparian areas on the Coronado National Forest from access roads and other disturbance associated with the proposed project.

Regarding the effectiveness of road closures, any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions to ensure road barrier effectiveness and maintenance, as appropriate. Based on these terms and conditions for ensuring the effectiveness of road closures, the proposed project is consistent with Forest Plan standards and guidelines for road density. See also the response to comment 7 above.

Comment No. 9

The analysis in the Final EIS correctly relies on the IRAs defined in Volume 2 of the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* (USFS 2000) to determine potential impacts of the proposed project. The method used by the Coronado National Forest to identify the IRAs in the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* is outside the scope of this EIS.

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The proposed road construction and reconstruction clearly violates Forest Plan road density standards, and thus fails to meet the mandate of NFMA. Road density standards within the Tumacacori EMA are currently well above Forest Plan thresholds, and this issue must be addressed now, before any additional road construction or reconstruction is permitted within the EMA. Additionally, the excessive road density levels within the EMA raise issues of compliance with a number of other Forest Plan standards and guidelines providing for protection of wildlife, soils, visual quality and other considerations.

V. TEP'S PROPOSED POWERLINE VIOLATES THE ROADLESS RULE

Throughout the DEIS, it is claimed that the proposed powerline and associated road construction and other development will not impact any inventoried roadless areas (IRAs). CBD believes this claim is patently false, and that the Forest Service has improperly redefined IRAs under its jurisdiction so as to effect an illegal gerrymandering that has resulted in the fragmentation of several IRAs into much smaller and disjointed units. Perhaps not coincidentally, TEP's proposed Sahuarita-Nogales powerline precisely crosses an area that is rightfully considered roadless under the most recent inventory efforts, as well as law and regulation, but which the Forest Service has attempted to define out of existence.

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In 1979 the Coronado National Forest completed a congressionally mandated inventory of potential Wilderness Areas, known as the second Roadless Area Review and Evaluation, or RARE II. As a result of the RARE II process, twenty-one areas on the Coronado National Forest were deemed "Roadless" and recommended for Wilderness designation, non-Wilderness uses, or a third classification called Further Planning which allowed upcoming Forest Plans to individually assess the Wilderness Characteristics of so designated areas.

The Tumacacori EMA contained three RARE II areas as defined by the Final Environmental Impact Statement of the Roadless Area Review and Evaluation II issued in January 1979. Unit # 03-114, named Tumacacori, comprised of 51,490 acres that encompassed the majority of the Tumacacori and Atascosa Mountains, including Apache Pass and Bartolo Mountain. Throughout the course of the NEPA process, 03-114 was moved from a recommendation of "Wilderness" to "Further Planning," and then was ultimately given a non-Wilderness recommendation, without explanation and in direct conflict with earlier recommendations.

Ultimately, the Tumacacori roadless area was not included in the 1984 Arizona Wilderness Act, despite the fact that throughout the 1979 RARE II process, 399 letters were received by the Coronado National Forest supporting Wilderness designation in unit 03-114. In contrast, only 31 letters were received that did not recommend Wilderness designation (only 20% of which were site specific).

The RARE II process of the late 1970's was intended to first identify then analyze the roadless characteristics of Forest lands. The 1983 revision process in preparation for the 1984

Comment No. 9 (continued)

According to USFS's Murphy Peak Quadrangle map, Apache Pass is approximately 1.25 mi (2.01 km) west of the planned Western Corridor route. Apache Pass is not within an IRA, as specified in Volume 2 of the *Final Environmental Impact Statement for the Roadless Area Conservation Rule*. The Western Corridor does not pass through any IRA.

Regarding the citizen-initiated proposal for an addition to the National Wilderness Preservation System, the Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori EMA. Maps provided by commentators indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as Forest Service regulations (36 CFR 293.15) provide for the establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

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Arizona Wilderness Act was similar in intent and changed little. Throughout this process, the area was field checked, ranked, and analyzed for Wilderness potential. It is important to note that this identification process was clearly spelled out by the RARE II Draft EIS and included a variety of different means of analyzing a particular area. It is also important to note that Congress in the National Forest Management Act directed the Forest Service to again consider roadless areas during the forest plan revision process.

In May 2000 the Forest Service proposed a dramatic new policy of conservation with its release of the Forest Service Roadless Area Conservation draft environmental impact statement. This national policy making was precipitated by a mandate given on October 13th, 1999 by President Clinton directing the Forest Service to "provide appropriate long-term protection for most or all of these currently inventoried 'roadless' areas, and to determine whether such protection is warranted for any smaller 'roadless areas not yet inventoried'" (emphasis added). At that time, as is true today, the 1983 Revised Roadless Area Boundaries on the Coronado National Forest were the most recent systematic inventories by the Forest Service of roadless areas on the forest.

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In preparation for this rulemaking, the Forest Service Washington Office (WO) released a memo to Regional Offices requesting roadless area information (File Code 1920 Nov. 12, 1999). In this memo, the WO specifically requests "geospatial data displaying National Forest System lands currently inventoried for planning purposes as roadless areas (emphasis added). In enclosure 1 of this same memo, the WO requests:

"geospatial data (GIS coverages or maps) displaying National Forest System lands inventoried (as of October 13, 1999) for planning purposes as roadless areas. This inventory is based on forest plans, forest plan revisions in progress where the Agency has established an inventory (this information should be in Appendix C of most forest plans), or other assessments that are completed and adopted by the Agency. RARE II inventory information should only be used if a forest does not have a more recent roadless area inventory which was established using RARE II information." (emphasis added)

This memo further clearly articulates the fact that each Forest was expected to use already existing roadless area information that has or was in the process of going through analysis outside of the 2000 Roadless Area Conservation rulemaking. The rulemaking was clearly not intended to actually identify roadless areas (see DEIS Forest Service Roadless Area Conservation May 2000). Further, federal regulation clearly outlines the process for the identification of roadless areas, stating:

"During analysis of the management situation, the following areas shall be subject to evaluation: (a) Roadless Areas including those previously inventoried in the second Roadless Area Review and Evaluation (RARE II), in a unit plan, or in a forest plan, which remain essentially roadless and undeveloped, and which have not yet been designated as

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wilderness or for nonwilderness uses by law. In addition, other essentially roadless areas may be subject to evaluation at the discretion of the Forest Supervisor." 36 C.F.R. §219.17

Under these authorities and others, RARE II areas are a starting point to guide identification of roadless areas until the forest plan revision process is initiated, although areas which are arguably roadless (including adjacent roadless areas smaller than 5,000 acres) but not identified during the RARE II process must be assessed on the ground before development occurs. Kettle Range Conservation Group v. U.S. Forest Service, 971 F. Supp. 480 (Dist. Ore. 1997).

Despite this clear direction of the WO and federal law, the Coronado National Forest did not consider RARE II areas or the 1983 Revised Roadless Area Boundaries when they submitted their Inventoried Roadless Area maps to the WO for inclusion in the 2000 Roadless Area Conservation DEIS and 2001 FEIS, instead acting unilaterally and illegally in the following respects:

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§ Failed to use existing roadless information and created their own, never seen before data after October, 1999 – in conflict with direction from the WO as given in the November 12, 1999 Regional Office memo.

§ Failed to identify and analyze their new Inventoried Roadless Area maps under NEPA. The maps as seen in the 2000 DEIS of the Roadless Area Conservation Rule had not gone through a public process, as required by NEPA. The maps had never even been seen outside of the Coronado National Forest before being published in the 2000 Roadless Area Conservation Rule DEIS. The maps effectively created roads where there were no roads before, and in several instances created much smaller roadless areas than had existed previously.

§ Failed to use a process that would accurately assess existing roadless areas. Instead of using existing data (RARE II) or already proven protocol for roadless area identification, the CNF used the Recreational Opportunities Spectrum (ROS), which has never been intended to actually identify roadless areas, and is not the proper manner with which to identify roadless areas as outlined in law, regulation, and the Forest Service Handbook and Forest Service Manual.

§ Failed in accurately identifying roadless areas on the Forest. For instance, in the Tumacacori RARE II area 03-114, Apache Pass and Bartolo Mountain are connected to the larger bulk of the roadless area. While no new roads have been built in this area since 1979 when RARE II identified the roadless boundaries, the 2000 IRA, using the fundamentally flawed ROS program, did not accurately display similar roadless area boundaries. Apache Pass is not shown within the Roadless Area – even though no new roads have been built. Additionally, if roads had been

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constructed in such areas, such construction would clearly have been illegal because no Environmental Impact Statement has been completed.

Additionally, the ROS process illegally identified “buffers” around “roads” that split Roadless Unit # 03-114 into two smaller and distinct roadless areas. The 2000 Inventoried Roadless Maps submitted and displayed in the 2000 Roadless Area Conservation Rule DEIS was simply created drawing 0.5 or 1.0 mile buffers around every Forest Service Road and naming whatever scraps that were left as an IRA. Despite this administrative chicanery, the on the ground reality is that the area is clearly roadless. While almost nothing has changed on the ground, the maps are vastly different. The 1983 RARE II based map includes Apache Pass, the 2001 IRA map does not. Counter intuitively, the 1983 map is more accurate.

Reflecting the current roadless nature of this landscape, Roadless Unit #03-114, adjacent areas, and other acreage is currently the subject of a citizen’s Wilderness proposal. TEP’s proposed powerline would destroy the potential for this proposal—supported by elected representatives, community members, advocacy groups and many others—and would in fact run through the heart of this outstanding area. CBD, the Arizona Wilderness Coalition and Defenders of Wildlife thus urge the DEIS to be amended to reflect the existence of this citizen’s area and to analyze the devastating impact TEP would have on this collaborative effort.

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The 1984 Arizona Wilderness Act clearly prohibits the establishment of “buffers” around roadless areas, stating in Sec. 101 (d) that “The Congress does not intend that designation of wilderness areas in the State of Arizona lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.” Thus, the incursion into existing Wilderness or roadless areas through the use of “development perimeters” is equally unlawful.

This conclusion is supported by the legislative history accompanying previous Wilderness efforts. For example, Senator Church, in the Hearing Record on the Subcommittee on Public Lands on May 5, 1972 addressed this concept regarding the Park Service in the early 1970’s, stating that “Now we see that the National Park Service is again, as a matter of blanket policy, setting the boundaries of its proposed wilderness units back from the edge of roads. . . by “buffer and “threshold” zones of varying widths. There is no requirement for that in the Wilderness Act. No other agency draws wilderness boundaries in this way, which has the effect of excluding the critical edge of wilderness from full statutory protection.”

Time and again, Congressional representatives considering Wilderness laws have stated that buffers around Wilderness Areas, much less Inventoried Roadless Areas should not be utilized or promoted. Despite this fact, the CNF used a minimum of 0.5 mile buffers on each side of every road, even if that road no longer existed, as a means to artificially fragment and decrease the size of previously inventoried roadless units. When asked in 2000 why this was so, the Coronado National Forest responded that they did not want the “sights and sounds” of roads within the

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Inventoried Roadless Areas. As the Forest Service should know, however, the “sights and sounds” argument was soundly rejected by Congress over 25 years ago, when it overrode Forest Service attempts to exclude most potential Eastern Wilderness areas and many Wilderness areas bordering urban areas in the West. This fact is plainly reflected in the language of the Eastern American Wilderness Act, as well as the legislative history of the Eastern American Wilderness Act, the Endangered American Wilderness Act, and oversight hearings on RARE II.

The path of both the preferred Western Route passes directly through an Inventoried Roadless Area that was not properly or legally assessed in the CNF’s recent roadless area mapping project in preparation for the 2001 Roadless Area Conservation Rule, and is thus illegal under that rule. Because of this fact, the Inventoried Roadless Area as shown and described in the Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement is not correct. The correct Inventoried Roadless Area in the Tumacacori EMA clearly should include Apache Pass. The consequences of such changes in the Inventoried Roadless Area map would have dire consequences for the proposed Western Route. The Western Route would no longer avoid the Inventoried Roadless Area, but actually cross it. Under the Roadless Rule, the building of permanent roads in Inventoried Roadless Areas is not allowed.

VI. THE ANALYSIS OF POTENTIAL IMPACTS TO WILDLIFE IS INADEQUATE

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The Coronado National Forest in general, and the Tumacacori ecosystem management area in particular, contain an incredibly array of wildlife and plant diversity. The Coronado is renowned for its high level of endemic species, its diversity of habitats, and the uniqueness of its assemblages of flora and fauna. Areas both within and adjacent to the proposed powerline corridor are home to many of these species, and will clearly be adversely and irreversibly affected by this incredible and unwarranted incursion upon a largely unspoiled landscape. With so few areas like the Tumacacori ecosystem left, it is difficult to overstate the impact the powerline and its ancillary developments will have, especially on the region’s wildlife.

Unfortunately, TEP has consistently attempted to minimize and trivialize these potential impacts. The information presented in the DEIS reflects this attitude, and the analysis of such impacts is cursory and clearly insufficient. This is especially apparent with respect to the DEIS’s analysis of impacts on special status species, including threatened, endangered, and Forest Service management indicator species.

For example, with respect to jaguar, the DEIS and Biological Assessment conclude without meaningful analysis that the construction of this powerline—along with the road construction, fragmentation of habitat, and other cumulative impacts such as increased human presence for maintenance and other needs—is “not likely to adversely affect” this species (as defined under the Endangered Species Act). In doing so, the DEIS notes that the primary prey of jaguars is deer, whose population it is claimed will not be affected by the powerline.

Comment No. 10

Sections 3.3 and 4.3 describe the existing biological resources and potential impacts to these resources, including impacts to jaguar and Mexican spotted owl (Section 4.3.3). Section 3.3.5, Coronado National Forest Management Indicator Species (MIS), has been revised to include additional information regarding MIS and their habitat in the Coronado National Forest. The MIS environmental impact section (Section 4.3.5) has also been revised to provide additional information. Additionally, a recent USFS MIS Report has been prepared. This report is listed in the references as USFS 2004d (Chapter 11 of the EIS) and is available upon request to the USFS.

Sections 3.3.2 and 4.3.2 of the Final EIS have been revised to include discussion and analysis of habitat fragmentation. The Biological Assessments (Appendices D, E, F, and K, provided on CD-rom attached to this document) serve as the basis for analysis of potential threatened and endangered species impacts in the EIS and provide more information on potential effects to each species, such as jaguar and the Mexican spotted owl. A Biological Opinion was issued for the Western Corridor by the U.S. Fish and Wildlife Service on April 24, 2004 (also provided on CD-rom attached to this document).

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Unaddressed is the fact that the last known U.S. sighting of this species occurred two years ago in an area very near the powerline corridor, that all recent sightings of the jaguar in the U.S. have been in remote and undeveloped areas, and that any incursions into its occupied and potential habitat—let alone the construction of a massive powerline—has a high potential to drive the species from the area. The Tumacacori Highlands are one of the most important jaguar areas in the entire U.S., and this proposal will inalterably and profoundly affect both the character and integrity of the area. The DEIS's consideration and honest assessment of this fact is simply absent.

Similarly, the DEIS's conclusion that the proposed powerline is not likely to adversely affect the Mexican spotted owl is unsupported. The Coronado National Forest is an extremely important area for the survival and recovery of this threatened species, and one of its primary habitats within the Coronado—riparian gallery forests of willow and cottonwood—is acknowledged as among the rarest in the continental U.S. Despite the fact that both the Western and Central corridors would destroy this habitat type in areas immediately adjacent to known occupied habitats and designated territories for the spotted owl, TEP's wildlife consultants have apparently concluded that the species won't be adversely affected because the territories themselves are not fragmented. This conclusion ignores both the ecological need and legal imperative under the ESA not only for the spotted owl's current habitat to be protected, but also suitable nesting habitat that may be occupied in the future and that is needed for eventual recovery of the species.

Additionally, the DEIS clearly fails to meet NFMA's mandate with respect to the analysis of Management Indicator Species (MIS). In fact, the "affected environment" section of the DEIS contains absolutely no discussion or analysis of MIS, a clear violation of NEPA.

Under NFMA and its implementing regulations, the Forest Service has clear statutory and regulatory obligations with respect to MIS. Pursuant to NFMA, the Forest Service is required to "provide for a diversity of plant and animal communities." 16 U.S.C. § 1604(g)(3)(B). Regulations implementing this provision state more specifically that the Forest Service must manage habitat to "maintain viable populations of existing native and desired non-native vertebrate species." 36 C.F.R. § 219.19. The regulations further state that to implement this requirement, certain species must be designated as "management indicators," and that "planning alternatives shall be stated and evaluated in terms of both amount and quality of habitat and of animal population trends of the management indicator species." Finally, "population trends of the management indicator species will be monitored and relationships to habitat changes determined." § 219.19 (a)(1) and (6)(emphasis added). Thus, the courts have held that in order for the Forest Service to fulfill its duties with respect to MIS, "population data must be collected." *Sierra Club v. Martin*, 168 F.3d 1, 7 (11th Cir. 1999). This holding has recently been followed within the 10th Circuit, District of New Mexico. *Forest Guardians v. United States Forest Service* (CV 00-714)(March 12, 2001)(Decision by District Chief Judge Parker).

In *Sierra Club v. Martin*, the court remanded timber sales on the Chattahoochee and Oconee National forests, holding that MIS requirements applied to projects level decisions, and required quantified population data:

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"[D]espite this extensive habitat change and the fact that some MIS populations in the Forest are actually declining, the Forest Service has no population data for half of the MIS in the Forest and thus cannot reliably gauge the impact of the timber projects on these species."

The Coronado forest plan identifies a number of MIS which occur or have suitable habitat within the powerline corridor and its broader affected area, including: black bear, Mexican spotted owl, elegant trogon, white-tailed deer, Merriam's turkey, Montezuma quail and many other species. In contravention of NFMA's implementing regulations, judicial interpretations of the MIS requirement, and the Coronado's own forest plan, the FEIS and the record fail to provide the requisite quantified population data, and thus also fail to provide reliable estimates of population trend.

As clearly stated by NFMA and its implementing regulations, and as recently affirmed by both the Sierra Club and Forest Guardians cases, the Forest Service's duties to monitor the population numbers and trend of MIS is a project-specific as well as a programmatic requirement. The DEIS's conspicuous failure to address these requirements with respect to any MIS, or even to provide any analysis of MIS, clearly fails to meet these important requirements.

VII. THE IMPACT ON SYCAMORE CANYON, A POTENTIAL WILD AND SCENIC RIVER, IS NOT ADEQUATELY ADDRESSED

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The Wild and Scenic Rivers Act was enacted to protect America's remaining free-flowing rivers from dam proposals and other harmful projects. Since its passage in 1968, over 10,500 miles of river nationwide on over 150 river segments have been designated under the Act. However, very few rivers have been designated in the Southwest, Rocky Mountains, and other regions, and many designated Wild and Scenic rivers are not receiving adequate protection. More than 30 years after the Act's passage, only one river segment in Arizona has been provided protection under the Act. While ultimate responsibility for protection under the Wild and Scenic Rivers Act resides with Congress, a fundamental reason more rivers have not been designated in Arizona and across the Southwest is that federal agencies have not met their duties to analyze, inventory and lobby for protections of eligible river segments under their jurisdiction.

In 2001, the Center for Biological Diversity sued the Forest Service for failing to develop management plans for 57 Arizona rivers and streams identified in 1993 as eligible for protection under the Wild and Scenic Rivers Act. Since ultimate designation under the Act requires Congressional action and can take years or even decades to accomplish, management plans provide critical interim protection from destructive dam proposals, powerline construction, livestock grazing, and logging. This protection is now eight years overdue on Arizona's six National Forests. Recently, CBD prevailed in this case, and the Forest Service must now provide protections to these rivers—including Sycamore Canyon on the Coronado National Forest.

Comment No. 11

Figure 3.1-1, Specially Designated Areas on the Coronado National Forest, has been revised in the Final EIS to show the portion of Sycamore Creek that is preliminarily eligible for designation as a Wild and Scenic River (the segment of Sycamore Canyon from south of Ruby Road to the U.S.-Mexico border). Based on a site visit by USFS resource specialists and others, the Western Corridor is not visible from the eligible area. The topography of Sycamore Canyon is characterized by a very deep canyon, thus reducing the likelihood that a viewer standing at the creek bottom would be able to see a transmission line located outside the canyon. Thus, if Sycamore Canyon were determined to be a Wild and Scenic River, the transmission line would not be visible from the wild and scenic reach of the river.

Refer to Section 4.7, Water Resources, for a discussion of erosion and sedimentation.

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As noted in the EIS, the Western Corridor would cross directly over and through Sycamore Canyon. Although the route as outlined in the DEIS would cross somewhat north of the eligible wild and scenic river segment, the exact routing has not been determined, and the line could potentially occur immediately adjacent to the wild and scenic boundary.

Due to the size of the line, people in the upper portions of the canyon south of Ruby Road could potentially see the line in some areas, yet this impact was not considered in the DEIS. Also unconsidered is the potential affect on hydrology and possible effects of erosion and sedimentation on Sycamore Creek and its larger watershed.

VIII. THE CUMULATIVE EFFECTS ANALYSIS IS INSUFFICIENT

The need to adequately address cumulative effects is a cornerstone of lawful NEPA compliance. 40 C.F.R. § 1502.16. Under CEQ's NEPA implementing regulations, cumulative effects are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. The requirement to address cumulative effects has been addressed in detail recently by several federal court decisions. As stated recently by the 9th Circuit Court of Appeals,

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"To 'consider' cumulative effects, some quantified or detailed information is required. Without such information, neither the courts nor the public, in reviewing the Forest Service's decisions, can be assured that the Forest Service provided the hard look that it is required to provide . . . General statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided."

Neighbors of Cuddy Mountain v. U.S. Forest Service, 137 F.3d 1372, 1379-80 (9th Cir. 1998)

The court's holding the Neighbors of Cuddy Mountain case has been followed by several subsequent decisions within courts around the country, including courts within the 4th, 9th, and D.C. Circuits. As noted repeatedly in these cases, the analysis of cumulative effects must be contained within the NEPA document:

"The EA's cursory and inconsistent treatment of sedimentation issues, alone, raises substantial questions about the project's effects on the environment and the unknown risks to the area's renowned fish populations. We do not find adequate support for the Forest Service's decision in its argument that the 3,000 page administrative record contains supporting data. The EA contains virtually no references to any material in support of or in opposition to its conclusions. That is where the Forest Service's defense of its position must be found."

Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1213-14 (emphasis added).

Comment No. 12

Chapter 5 of the EIS presents an analysis of cumulative impacts, as required under NEPA, that could occur as a result of the potential impacts of TEP's proposed project when added to impacts from other past, present, and reasonably foreseeable future actions. Where specific information was available on past, present, and reasonably foreseeable future actions, it was included in the EIS; relevant information received from the public during the Draft EIS public comment period was also added to the Final EIS (e.g., information on planned residential developments was added to Section 5.2.4).

The Federal agencies have revised sections 5.2 and 5.3 of the Final EIS based on the U.S. Border Patrol's response (USBP 2004, see Appendix A) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based and provided additional information on increased patrols and a Remote Video Surveillance System planned in the area.

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Like the decisions at issue in the Neighbors of Cuddy Mountain, Blue Mountains, and other cases, the Department of Energy and cooperating agencies have failed to provide detailed and quantified information with respect to cumulative effects as required by NEPA. This failure is especially problematic with respect to: 1) the cumulative effects of proposed road construction and "reconstruction" in conjunction with past, present and future road construction, especially wildcat roads caused by increasing off-road vehicle use; 2) the cumulative effects of the proposed powerline construction and other land use activities within the Tumacacori EMA, such as greatly increased Border Patrol presence, residential and business development outside federal lands, and other activities on sensitive wildlife species such as the Mexican spotted owl and jaguar; and 3) the cumulative effect of the proposed powerline construction, other road construction, grazing impacts and other impacts on soils which may cause increased erosion, sedimentation, and general watershed level impacts on the Sycamore Creek watershed and Pajarita Wilderness area.

While the EIS does contain a cumulative effects section which addresses some of these issues, the analysis provided in narrative and qualitative in nature, rather than the quantitative and searching inquiry required under NEPA.

IX. CONCLUSION

The Center for Biological Diversity, Defenders of Wildlife and Arizona Wilderness Coalition believe the draft Environmental Impact Statement for Tucson Electric Power's Sahuarita-Nogales transmission line is fatally flawed, and that the issue of opening import-export energy markets between the United States and Mexico must undergo a full, public and programmatic analysis under NEPA before this proposal is considered further. In the interim, a new draft EIS should be completed which addresses the needs of Santa Cruz County and the city of Nogales with respect to reliable energy service, and all of the possible alternative means with which to achieve this goal. We will continue to strongly oppose this effort and all future efforts to site the powerline through the Western or Crossover Corridors, and all other proposals that will irreversibly and dramatically affect the irreplaceable Tumacacori Highlands.

Sincerely,



Brian Segee
Southwest Public Lands Director
Center for Biological Diversity

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Clean Energy Corporation
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TEP Transmission Line

From: Clean Energy Corporation [SMTP:vajra@vecat-inc.com]
To: Pell, Jerry
Cc:

Subject: TEP Transmission Line
Sent: 10/13/2003 5:00 PM
Importance: Normal

Dear Mr. Pell,

The Clean Energy Corporation and its partner Sandia National Labs has developed a program for Energy Surety in communities. In discussions with

advocates for the Nogales area, this program has captured interest as one of the solutions for the power reliability and cost issues for the community.

We would like this program to be considered as an option to resolving some

of the difficulties with the current transmission line plans. We have attached a summary of the program and issue for your consideration.

Regards,
Valerie Rauluk (520) 326-3195
briefing DC 03.doc ESM sum for DC 9-03.doc

Comment No. 1

The Energy Surety in Communities Program may still be independently considered by local communities. However, the program serves a different purpose than that stated in this EIS and, thus, is not evaluated as an alternative in this document. Furthermore, alternative generation services (including distributed energy resources) do not eliminate the need for the proposed project. Section 2.1.5 of the Final EIS has been revised to include a discussion of why local power generating facilities were eliminated from detailed study in this EIS.

Clean Energy Corporation

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Energy Surety and Community Resiliency

Energy is key to the security and economic health of our communities. Current trends and conditions – the restructuring of the power industry, diminishing national resources, ageing infrastructure, and expanding communities make charting an effective course for policy and program challenging. But there are opportunities as technological and strategic alternatives become progressively more viable.

The Clean Energy Corporation believes that distributed energy resources (“DER”) offer both an effective strategic alternative and a platform for a multiple technologies to mature in the marketplace. The result could be an increase in the quality of our lives, and a surge of economic development with both local and national consequences.

But how to start? How do we reduce the barriers to widespread use of DER, educate the end-user market, and secure the financial resources to deploy real applications? We believe that the Energy Surety Program has the potential to make significant head-way on these issues. By focusing the efforts on a clearly articulated concern, and organizing that need into a critical mass of project opportunities, the political will and need is created to reduce the barriers.

The Need: Energy Surety

Energy Surety, the assurance that power will be available when and where you need it, has always been a concern. The late 1990s awoke many cities to potential infrastructure vulnerabilities related to the Y2K computer problem. The energy infrastructure was clearly among the most vulnerable both because of heavy dependence on automation and because nearly all other core infrastructures rely on it. As a result, nearly all cities, large and small, have conducted vulnerability assessments and written contingency plans to deal with loss of energy sources.

Because of effective advance preparation, Year 2000 passed without incident and concern about infrastructure vulnerability faded. After the attacks on Sept 11, 2001, these concerns gained new urgency and additional concern that even larger threats loom, not from foreign terrorists, but from domestic incidents and natural disasters.

The events of 2003, have highlighted another concern. The vulnerability of aging infrastructure, complex and unevenly integrated systems, and uncertainties in local, regional and inter-regional responsibilities in the midst of the power industries restructuring.

A Solution: Systematic Distributed Energy Resources

Many communities are seeking ways to improve the overall surety and reliability of their energy infrastructure. The traditional, and very costly approach to securing critical energy infrastructure and loads is uninterruptible power supplies (UPS, usually batteries) coupled to diesel generators. Typically, UPS and diesel generators support individual buildings. However, as closer examination reveals previously overlooked critical infrastructure, an ever-greater number of individual backup generators are required. This is an expensive practice because backup generators run only sporadically, but must be continuously maintained. And although these generators are generally reliable, it is not unusual to have some percentage of these fail upon startup or come off line shortly after startup.

Engineers based at Sandia National Labs have pioneered the use of Energy Surety Methodology (ESM), developed for military applications to address civilian needs. Selecting the right mix of technologies for any given community takes care because the electrical generation is dispersed, many of the technologies have varying operational characteristics, and each community's needs are unique. But it can be done, and done cost-effectively. Beginning with a suite of technologies powering critical loads within a specified zone, the Sandia methodology refines and optimizes the technology choices and the linkages between them. The Clean Energy Corporation has partnered with Sandia to bring this planning and implementation approach to the City of Tucson.

Clean Energy Corporation

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*A 501 (c) (3) nonprofit corporation
dedicated to increasing the use of
renewable energy and energy
efficiency.*

Energy Surety—Building Community Energy Resiliency

Centralized energy infrastructure makes communities vulnerable. Complexity and still evolving power industry restructuring has triggered power failures domestically and internationally. In addition, centralized systems increase vulnerability to attack from Mother Nature, as well as domestic and foreign terrorists. Distributed generation can help protect communities from these disruptions.

“distributed generation at many locations around the grid increases power reliability...”

David Garman, Assistant Secretary of Energy Speech to UPEX 2001.

“deliberate disruptions of [electric] supply can be made local, brief and unlikely if electric systems...are efficient, diverse, dispersed and renewable.”

Amory Lovins, A, et. al., Brittle Power, Brick House, Andover MA, 1982

How to Start? Recently, several US military bases have adopted an Energy Surety Methodology (“EMS”) developed by Sandia National Labs to secure their power surety. The EMS coordinates a suite of technologies to assure uninterrupted power to critical needs and users. The approach is currently being adapted by the Clean Energy Corporation, in conjunction with Sandia, to civilian communities. Tucson, Arizona is currently one of the pilot communities.

The project begins with a comprehensive Energy Surety Plan. Built on the foundation of pre-existing emergency management and Y2K plans, the plan, by organizing a critical mass of energy projects, can be implemented under an energy savings performance contract (ESPC). A high degree of energy assurance can thus be achieved without the outlay of public funds.

Benefits:

- Leadership in effective solutions for homeland security
- Reduced risk of economic losses due to power disruption
- Economic Development opportunities
- Increased power reliability
- Improved service response
- Increased financial resources for energy projects

Partners: Sandia National Laboratory and City of Tucson in conjunction with Tucson, AZ based **Clean Energy Corporation** (Program Director, Valerie Rauluk) and other Arizona partners.

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Congressman Raúl Grijalva, U.S. House of Representatives
Page 1 of 4

NOV-04-2003 12:20	REP GRIJALVA	P.01
RAÚL M. GRIJALVA 7TH DISTRICT, ARIZONA COMMITTEES: EDUCATION AND THE WORKFORCE RESOURCES	Congress of the United States House of Representatives Washington, DC 20515-0307	1440 LONGWORTH HOUSE OFFICE BUILDING WASHINGTON, D.C. 20515-0307 (202) 226-2435 810 EAST 32ND STREET, SUITE 102 TUCSON, ARIZONA 85719 (520) 622-6788 1465 SOUTH 4TH AVENUE, SUITE 4 YUMA, ARIZONA 85504 (908) 343-1933 WWW.HOUSE.GOV/GRIJALVA
November 4, 2003		
Dr. Jerry Pell Office of Fossil Energy U.S. Department of Energy Washington D.C. 20585 Jerry.Pell@hq.doe.gov FAX: 202-318-7761		
RE: Tucson Electric Power Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement		
Dear Dr. Pell:		
1	<p>I am writing to you to voice my strong opposition to the construction of a high power transmission line through Santa Cruz County and into Sonora, Mexico.</p> <p>The proposed transmission line would cut through the heart of one of Southern Arizona's crown jewels. The beautiful Tumacácori, Atascosa, and Pajarito Mountains (the "Tumacácori Highlands") and the Santa Cruz Valley are rich in culture, history, and ecology. The valley is a place of unparalleled historical significance while the mountains provide sanctuary for wildlife and birds and well as human beings, who visit them as a temporary respite from the busy modern world.</p> <p>The Tumacácori Highlands provide numerous opportunities to the people of southern Arizona and visitors from afar. Wildlife and bird watching, hiking, hunting, picnicking, photography, visiting ghost towns, and scenic driving are all activities enjoyed in the region. The mountains are still relatively pristine, which increases their value for all of the above activities, and makes the wildlife habitat outstanding.</p> <p>This region is home to many endangered, threatened and sensitive species. On two separate occasions in the last two years, trip cameras have taken photographs of jaguars in Santa Cruz County. There is now no doubt that this fascinating and imperiled species exists in the region and in these mountains. The jaguar is not the only endangered species to call this area home. The mountain complex also provides habitat for many other wildlife and plant species.</p>	

Comment No. 1

The Federal agencies recognize that many people value certain areas along the alternative transmission corridors as wild places and have a holistic concern for the natural beauty, undisturbed landscape features, and abundant plant and animal wildlife that characterize those areas. These unique natural characteristics give such wild areas their "sense of place," which includes people's visual and aural perceptions of the area's undisturbed sky, natural landscape, water resources, and plant and animal populations. The sense of place also includes the spiritual value that many people associate with these wild areas because of their cultural and religious significance. The Federal agencies recognize and appreciate this holistic sense of place and have revised the introductory sections of Chapters 3 and 4 of the Final EIS to acknowledge these values.

The agencies recognize that the natural and cultural characteristics that contribute to a sense of place cannot be measured in the same manner as some other resources in an environmental analysis. However, in order to analyze potential impacts effectively and document the analysis, it is necessary to consider the resource areas individually. Thus, the EIS discussions of affected environment in Chapter 3 and potential impacts in Chapter 4 are divided into distinct resource areas (e.g., visual resources, biological resources, cultural resources).

The Federal agencies have evaluated in the EIS the potential impacts from the proposed project on the cultural, historical, biological, visual, and recreational resources cited by the commentor. Chapter 3 describes the affected environment of the Tumacacori Highlands and Santa Cruz Valley in the vicinity of the proposed project for each resource area. Chapter 4 evaluates the potential impacts from the proposed project on each resource area (refer to Sections 3.4 and 4.4, Cultural Resources; Sections 3.3 and 4.3, Biological Resources; Sections 3.2 and 4.2, Visual Resources; and Sections 3.1.2 and 4.1.2, Recreation).

The potential impacts to biological resources, including impacts to special status species and wildlife habitat, are addressed in Section 4.3. Section 3.3.3 acknowledges the potential for jaguar in all three of the proposed corridors. Section 4.3.3 provides analysis supporting the "May affect, not likely to adversely effect" determination for the potential impact on jaguar from the

Congressman Raúl Grijalva, U.S. House of Representatives
Page 2 of 4

1	<p>There are currently numerous efforts all over the Santa Cruz Valley and its vicinity to protect and restore the many resources of this region. For example, the Fish and Wildlife Service is restoring native wildlife at the Buenos Aires National Wildlife Refuge, and other sites nearby. The National Park Service is restoring mission buildings, other cultural sites, and land along the Santa Cruz River at the Tumacacori National Historical Park. There is an ongoing effort to designate a National Heritage Area that would encompass the Santa Cruz Valley and would recognize and promote the entire area, and all of its outstanding and remarkable sites.</p>
1 cont.	<p>I strongly support the above efforts, as I believe the region possesses a unique combination of history and natural environment, deserving of recognition and protection. Because of my belief that the region is so special, I have also targeted the Tumacacori Highlands for wilderness designation. As noted above, the mountains, canyons and valleys of this area contain many important and rare attributes that warrant protection under the Wilderness Act of 1964. Conservation organizations and individuals have long been engaging in efforts to protect this area, and I believe it is high time for Congress to act.</p>
	<p>In short, there is a concerted effort to conserve many different places in the general region where the transmission line route would travel. However, the construction of this transmission line would undermine all of the work that numerous individuals, agencies, and organizations have done to see this part of the country preserved.</p>
2	<p>I have numerous concerns about the project as planned. First, I'm concerned that the route will cause incredible environmental damage if it is built where planned, through the heart of the Tumacacori Mountains and parts of the Santa Cruz Valley. Secondly, I question whether this project is really in the best interests of the public, and specifically the residents of Nogales, whom it is intended to serve. No matter which route the 345 kV line were to travel, I do not believe that such a high-powered line is necessary to meet the needs of the residents of Santa Cruz County. Your agency seems to have ignored viable solutions to the power supply problem in southern Arizona, and has instead allowed Tucson Electric Power company's bottomline to drive the decisionmaking process in this instance. Using the pretext of providing power to the citizens of Santa Cruz County to blaze an extremely unsightly and environmentally detrimental route through roadless and backcountry areas is unconscionable.</p>
3	<p>The proposed western route is the longest, most expensive, and most environmentally damaging of all alternatives considered. The crossover route is arguably worse, but in any case, no better. The western and crossover routes would slice through some of southern Arizona's most beautiful vistas, impact numerous cultural sites, and destroy the outstanding natural scenery of the area. The central route would also greatly impact residents, culturally important locales, and viewsheds along the I-19 corridor. These routes are not compatible with any of the conservation and restoration efforts I mentioned above, nor are they in the best interests of citizens or the environment of Santa Cruz County and Nogales.</p>

Comment No. 1 (continued)

proposed project.

The Arivaca Cienega Trail in the Buenos Aires National Wildlife Refuge starts about 0.25 mi (0.4 km) east of Arivaca. It is approximately 10 mi (16 km) west of the Western and Crossover Corridors, and approximately 15 mi (24 km) west of the Central Corridor. It would not be affected by the proposed project.

The construction of transmission line structures and associated access roads has the potential to adversely affect archaeological and historical sites, both through direct effects from land disturbance and through visual impacts based on the area of land disturbed (see Section 4.2). The historic parks in Tumacacori and Tubac are outside of the three 0.25-mi (0.40-km) wide study corridors. Therefore, the impact on these historic parks from the Central Corridor (the closest of the corridors to these parks) would be limited to visual impacts. Since publication of the Draft EIS, a field review of these sites was conducted and a report, the "Proposed TEP Powerline—Visibility from Tumacacori and Tubac Historic Sites", was added to Appendix I. Based on that field review and associated report, Section 4.4.1.2 has been revised with the following language: "Impacts to views from the historic parks in Tumacacori and Tubac would be minimal. Currently, views from both sites are blocked largely by vegetation, structures, I-19, and topography. It is unlikely that the proposed powerline would be seen from either site (See Appendix I for more information). The ongoing effort to designate the Santa Cruz Valley as a National Heritage Area is expected to be completed in 2005. The significance of this designation is to gain recognition of the area as having a diverse natural and cultural heritage. This designation would not create any new Federal, state, or local regulatory oversight over the area, and the designation is not expected to affect or be affected by the proposed project.

The Federal agencies are aware of Congressman Grijalva's stated intent to initiate legislation that would establish an addition to the National Wilderness Preservation System in the Tumacacori Highlands portion of the Coronado National Forest. The proposal would double the existing Pajarita Wilderness south of Ruby Road from 7,529 acres (3,047 ha) to 15,931 (6,447 ha) acres and create an entirely new wilderness area of 76,171 acres (30, 825 ha) north of that road. Section 5.2.4 now includes a discussion of this potential proposal.

Comment No. 2

In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

Comment No. 2 (continued)

The original ACC Decision No. 62011 (ACC 1999) mandates the construction of a second transmission line to serve customers in Santa Cruz County and does not reference the export of electricity to Mexico. However, a second ACC order (Decision No. 64536, issued in January 2002) grants a CEC to TEP to construct only a 345-kV transmission line with the dual purpose of addressing the service reliability problems in Santa Cruz County and providing interconnection with Mexico. Alternatives that would not satisfy both elements of TEP's dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Comment No. 3

As discussed above in response to Comment 1, the Federal agencies recognize that many people value the sense of place that exists along areas of the alternative transmission corridors because of the areas' natural beauty, undisturbed landscape features, abundant plant and animal wildlife, and cultural resources. The Federal agencies appreciate this holistic sense of place and have revised the introductory sections of Chapters 3 and 4 of the Final EIS to acknowledge these values.

Sections 3.2 and 4.2 discuss the existing visual resources and analyze the potential impacts to these resources from the proposed project in the areas cited by the commentor. Refer to the response to Comment 1 above regarding impacts to cultural resources and conservation and restoration efforts.

The Federal agencies recognize that many people value certain areas along the alternative transmission corridors as wild places and have a holistic concern for the natural beauty, undisturbed landscape features, and abundant plant and animal wildlife that characterize those areas. These unique natural characteristics give such wild areas their "sense of place," which includes peoples' visual and aural perceptions of the area's undisturbed sky, natural landscape, water resources, and plant and animal populations. The sense of place also includes the spiritual value that many people associate with these wild areas because of their cultural and religious significance. The Federal agencies recognize and appreciate this holistic sense of place and have revised the introductory text of Chapters 3 and 4 of the Final EIS to acknowledge these values.

Congressman Raúl Grijalva, U.S. House of Representatives**Page 3 of 4**

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REP. GRIJALVA

P. 03

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These transmission lines will have numerous and far-reaching adverse impacts upon the residents and resources of the area. For example, Nogales and other towns in the area rely on tourism as a main source of revenue. A large part of this revenue comes from birdwatchers, bikers (both motor and self-propelled), hikers and other people who visit the area because of its natural scenery. If these lands are adversely impacted to the point where they become undesirable for recreation, Santa Cruz will lose a great deal of annual revenue.

5

The draft environmental impact statement as written is fundamentally flawed. The alternatives, as described, are essentially all one and the same, with a few different routes. In this case, you have allowed the project proponent, Tucson Electric Power, to completely define the purpose and need for the project, rather than defining it based on the needs of the community of Nogales and southern Santa Cruz County.

The residents of Nogales are in need of a regular and reliable power source, however, this power does not need to come in the form of a high power transmission line with 140 feet tall towers marring the landscape. Instead, there are other ways to accomplish improved power for the City of Nogales and Santa Cruz County. For example, a lower voltage transmission line traveling south on the existing utility corridor along I-19 was not examined as an alternative. Because the town is only in need of a 115 kV line, and this is all that TEP was required to provide under the direction of the Arizona Corporation Commission, a lower voltage line could have easily fulfilled this need. Lower voltage lines are also more easily buried, thus lessening their environmental and visual impact.

Another viable option would be the construction of a powerplant in the vicinity of Nogales, which would be more efficient in solving power needs. A local powerplant would also be significantly cheaper for residents who will ultimately pay for the line. I understand that the proposed 345 kV powerline will cost approximately \$85 million, while a smaller line, would only cost about \$20 million. Santa Cruz County electrical rates increased 22% last month, in part to pay for the transmission line. The residents of Santa Cruz County, which is already one of the most economically depressed counties in the state, will have to pay for this transmission line, even though 80% of its capacity will be used to trade power with Mexico.

6

I am also concerned about the reliability of the U.S. power grid should it be linked to Mexico's. As exemplified by the recent power failures in the Eastern United States, grid failures can have catastrophic consequences. It is not well-known what the impact to reliability will be if and when the Mexican and U.S. grids are connected. Tucson Electric Power has itself testified that Mexican electrical systems do not comply with U.S. reliability, synchronization, personnel, or training standards. We can not be sure that this project will not in the end make power less reliable in Santa Cruz County. We should be increasing local supply and independence, improving efficiency and promoting the use of renewable energy sources instead of continuing the flawed power grid approach, which can break down easily and without warning with far-reaching consequences.

Comment No. 4

Sections 3.5 and 4.5 discuss the existing socioeconomic resources and address potential socioeconomic impacts as a result of the proposed project. Section 3.5 has been revised in the Final EIS to describe existing socioeconomic aspects of tourism in the project area. Section 4.5 has been revised to discuss potential impacts to socioeconomic aspects of tourism.

Comment No. 5

As discussed in Section 2.1.5, a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal) because it would not meet TEP's dual purpose and need of benefiting both southern Arizona and Mexico. Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (also refer to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

After a regulated utility such as TEP constructs a project in Arizona, the ACC determines whether or to what degree an investment by a utility is recoverable through consumer electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS. There have been no rate increases attributable to this proposed project.

Section 3.13 discusses minority and low-income populations in the vicinity of the proposed project, including Santa Cruz County. Section 4.13 concludes that there would be no disproportionately high and adverse impacts to minority or low-income populations.

Comment No. 6

As part of DOE's decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project would adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export would not impair sufficiency of supply


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I do not support the proposed routes because they do not serve Santa Cruz County's interests, as originally intended under the Arizona Corporation Commission order. Instead, the transmission lines will be an unnecessary economic, environmental, and cultural burden on Southern Arizona. I also do not believe that the concerns of residents and visitors who utilize the area for recreation and other interests have been adequately considered or addressed.

7 I urge the proponent of the project to strongly reconsider its desire to move forward with this project. Currently, TEP enjoys a "good neighbor" reputation in the Tucson area because of its desire to work with local people to accomplish common goals. However, this proposed project will tarnish TEP's reputation because the project so clearly contradicts the desires of local residents and will destroy so much of the beauty and natural heritage in the region.

I am willing to work with your agency and the proponent of the project to determine a more sensible course of action that would provide power for the citizens of Santa Cruz County while protecting the important cultural and natural values of the area. However, I am not willing to endorse the destruction of our natural resources in this manner.

Sincerely,


Raúl M. Grijalva
Member of Congress

4

TOTAL P.04

Comment No. 6 (continued)

within the United States and would not impede, or tend to impede, the coordinated use of the regional transmission system.

Comment No. 7

The Congressman's opposition to the proposed project is noted. Responses to comments 1 through 6 above address the Congressman's specific concerns.

Crown C Ranch
Page 1 of 1

August 20, 2003

CROWN C RANCH
P.O. BOX 505

SONOITA, ARIZONA
85637

received
9 JUN 03

Dear Mr. Pell:

I appreciate your keeping me informed regarding the Tucson Electric Power Company Sahuarita-Nogales Transmission Line. The impact and consequences of this line are of utmost importance to those of us who live in Santa Cruz County.

It is my understanding that TEP has been directed by the Arizona Corporation Commission to pursue the Western Corridor—despite the fact that this corridor is the least cost effective and most environmentally damaging corridor. The Central Corridor, along which there are already existing power lines, seems to have been put aside due largely to the objections and directions of an obviously very influential individual in this area. This direction does not consider logic or the concerns and opinions of other interested, taxpaying citizens.

I hope that your office is well aware of this situation and is seriously considering the advantages of the Central Corridor.

Sincerely,
Doreen [Signature]

Comment No. 1

The Central Corridor remains a viable alternative for selection by the Federal decisionmakers in their respective Records of Decision (RODs), or latter of concurrence in the case of the USIBWC (see Section 1.6.6). Implementation of the proposed project in the Central Corridor could not occur until TEP meets all regulatory requirements, including obtaining the necessary approval from the ACC.

DeConcini McDonald Yetwin & Lacy, P.C.
Page 1 of 5

OCT-14-03 TUE 03:46 PM DECONCINI McDONALD FAX NO. 5203225585 P. 02

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STACY NUYECHT BUTLER		

October 14, 2003

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PLEASE REPLY TO TUCSON

via FAX and First Class Mail

Jerry Pell, Ph.D., CGM
 NEPA Document Manager
 Fossil Energy FE 27
 U.S. Department of Energy
 Washington, DC 20585

**Re: Tucson Electric Power Company Sahuarita-Nogales Transmission
 Line Draft Environmental Impact Statement (DOE/EIS-0336)**

Dear Dr. Pell:

I write on behalf of the Croll family, owners of the Sopor Ranch in southern Arizona. The Western, Central and Crossover Corridors of the proposed project all pass through the Ranch. Since the Crossover Corridor would follow the same path as the Western Corridor in the vicinity of the Ranch, we will confine our comments to the Western and Central Corridors.

The Croll family believes that if the proposed project must be built, the Western Corridor is the only currently proposed route that they can support. For the reasons that follow, we support DOE's identification of the Western Corridor as its preferred alternative.

On page S-17 of the EIS Summary, the authors comment that the Central Corridor would be "intermittently visible to more residents given its closer proximity to the towns of Amado, Tubac, and Tumacacori" than the Western Corridor. We believe that comment, and particularly the use of the descriptor "intermittent," seriously understates the impact that a transmission line would have on the region of the Central Corridor. A transmission line on the Central Corridor would be permanently visible to far more residents than a transmission line on the Western Corridor. It is perhaps even more important to realize that a transmission line on the Central

Comment No. 1

Sections 3.2 and 4.2 present analyses of the existing visual resources and potential impacts to these resources, respectively. The reference to "intermittent" visibility (text referenced by the commentor in the Summary and Sections 2.3 and 4.2 of the Draft EIS) has been clarified to reflect that it refers to the views of the proposed project by travelers on I-19, rather than to intermittently changing views of the proposed project from a single fixed point such as a residence. In addition, a cross reference has been added in Section 4.2.2 to the analysis in Section 4.4.1.2 of potential visual impacts on historic parks in Tumacacori and Tubac.

The permanent area of disturbance from the proposed project along the gas pipeline would be the footprint of the proposed structures, and the access roads required for ongoing maintenance of the transmission line. The required 100-ft (30-m) distance between the edge of the gas pipeline right-of-way (ROW) and the proposed transmission line structures would not result in a 100-ft (30-m) wide strip of cleared, disturbed land, but rather discrete areas of disturbance for each transmission line structure and any required access roads.

The Federal agencies recognize the importance of riparian areas, therefore the Federal agencies have relied on Harris Environmental Group (HEG) to review aerial photography of the corridors and calculate the acreage of the Sonoran Riparian Deciduous Forest. Impacts to the Sonoran Riparian Deciduous Forest for the entire Central Corridor, including Sopor Ranch, are discussed in Section 4.3.2.2.

DeConcini McDonald Yetwin & Lacy, P.C.
Page 2 of 5

OCT-14-03 TUE 03:46 PM	DECONCINI McDONALD	FAX NO. 5203225585	P. 03
DECONCINI McDONALD YETWIN & LACY A PROFESSIONAL CORPORATION ATTORNEYS AT LAW			
Jerry Pell, Ph.D. October 14, 2003 Page 2			
1 cont.	Corridor would be visible from Tumacacori National Historical Park and Tubac Presidio State Historic Park. A transmission line on the Western Corridor would not be visible from, and therefore would preserve, those important cultural resources.		
	On page S-20 of the EIS Summary, the authors comment that a minimum distance of 100 ft would be maintained between any of the proposed transmission line structures and the edge of the existing El Paso Natural Gas pipeline right-of-way. The effect of this parameter would be a tremendous expansion of the area currently disrupted by the existing gas pipeline. The disrupted area would expand to include not only the width of the transmission line right-of-way, but also a 100 foot wide strip between the gas pipeline right-of-way and the transmission line right-of-way. This parameter significantly reduces any possible benefit to be derived from the fact that the Central Corridor parallels the gas pipeline.		
	We believe that construction of a transmission line on the Central Corridor would be much more harmful to the Ranch, and to persons and property in the region generally, than on the Western Corridor. The Central Corridor is much closer to valuable riparian areas and inhabited buildings on the Ranch. It is also in much closer proximity than the Western Corridor to significant historical and cultural components of the Ranch.		
	The theoretical disadvantages of the Western Corridor identified in the EIS are not nearly as meaningful to the inhabitants of the area as the very real impacts discussed above that would result from construction on the Central Corridor. We therefore support the DOE's identification of the Western Corridor as its preferred alternative.		
2	In addition, we have a number of specific comments about the Draft EIS:		
3	1) Figure 2.1-2 is missing. We cannot determine if Elias Draw is the primary route south from Arivaca Road to the National Forest.		
4	2) We wish to state that based on our knowledge of the land, the size of the 100-yr floodplain for Sopori Wash in Figure 3.7-3 and Appendix C, Figures 1, 3 and 4, are based on FEMA data that are out of date, over-generalized, and lacking precision. The complete data source for the floodplain figures should be noted.		
5	3) We desire that DOE recommend monopoles over lattice towers for construction of the line over Sopori Ranch. TEP told us monopoles would be used.		
6	4) In Section 3.2.2 "Central Corridor Outside Coronado National Forest" 1) Paragraph 2, after second sentence: Add that the line passes within one-tenth mile of the Sopori's Farmer's Family's residence at Sopori Ranch (husband, pregnant wife, 1 young boy), and		

Comment No. 2

Figure 2.1-2, located on page 2-4 of the Draft EIS, shows major roads in the area. Ellas Draw is a land depression that runs roughly north/south between Arivaca Road and the Coronado National Forest Tumacacori EMA. Ellas Draw does not contain any roads, and is thus not shown or labeled on the map. Figure 2.1-2 is also included in the Final EIS with the same figure number. The Central Corridor is just east of Ellas Draw.

Comment No. 3

The 100-year floodplain for Sopori Wash shown in Figure 3.7-3 and Appendix C is the best data available. Federal Emergency Management Agency (FEMA) data was used. Analysis for the 500-year floodplain has also been added to the Final EIS (see Appendix C). Section 4.7.1 of the EIS, Floodplains, Wetlands, and Surface Water, discusses the methodology used to identify the boundaries of floodplains. Specifically for Sopori Wash, the floodplain boundaries were identified using the FEMA Flood Insurance Rate Maps, representing the best available data for this area.

Comment No. 4

As discussed in Section 2.2.3, Transmission Line Structures and Wires, the primary support structures to be used for the transmission line would be self-weathering monopoles, and dulled, galvanized steel lattice towers would be used only in specific locations for engineering reasons or to minimize overall environmental impacts (for example, impacts to soils or archaeological sites) in accordance with ACC Decision No. 64356 (ACC 2002). TEP would select and site the support structures within the ROW after each agency has issued a ROD, and TEP would consider input from cultural, biological, visual specialists, and landowners to identify and minimize impacts to each area of land to be disturbed.

Comment No. 5

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002 (ACC 2002, see Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona

DeConcini McDonald Yetwin & Lacy, P.C.
Page 3 of 5

OCT-14-03 TUE 03:46 PM DECONCINI McDONALD FAX NO. 5203225585 P. 04	
DECONCINI McDONALD YETWIN & LACY A PROFESSIONAL CORPORATION ATTORNEYS AT LAW	
Jerry Pell, Ph.D. October 14, 2003 Page 3	
5 cont.	<p>¼ mile of the Agua Linda cow camp at Sopori Ranch (west of the Agua Linda interchange). 2) Paragraph 3, before last sentence: Add that between Arivaca Road and Tubac, the existing scenic integrity of the landscape is high. And pursuant to this last statement, we feel that measurements of visual impacts should not only be made from I-19, but from the higher elevation fee title private land west of I-19, whether or not it is currently developed. We recommend the EIS include a picture taken from the Prospect Hills, 4 miles west of I-19, on Sopori Ranch that will illustrate the high scenic quality of this land.</p> <p>5) In Section 3.2.1 "Western Corridor Outside Coronado National Forest", paragraph 1 does not discuss the scenic impact of the power line between the separation of the central and west routes south to the Forest beyond saying that it is high. Again, the scenic impacts from viewpoints other than I-19 need consideration, though the "High" quality conclusion is correct. Also, we feel the sentence order in this paragraph is confusing, as it should follow the route itself.</p>
6	<p>6) In Section 3.4.1.1 "Western Corridor Cultural Resources", paragraph 3 notes two sites near Sopori Wash shown in Figure 3.7-1. This Figure does not show these sites.</p> <p>7) In Section 3.12.2 "Access to ROW on Central Corridor", Sopori Ranch does not foresee granting this access from the frontage road. We will oppose any effort to build the transmission line on the Central Corridor.</p>
5 cont.	<p>8) In Section 4.2.1 "Outside of the Coronado National Forest", paragraph 3 needs description of the extent, in miles, of the visual impact on Sopori Ranch from areas other than I-19 and Arivaca Road because of the large degradation we feel would occur. A simple analysis of line segments on major paved roads does not complete this analysis. A lot of higher ground exists on Sopori Ranch that makes viewing the line much easier, creating additional negative impacts for Sopori Ranch.</p> <p>9) In Figure 4.2-4, we object to this type of analysis being complete because of its bias towards paved roadways and against unpaved roadways, and land without roads now that may have roads in the future.</p> <p>10) In Section 4.2.2 "Outside of the Coronado National Forest", 1) paragraphs 2 and 3 also need to state that between Amado and Tubac (all on the Sopori Ranch) the line would pass across a major wash, through a historic farm, across large distances of high elevation, high scenic value, wide-open views, past the Agua Linda cow camp used by movie companies for its scenic beauty, and through much scenic land surrounding Tubac impacting the eye-drawing views of the Tumacacori Mountains. 2) In addition, we challenge paragraph 6, where the characterization of scenic value as moderate in this</p>

Comment No. 5 (continued)

Corporation Committee, of the Final EIS), TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

The level of detail requested is too much to include in an EIS. Relative to land use, the purpose of an EIS is to disclose the potential impacts to land use that would result from the proposed project and determine the overall compatibility with land use plans. Regarding the order of the sentences in paragraph 1 of Section 3.2.1, Outside the Coronado National Forest, cited by the commentator, the order of the sentences follows the route from north to south as closely as possible.

On the topic of visual impacts, because the area between Arivaca Road and Tubac includes such features as houses, it is altered from its natural state and therefore does not qualify for classification as having high Scenic Integrity (defined as "appears to be intact"). Its classification as having moderate Scenic Integrity (defined as "appears slightly altered"), as stated in Section 3.2.2, is accurate.

In assessing the visual impacts of the proposed project, for consistency the agencies used the same methodology for all portions of each of the alternative corridors. The visual analysis is based on definitions and criteria developed under the USFS Scenery Management System (SMS). Different people may have different aesthetic judgments, but consistent use of the SMS ensures that visual impacts are evaluated consistently. The FEIS has been further supplemented to include a visual analysis conducted under the former USFS Visual Resource Management System (see Appendix I). The visual analysis is supplemented with photo simulations of project structures. The photo simulations in the EIS do not constitute an analysis of visual impacts, but are included to portray the range of possible impacts of the proposed project, from wide-open to partially blocked views at a range of

DeConcini McDonald Yetwin & Lacy, P.C.

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OCT-14-03 TUE 03:47 PM	DECONCINI McDONALD	FAX NO. 5203225585	P. 05
DeCONCINI McDONALD YETWIN & LACY A PROFESSIONAL CORPORATION ATTORNEYS AT LAW			
Jerry Pell, Ph.D. October 14, 2003 Page 4			
5 cont.	area describes only the developed areas right near Arivaca road, and not the eight miles of undeveloped land between Arivaca Road and Tubac. This land clearly has High scenic integrity.		
11)	Overall, we feel that the scenic evaluation of line impacts on Sopori was done poorly. In fact, it was barely addressed at all apart from the paved roads along the edges of the ranch.		
12)	In Sections 4.5.1 and 4.5.2, "Socioeconomic Impacts..." and 8.1, "Short Term Use and Long Term Productivity", we feel that DOE has done a grave disservice to the Sopori Ranch in particular and to private landowners in general by neglecting to emphasize the transmission line's negative impacts on the value of large private undeveloped land holdings. In 8.1, the report notes, "A large portion of each alternative crosses undeveloped land, impacting long term preservation of unaltered landscapes." However, the report does not state the negative impacts to property values for uses other than long term preservation, namely, development. This is the primary concern of the Sopori Ranch. Both the central and western corridors cross miles of private land. The lines would be visible from miles outside the ROW. The difference between selling land that does not view a large power line, and land that does, is highly significant in monetary terms. We feel that this point must be made explicitly in 4.5.1, 4.5.2, and 8.1. That this issue receives such non-recognition in an EIS is appalling. If DOE feels it necessary to discuss the reduction in recreation opportunities in the Forest, it ought to be even more descriptive about the impacts on land owners who view development as the highest and best use of all or a portion of their lands. Furthermore, in Section 4.5.1, the line's impact on land values for future development must be made more fully and descriptively in discussing the appraisal process. In particular, only one sentence in 4.5.1 references the issue of negative visual impacts on property owners. It is the last sentence of paragraph 4, in subsection "New Transmission Line ROW and Access Roads." That sentence does not discuss whether a negative visual impact on lands outside the ROW is compensable in the appraisal process. The matter is further in doubt because the last sentence of paragraph 5 seems to imply that only in cases of severance are negative impacts outside the ROW considered in the appraisal process. Any fair minded and objective observer would realize that the single biggest impact of this line occurs because of negative visual impacts. Your large (if deficient) section on visual impacts proves the importance of the issue. Yet your sections on the socioeconomic impacts and long term productivity barely discuss how these negative impacts will be compensated. Therefore, we strongly feel that the Final EIS needs to rework and add to those sections referenced here to take into account the negative impact of the TEP line on the value of undeveloped land with development potential lying outside the ROW.		
7			

Comment No. 5 (continued)

distances, covering the most likely viewing areas. The photo simulations are useful only when accompanied by descriptions of the vegetation and land use, SMS Scenic Integrity values, and maps of visibility and various visual attributes, to support the analysis of visual impacts. Mapping of project visibility was performed from major, paved roadways because these areas would have the highest concentration of viewers.

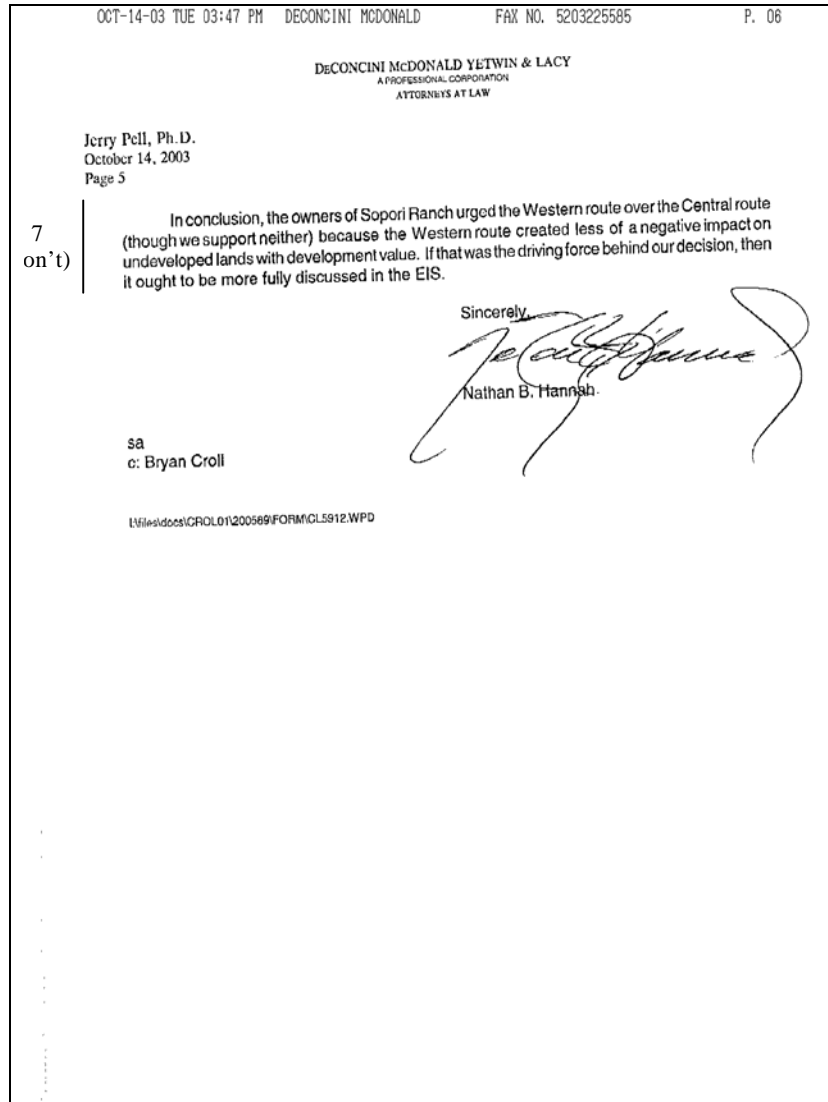
Comment No. 6

Federal agencies are granted the authority to withhold from public disclosure information about the location of a historic property when the Federal agency has determined that harm to the property may occur (36 CFR 800.11 [c]1). An EIS does not present the exact locations of cultural resources (including historical sites, archaeological sites, and traditional cultural properties) in an effort to help preserve those sites from vandalism and theft. In Section 3.4.1.1, Western Corridor, the reference to Figure 3.7-1 is to show the approximate location of the intersection of the Western Corridor and Sopori Wash, not to identify the exact locations of the cultural sites.

Comment No. 7

Any decrease in property values from the proposed transmission lines would be perception-based impact, that is, an impact that does not depend on actual physical environmental impacts resulting directly from the proposed project, but rather upon the subjective perceptions of prospective purchasers in the real estate market at any given time. Any connection between public perception of a risk to property values and future behavior would be uncertain or speculative at best, and therefore would not inform decisionmaking. Section 4.5 references a discussion of past studies of the impact of transmission lines and property values in other geographic areas. The studies conclude that other factors, such as general location, size of property, and supply and demand factors, are far more important criteria than the proximity of a transmission line in determining the value of residential real estate. Accordingly, while the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to

DeConcini McDonald Yetwin & Lacy, P.C.
Page 5 of 5

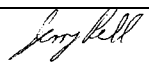


Comment No. 7 (continued)

quantify theoretical public perceptions of property values should the proposed project be built.

Regarding consideration of visual impacts to lands either within or outside of transmission line or access road easements during the appraisal process, TEP would negotiate with each individual landowner in accordance with the requirements of the ACC (see the response to Comment 5 above). If implementation of the proposed project requires condemnation of private lands (in the case that an easement agreement cannot be reached with the land owner or manager), such condemnation would be subject to separate legal proceedings which provide due process for those affected.

Escalante Wilderness Project
Page 1 of 1



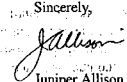
Escalante Wilderness Project
 Southern Arizona Office
 Po Box 42, Arivaca AZ 85601
 10 October 2003

Fossil Energy FE-27, US Department of Energy
 1000 Independence Avenue, SW
 Washington DC 20585

RE: DOE/EIS-0336, Tucson Electric Power Co. Sahuarita-Nogales Transmission Line

Please note the change of address above.

- 1 | The Escalante Wilderness Project, which advocates for wildlands protection, and myself as a resident of the Arivaca area, strongly oppose all three action alternatives that were considered in the July 2003 DEIS.
- 2 | Although the AZ Corporation Commission and DOE "must" meet the energy needs of Santa Cruz County/Nogales, those needs do not have to be met by Tucson Electric Power Company nor by the routing of transmission lines through our National Forest.
- 3 | The DEIS does not reveal the location of TEP's power generation plant, nor does it analyze the environmental impact of TEP's proposed increase in power generation. The DEIS does not analyze whether the expressed need for increased power could be met by conservation efforts or by a power plant (either conventional or utilizing sustainable solar or wind generation) located near Nogales. These alternatives would prevent environmental impacts to the National Forest and would decrease environmental impacts to residential areas; conservation and/or "alternative" power generation would greatly decrease all environmental impacts.
- 2 | cont.
- 4 | We oppose any new impact on this finite, ecologically valuable, and highly scenic unit of the Coronado National Forest. We note that the section following the Ruby Road would destroy the wildness experienced by people traveling this very popular and scenic back road, while the Crossover route through Peck Canyon would totally destroy the wild character of a relatively pristine canyon. We have not personally explored the "Central" route, but object to all National Forest routes because any destruction of wild or wilderness character or ecological values of our public forest lands is unconscionably shortsighted.
- 5 | We incorporate by reference the comments of Arivaca resident Mary Kasulaitis (including her copious scoping comments which were largely ignored in the DEIS, and comments made by Peter Ragan and John Rueb at DOE's public hearing in Green Valley and published in the October 2003 issue of the Arivaca newspaper *The Connection*.
- 2 | cont.
- None of the three proposed routes is acceptable. We urge DOE to choose the No Action alternative, and to encourage power companies to submit proposals that could meet the energy needs of Santa Cruz County in less environmentally destructive ways.

Sincerely,

 Juniper Allison

cc: John M. McGee, Forest Supervisor

Comment No. 1

The commentor's opinion is noted.

Comment No. 2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, of the Final EIS that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Section 1.2 of the Final EIS has been revised to explain the roles of the Federal agencies in developing alternatives to accomplish the purpose and need. Energy conservation and/or alternative power supply means would not meet TEP's proposal and are thus not evaluated in this EIS (see Section 2.1.5 for a discussion of Alternatives Considered but Eliminated from Detailed Study). The EIS evaluates a range of reasonable alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal. A segment of each of the alternative routing options proposed by TEP crosses Coronado National Forest land, and the affected environment and potential environmental impacts of crossing Coronado National Forest land are analyzed in the EIS. As explained in Section 2.1.5, alternatives that do not cross National Forest lands were considered but eliminated from detailed study.

Comment No. 3

Section 3.11.1 of the Final EIS has been revised to clarify that the proposed project does not include the development or expansion of power generation facilities. The proposed project would utilize existing power on the Western electric grid.

Comment No. 4

The existing biological resources of the Coronado National Forest are described in Section 3.3. Section 4.3 describes potential impacts to biodiversity and wildlife populations. The Final EIS describes impacts by corridor, as listed in Tables 4.3-1, 4.3-2, and 4.3-3.

Sections 3.2 and 4.2 describe the existing visual resources and analyze potential impacts to these visual resources for each alternative. With respect to the Crossover Corridor in Peck Canyon, Section 3.2 indicates that the existing Scenic Integrity, or the degree of intactness and wholeness of the landscape, is Very High within Peck Canyon. As stated in Section 4.2.3, upon implementation of the Crossover Corridor, the Scenic Integrity of most of the affected area of Peck Canyon would be reduced to Low. Section 4.2 also notes that there are recreational trails within Peck Canyon from which the Crossover Corridor would be in the foreground.

Comment No. 5

The Federal agencies considered all comments received during the NEPA process, including those cited by the commentor. All of these comments are available to the Federal decisionmakers in reaching final decisions on this project.

Friends of Arizona Rivers

Page 1 of 1

Tucson Elec Pwr Sahuarita-Nogales Transmission line DEIS

From: Tim Flood [SMTP:tjflood@att.net]
To: Pell, Jerry
Cc: Matt Skroch

Subject: Tucson Elec Pwr Sahuarita-Nogales Transmission line DEIS

Sent: 10/14/2003 10:58 AM

Importance: Normal

1 | Dr. Jerry Pell, Office of Fossil Energy
| re: Tucson Electric Power Sahuarita-Nogales Transmission line DEIS
| 1. The DEIS does not describe the need for this project, and who would
| benefit. This issue should be better described before making a decision
| about siting the line.

2 | 2. Less environmentally damaging alternatives should be given stronger
| consideration.

Thank you,
Tim Flood, Conservation Coordinator
Friends of Arizona Rivers
503 E Medlock Dr
Phoenix, AZ 85012

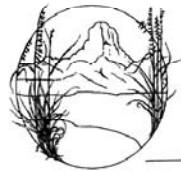
Comment No 1

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the needs that the proposal would address and the roles of TEP and the Federal agencies in developing alternatives for the proposed project.

Comment No 2

As discussed in the response to comment No. 1, the EIS evaluates a range of reasonable alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal. The EIS also assesses the No Action Alternative, under which the transmission line would not be built and the associated environmental impacts would not occur.

Friends of Buenos Aires National Wildlife Refuge
Page 1 of 1



**Friends of Buenos Aires
National Wildlife Refuge**

PO BOX 65855 TUCSON AZ 85728

October 9, 2003

Jerry Pell, Ph.D., CCM
NEPA Document Manager
Office of Fossil Energy, FE-27
U.S. Department of Energy
1000 Independence Ave., S.W.
Washington, D.C. 20585

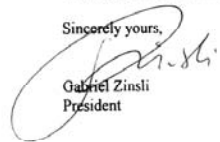
Dear Dr. Pell,

Friends of Buenos Aires National Wildlife Refuge is a group of 150 citizens dedicated to the support of activities centered around Buenos Aires National Wildlife Refuge, located in southwestern Pima County. The Board of the Friends group is in receipt of the Tucson Electric Power Company Sahuarita-Nogales transmission line draft EIS. We are strongly skeptical about this whole project and its impact on the US-Mexico border area.

- 1 We are not convinced there is a need for this new transmission line. In particular, we strongly object to the planned Western Route of the lines. The Western Route intrudes into the Coronado National Forest and comes too close to Sycamore Canyon Wilderness Area. The planned line will have a negative impact on the visual quality of the area. In addition, the roads along the utility corridor would lead to increased vehicular traffic, which would negatively impact air quality and wildlife habitat of those beautiful hills.
- 2 In conclusion we strongly favor the "No Action" alternative which would result in no construction of this questionable project.

Thank you for considering our input.

Sincerely yours,



Gabriel Zinsli
President

Comment No. 1

The Federal agencies recognize that many people value certain areas along the alternative transmission corridors and have a holistic concern for the natural beauty, undisturbed landscape features, abundant plant and animal wildlife, and cultural resources that characterize those areas. These unique natural characteristics give such areas their "sense of place," which includes the spiritual value that many people associate with these areas because of their cultural and religious significance. The Federal agencies recognize and appreciate this holistic sense of place and have revised the introductory sections of Chapters 3 and 4 of the Final EIS to acknowledge these values.

The agencies recognize that the natural and cultural characteristics that contribute to a sense of place cannot be measured in the same manner as some other resources in an environmental analysis. However, in order to analyze potential impacts effectively and document the analysis, it is necessary to consider the resource areas individually. Thus, the EIS discussions of affected environment in Chapter 3 and potential impacts in Chapter 4 are divided into distinct resource areas (e.g., visual resources, biological resources, cultural resources).

Regarding the need for the project, Section 1.1.2 of the Final EIS provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis. It is not for the Federal agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. The Federal agencies' purpose and need are discussed in Section 1.2.

Section 3.1.1.1, Land Use, discusses the affected environment of Pajarita Wilderness, which encompasses Sycamore Canyon. The structure locations, construction areas, and proposed access roads for all three corridors would not enter into the Pajarita Wilderness. Sections 3.2.1 and 4.2.1 present analyses of the existing visual resources, and potential impacts to these visual resources for the Western Corridor. The analysis determined that the existing scenic integrity of the Pajarita Wilderness would not change.

Comment No. 1 (continued)

The potential for changes in access in the vicinity of the proposed project, which includes vehicular traffic on access roads, is discussed in Section 4.1.2, Recreation. The potential for fugitive dust associated with the proposed project is discussed in Section 4.8, Air Quality.

As discussed in Sections 4.1.2, Recreation, and 4.12, Transportation, there would be two classifications of roads: temporary roads that are required only for construction of the project, and roads that are required for ongoing maintenance of the project. Roads that are required for ongoing maintenance by TEP would be administratively closed. Road closures would limit vehicular traffic to occasional access by TEP, mitigating potential impacts on air quality or wildlife habitat.

Comment No. 2

The commentor's opinion is noted.

Green Valley Community Coordinating Council,
Environmental Committee
Page 1 of 1

September 25, 2003

To: Dr. Jerry Pell
Office of Fossil Energy (FE-27)
U.S. Department of Energy
Washington, DC 20585

From: Allan H. MacDonald
Chair, Green Valley Community Coordinating Council (GVCCC) Environmental
Committee

**Subject: Comments on the Department Of Energy's Tucson Electric Power (TEP)
Company Sahuarita-Nogales Transmission Line Draft Environmental Impact
Statement (EIS).**

In my role as chair of the GVCCC Environmental Committee, I asked Jeanne Welch, an archeologist and engineer residing in Green Valley, Arizona, to review the subject EIS. Jeanne invited Paul Frick to participate. Paul is a Green valley resident with an MS from the University of Arizona based on his surveys in the Santa Cruz River Basin. Their comments are presented in the following paragraph.

1

"Paul and I have reviewed the Draft EIS for the TEP Transmission lines. The proposed Western Corridor in the vicinity between McGee Ranch Road, Demetric Wash and Esperanza Wash traverses an area where there were burials when the Cave was dug by Dr. Emil Haury. In addition, the Sopori Wash area and the west side of the Tumacacori Mountains hold potential for additional Hohokam cultural resources. We suggest that in accordance with Federal Regulations an intensive cultural resource survey be carried out to ascertain precisely, information on the appearance, significance and integrity of any cultural resources in the project area sufficient to permit an evaluation of significance for the National Register of Historic Places (NHRP)"

Since this work was done at my request, the results and suggestions offered by Jeanne and Paul have my support.

Sincerely,

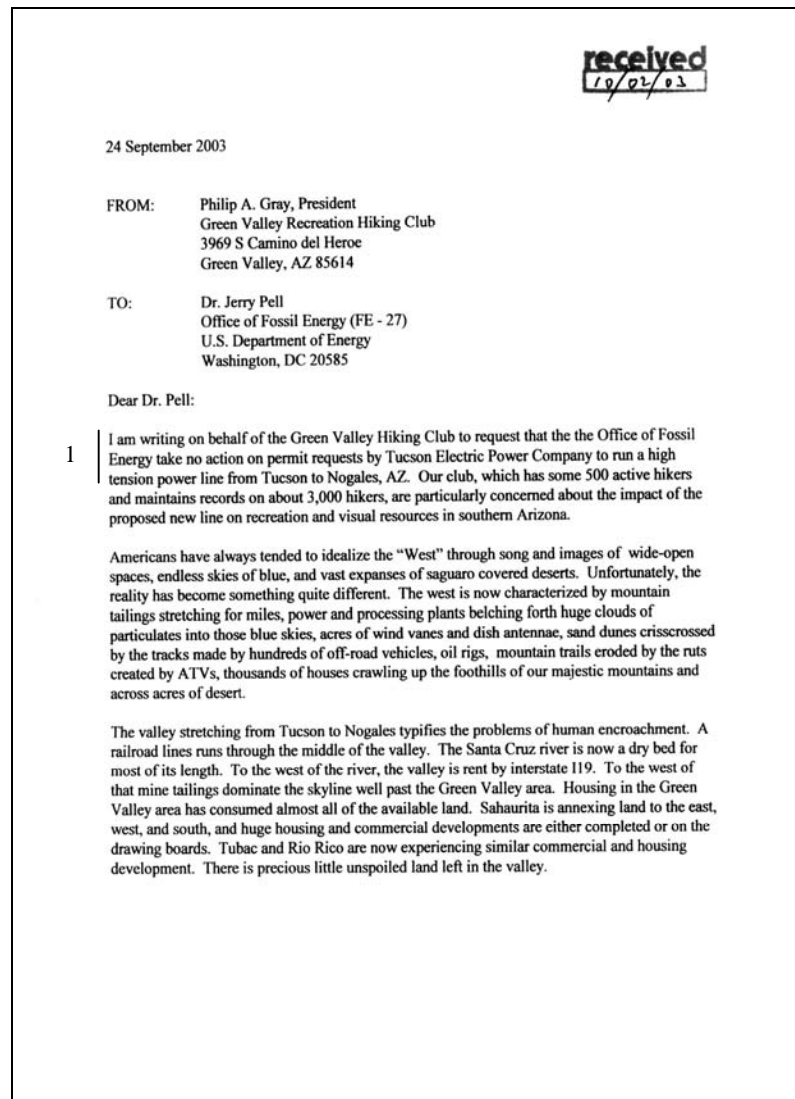

Allan H. MacDonald

Comment No. 1

All Federal agencies involved in this project are committed to fulfilling their obligations under the *National Historic Preservation Act*, *Native American Graves Protection and Repatriation Act*, *American Indian Religious Freedom Act*, and associated Executive Orders addressing Native American rights. The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected.

A full-pedestrian survey of the entire corridor selected would be conducted prior to any ground-disturbing activities. Based on the results of the survey, the Federal agencies would require monitoring in areas with sensitive or potentially sensitive cultural resources. No monitoring has been proposed at this time because the extent and nature of cultural sites have not been fully determined. Monitoring may include an archaeologist onsite during ground disturbing activities or inspection of work areas. TEP has committed to avoiding National Register-eligible sites when possible. In the event a site is unavoidable, a Testing Plan, and if necessary a Data Recovery Plan, would be prepared and approved by the State Historic Preservation Officer. Mitigation may include monitoring and/or excavation of sites. Thus, an intensive cultural resources survey is not deemed appropriate at this time.

Green Valley Hiking Club
Page 1 of 2



Comment No. 1

Sections 3.2 and 4.2 respectively describe the existing visual resources and potential impacts to these visual resources, including the Santa Cruz Valley, Atascosa, Tumacacori, and Pajarita Mountains, and Peck Canyon, for each alternative. Sections 3.1.2 and 4.1.2 respectively describe the existing recreational resources and potential impacts to these resources, including the relationship between visual setting and recreation.

Comment No. 2

Sections 3.2 and 4.2 of the Final EIS have been revised to indicate the proximity of the proposed project to the towns of Ruby and Arivaca, and potential impacts to these areas. Figure 3.1-1 shows both Ruby and Arivaca. Sections 3.2 and 4.2 respectively discuss the existing Scenic Integrity and changes that may result from the proposed project, including impacts to the area of the Atascosa and Tumacacori Mountains, and the Pajarita Mountains south of Ruby Road.

Green Valley Hiking Club

Page 2 of 2

2

1
CONT.

There now are only pocket areas in this part of Arizona not visually impacted by development activities. As hikers we seek out areas in which we can glimpse the true glory of the West. For example we have mapped and utilize 14 hiking trails in the Atascosa Mountains and worked with the Forest Service to preserve the Atascosa Lookout, an historic structure. We have at least 17 hikes mapped in the Tumacacori Mountains, half a dozen in the Pajaritas, and several in the Peck Canyon area. The visual integrity of all of these areas would be destroyed by the proposed extension.

2

The government impact assessments note the visual impact a possible central route for the power line would have on Amado, Tubac, and the Tumacacori Mission area, but is conspicuously quiet about the historical areas of Arivaca and Ruby, areas in which a substantial number of persons reside. One can only wonder about priorities when the visual impact of a power line in an area already corrupted by massive human encroachment is considered more significant than the impact on areas that are now relatively free from such intrusion. The same assessments do note that the impact on scenic integrity for the preferred western route would be double that for a central corridor.

1
CONT.

The Green Valley Hiking Club members believe that both the central and western routes proposed for the power line extension would negatively impact the visual integrity of the entire valley, but specifically that the western route would have a particularly egregious impact on the recreational and visual resources of this part of Arizona. For this reason we urge agencies involved in making decisions about this line extension either reject that route or to take no action on permit requests.

Thank you for your attention to our concerns.

Yours truly,



Philip A. Gray, President
Green Valley Recreation Hiking Club

Isaacson & Duffy, P.C., On behalf of the Santa Cruz Valley Citizens Council (SVCC)

Page 1 of 5

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October 14, 2003

Dr. Jerry Pell
Senior Environmental Scientist
Fossil Energy, FE-27
U.S. Department of Energy
Forrestal Bldg., Room 4G-025
Washington, DC 20585

Re: *Tucson Electric Power Company (TEP) Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement (DOE/EIS-0336)*

Dear Mr. Pell:

Please consider these comments of the Santa Cruz Valley Citizens Council (SCVCC) regarding the above Draft EIS. SCVCC represents hundreds of property owners in and around the area of Tubac, Amado, Carmen and Tumacacori, Arizona. SCVCC has participated in the DOE's process leading to this Draft EIS. It also participated in the hearings before the Arizona Corporation Commission that led to the Commission's approval of the Western Route and its rejection of all other alternative routes. I appeared at the public hearing on September 26, 2003 in Nogales, Arizona, and indicated we would file more detailed comments in writing. These are those detailed comments.

DOE has adopted the Western Route as the appropriate route. If a route is to be chosen, and if the Presidential Permit is to be granted, SCVCC agrees that the Western Route is the only choice. We leave it to the DOE to determine whether this project on the Western Route is of sufficient value to the citizens of Arizona to cause the damage to the Western Route that the project would cause. We also remind you that the "no action" alternative may be the best alternative, and suggest that if you determine that the value of the project is exceeded by the damage to the Western Route, your only alternative is "no action."

SCVCC has some particular concerns with the language of, and process leading to, the Draft EIS. The balance of these comments details those concerns.

Comment No. 1

This EIS evaluates the affected environment and potential environmental impacts of the proposed project and No Action Alternative. Section 1.6.6 explains that there are other factors in addition to environmental considerations that may be considered in the decision of each Federal agency on the proposed project, and that the decisions of each agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USIBWC.

Isaacson & Duffy, P.C., On behalf of the Santa Cruz Valley Citizens Council (SVCC)

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Dr. Jerry Pell
October 14, 2003
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Central Route Should Not Be Considered an Alternative

We note that in the process for this Draft EIS, TEP proposed four alternatives: the Western Corridor; the Central Corridor; the Crossover Corridor; and the Eastern Corridor. However, the Eastern Corridor

"was eliminated from further analysis as a reasonable alternative in this EIS at TEP's request, for reasons of reliability, constructability, existing encroachment into the ROW, and visual impacts."

Draft EIS, Summary, Page S-2; also Chapter 2, pages 2-8 through 2-10.

We do not quarrel with the decision to eliminate the Eastern Corridor. Rather, SCVCC believes that the Central Corridor should also have been eliminated at the outset and not considered a "reasonable alternative." The grounds for this belief are many, and in the interest of not duplicating a pre-existing record, are found in the proceedings of the Arizona Corporation Commission and the Line Siting Committee hearings at which SCVCC participated.

In summary, the Central Corridor includes some of the earliest populated and most culturally sensitive portions of Southern Arizona, including the historic Town of Tubac and the Mission at Tumacacori. It includes a higher population density, which would mean greater perception of the deteriorated viewshed if the project were placed in it. The Central Corridor also places the transmission line in much closer proximity to a public school.

The significance of these factors and others led the Line Siting Committee, and then the Corporation Commission, to specifically reject the Central Corridor. Because of the significance of this fact, we would like to provide details of this action. It is important to recognize that it is not as if the Committee and the Commission simply thought the Western Corridor was preferable—they specifically and categorically rejected the Central Corridor as a reasonable alternative.

At the Corporation Commission's hearing on January 3, 2002, Line Siting Committee Chairman Laurie Woodall addressed the Commission as follows:

On October 19th, 2001, I filed with the Commission a form of decision and certificate. 10 days later I filed an amended decision to correct a clerical error, for which I do apologize, in the original decision that I filed. *I included erroneously a legal description for the central route, which as you are well aware, was something that the Committee did not approve.* And if I may just briefly address that latter point, because I have myself reviewed the transcript of the public hearings, the briefs of the intervenors and the applicant on the request for

Comment No. 2

The Eastern Corridor was eliminated from further consideration in this EIS because of the reasons given by TEP in a letter to DOE (TEP 2002a) that rendered it infeasible (see Section 2.1.5 for further discussion of elimination of the Eastern Corridor), regardless of the actions of the ACC. The Central Corridor, however, remains a viable alternative for selection by the Federal decisionmakers. However, implementation of the proposed project in the Central Corridor could not occur until TEP meets all regulatory requirements, including obtaining the necessary approval from the ACC.

The specific concerns cited by the commentator of visual and cultural impacts from the Central Corridor are addressed in Sections 4.2 and 4.4, respectively. The visual analysis includes a Visual Sensitivity Map (Figure 4.2-4) based on residential density and topography, which shows that portions of the Central Corridor are closer to more densely populated areas than the Western and Crossover Corridors. Section 4.4.1.2 addresses the visual impacts on the Tumacacori and Tubac historic sites. Additionally, a report in Appendix I has been added to the EIS to include a specific evaluation of visual impacts on the Tumacacori and Tubac historic sites. The conclusion of that report is as follows: "Although the Central Corridor is very visible from many other locations, it is unlikely that the line would be visible from the Tumacacori and Tubac historic sites."

There are a number of schools between Sahuarita and Nogales, Arizona, but none are located within any of the study corridors or their immediate vicinity.

Isaacson & Duffy, P.C., On behalf of the Santa Cruz Valley Citizens
Council (SVCC)

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October 14, 2003
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rehearing and the oral argument, and I do know that *at some point in the proceedings, the suggestion was made that somehow the Committee just skipped over the notion of the central route, and I wish to assure the Commission that our decision was not inadvertent.* And I think it can be explained by the fact that during the reopening of the applicant's case, we were presented with additional evidence which made it unnecessary for us to review our preliminary determination that *only the western route was acceptable. And I would specifically draw to the Commission's attention TEP Exhibit 33, which consists of a letter from the State Historic Preservation Office indicating its recommendation that the preferred route be selected. In the letter Mr. Bilsbarrow, who is an experienced archeologist and actually presented information before the Committee, provided information concerning the historical and cultural sensitivity to the Tubac and Tumacacori areas, and I believe more detailed information concerning that was contained in Mr. Halpenny's comments.* So I just wanted to make that clarification for your benefit, and I'll be pleased to entertain any questions.

(Transcript of Proceedings, Arizona Corporation Commission, January 3, 2002 ("T.R. 1/3/02" page 17, line 23 through page 19, line 9, emphasis added).

Commissioner Spitzer then queried Ms. Woodall:

COM. SPITZER: Ms. Woodall, then your statement today is to the effect that based on the record, *the central route was considered and rejected?*
MS. WOODALL: Yes.

(T.R. 1/3/02, page 19, lines 13 through 16, emphasis added.)

Later, Commissioner Spitzer moves an amendment to the CEC that makes it clear that the Central Route was rejected. That amendment, adopted by the Commission unanimously (see T.R. 1/3/02, page 108, line 15 through page 112, line 25) is codified in the Commission's decision on this case, as follows:

The Commission further modifies the CEC to add the following Ordering Paragraph:

The preferred alternative central route, cited in the Application at page 12, section 4.2.5.2, and the alternative eastern route, cited in the Application at page 13, section 4.2.5.3 are hereby denied.

(Arizona Corporation Commission Decision No. 64356, January 15, 2002, page 3, lines 25 through 28, emphasis added).

Isaacson & Duffy, P.C., On behalf of the Santa Cruz Valley Citizens Council (SVCC)

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Dr. Jerry Pell
October 14, 2003
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As has thus been demonstrated, neither the Line Siting Committee nor the Corporation Commission considered the Central Corridor a reasonable alternative. This was also consistent with the position of every applicable local governmental entity, including among others Santa Cruz County and the City of Nogales.

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cont.

For these reasons, DOE should not consider the Central Corridor a reasonable alternative, and should remove it from its analysis, just as it removed the Eastern Corridor. To include the Central Corridor after removing the Eastern Corridor would be an arbitrary and capricious act, and constitute an abuse of discretion of the agency.

Damage to Property Values Should Be Considered

A further concern regarding the language of the Draft EIS is its dismissal of the concerns of property owners that their property values will be lessened. (See Summary page S-19, and Chapter 2, page 2-26, under Socioeconomics.) There, the Draft EIS opines that "any decrease in property values would be perception-based impact . . . [based] upon the subjective perceptions of prospective purchasers in the real estate market at any given time."

The Draft EIS goes on: "[A]ny connection between public perception of a risk to property values and future behavior would be uncertain or speculative at best and therefore would not inform decision making."

3

The Draft EIS clearly confuses the distinction between the speculative nature of the *amount* of the decrease in property values as opposed to the non-speculative certainty that property values will decrease. There is no speculation in the statement that property values will decrease for those properties that have the power line in them, and for some gradient around those properties. That is a fact. The amount of decrease in value is certainly subject to differences of opinion. But the fact that these properties will decrease in value is not speculative and "would . . . inform decision making."

The Central Route has not only more cultural and historical resources than any of the alternatives, it also has many more people. These people will suffer "visual impacts." It is because of these "visual impacts" that property values will decrease. The decrease in property values may be only a proximate result of the visual impacts; nevertheless, the Draft EIS makes considerable and proper use of visual impacts, and to simply ignore the valuation decreases resulting from those impacts denies reality. In our society, based as it is on private property rights, the way we keep score with respect to more ephemeral values (such as scenic beauty) is to attach different values to properties with different amenities. To say property values will decline is to recognize that the properties suffering from the most detrimental "visual impacts" will have an attendant decrease in value. It is high-handed for the DOE to essentially find that these decreases are really not worth considering, when in fact these decreases are an objective way of translating the "visual impacts" into a more concrete measure.

Comment No. 3

The Federal agencies recognize that a given property owner's value could be affected by the project, but have not attempted to quantify the theoretical public perceptions of property values should the proposed project be built. Section 4.5 states that based on analyses in previous EISs of the impact of transmission lines and property values in other geographic areas, the Federal agencies can conclude only that, at worst, it is possible that there might be a small negative economic impact of short duration to some properties from the project, and that the impact on value would be highly variable, individualized, and unpredictable. The studies at most conclude that other factors, such as general location, size of property, and supply and demand factors, are far more important criteria in determining the value of residential real estate.

Isaacson & Duffy, P.C., On behalf of the Santa Cruz Valley Citizens Council (SVCC)

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The Project Does Not Provide Significant Benefits to the People of the Santa Cruz Valley

4

Finally, we must emphasize a point that may be overlooked. The value of this project is predominantly to TEP and its shareholders. At least 80% of the capacity of this project is related to sales to Mexico. At most 20% concerns the people in Nogales and Santa Cruz County. An even smaller percentage is for the benefit of the people of the Tubac area, or the Santa Cruz Valley more generally. Yet, the Central Route would be entirely to the detriment of these people. It is not as if the people of Santa Cruz Valley had caused a demand for a 345 kV line, or require 500 MW of power, then complained when it came to them.

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cont.

Other alternatives should be considered to resolve any issues that may exist in the Southern part of Arizona. It is DOE's obligation to determine whether the need for the project exceeds the damage to the environment caused by going over the Western Route. The damage caused by the project over the Central Route would greatly exceed its value to anyone but TEP shareholders. For these reasons, on behalf of the Santa Cruz Valley Citizens Council, we respectfully request that you reject the project in its entirety and select the "No Action" alternative unless you determine with certainty that the damage to the Western Route is worth it.

Very truly yours,

Steven J. Duffy

Steven J. Duffy

Comment No. 4

This EIS evaluates the proposed project's potential environmental impacts, which under CEQ NEPA-implementing regulations encompass the natural and physical environment, as well as the relationship of people with that environment (40 CFR Part 1508.1). Any analysis of the beneficiary (or beneficiaries) of the proposed project beyond NEPA's definition of environmental impacts is outside the scope of the EIS.

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis. TEP's proposal has a dual purpose. It is intended to address the problems with electric power reliability in Santa Cruz County, Arizona, and to cross the border to interconnect with the Mexican electrical grid. Potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

Nogales Alliance: Port of the Future
Page 1 of 1



October 12, 2003

Dr. Jerry Pell
Senior Environmental Scientist
Fossil Energy, FE-27
U.S. Department of Energy
Forrestal Bldg., Room 4G-025
Washington, DC 20585

Subject: TEP Sahuarita-Nogales 345 KV Transmission Line Project

Dear Dr. Pell:

The Nogales Alliance: Port of the Future is a non-profit 501(c)(6) community based organization. The organization is committed to enhancing local infrastructure and improving the free and unimpeded movement of goods, services, technology, and people across the U.S./Mexico Border at Nogales to strengthen cross border trade and commerce opportunities for local businesses.

The Nogales Alliance: Port of the Future Board of Directors is comprised of representatives from the business community, industry clusters such as fresh produce and customs brokers, and local, state, and federal governments. On October 7, 2003, the organization's Executive Board voted to support the construction of the TEP Sahuarita-Nogales 345 KV Transmission line along the proposed Western route. This route will advance economic growth, education and quality of life within the region with minimum environmental impact.

Sincerely,

Vice-President
Nogales Alliance: Port of the Future

Comment No. 1

The Federal agencies note the commentor's preference for the Western Corridor. The socioeconomic impacts associated with the proposed action are discussed in Section 4.5.

Nogales Santa Cruz County Economic Development Foundation
Page 1 of 2

Comment No. 1

The commentor's preference for the Western Corridor is noted. The socioeconomic impacts associated with the proposed action are discussed in Section 4.5

TEP environmental impact statement

From: Jim Barr [SMTP:barrjnb@hotmail.com]
To: Pell, Jerry
Cc: susanm@nogales.com

Subject: TEP environmental impact statement
Sent: 10/13/2003 2:52 PM
Importance: Normal
Nogales Santa Cruz County Economic Development Foundation
1790 N. Mastick Way, Suite E
Nogales, Arizona, 85621
Phone: (520) 377-2055
Fax: 377-2054
Nsccedf@nogales.com

September 13, 2003
Dr. Jerry Pell
Office of Fossil Energy
U.S. Department of Energy
Jerry.Pell@hq.doe.gov

Re: Draft Environmental Impact Statement
TEP Sahuarita-Nogales Transmission Line

Dear Sir:

Thank-you for this opportunity to speak for the business community in the City of Nogales and Santa Cruz County.

The Nogales Santa Cruz County Economic Development Foundation's position on the proposed draft environmental assessment is we are in favor of the 345 kV line on the western route.

We feel the impact of not having additional power in this region stymie future growth. Some very real needs for additional power are:

1. One community, Rio Rico, has 22,000 platted and sold lots.

Currently

there are 11,000 people in Rio Rico, which equates to approximately 4,000 lots built on. Some power should be reserved for the sold lots here and through Santa Cruz County. Kino Springs, Bueno Vista, and Nogales all have

vacant platted residential lots that will require power at the time the owners build their homes.

2. Our second "Big Box Store", Home Depot is being platted along with our first theater. Our first "Big Box Store", a Super Wal-Mart opened this year and created a significant bump in the amount of power used locally.

3. A 95-acre industrial subdivision in Nogales is in Planning and Zoning for approval.

4. Numerous smaller residential, commercial and industrial approved subdivisions are in various stages of sell-out and build-out. The majority of the vacant private land in Santa Cruz County is zoned "General Rural"

Nogales Santa Cruz County Economic Development Foundation
Page 2 of 2

1
CONT.

which allows for one home on every 4.5 acre.

5. The government expansion of the truck crossing port at Mariposa Road is under construction. The expansion of the Nogales Waste Water Treatment Plant is under design. Locally, the waste water treatment plant is the largest single user of power.

6. As the EDF, we field many questions from new potential businesses considering setting up business here and employing local people who ask about the availability, cost and reliable electrical power. The above are future electrical needs that should show up somewhere as reserved or planned for future power needs. In addition there are many developments that are in the long term planning stage.

We support the "Joint Commission on Energy Advisory Group Commissioned by City of Nogales and Santa Cruz County Report on Current and Future Electrical Power Needs, June 8, 2001" recommendation that a 345 kV line is

needed for our future. This is a group of 11 individuals appointed by the Nogales City Council and the Santa Cruz Board of Supervisors. The mission of the commission is "To identify key questions (issues) and seek answers (facts) using a fair, unbiased, objective process, for the purpose of generating a comprehensive factual report to assist the citizens of Santa Cruz County, the City's and County's elected officials in developing a strategic long range plan for our community's current and future energy needs."

Thank-you,

Jim Barr
President

Help protect your PC. Get a FREE computer virus scan online from McAfee.
<http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963>

Quarles & Brady Streich Lang, On behalf of Caterpillar, Inc.
Page 1 of 8



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October 10, 2003

VIA U.S. MAIL AND FACSIMILE (202-318-7761)

Dr. Jerry Pell
 Manager, Electric Power Regulation
 Office of Fossil Energy (FE-27)
 U.S. Department of Energy
 Washington, D.C. 20585-0001

**RE: Comments on Draft EIS for Proposed Tucson Electric Power Company
 ("TEP") Sahuarita-Nogales Transmission Line, Arizona**

Dear Dr. Pell:

Our office represents Caterpillar, Inc., ("Caterpillar") the world's largest manufacturer of heavy duty earthmoving equipment and medium sized diesel engines, with over 65,000 employees nationwide, including over 65 in southern Arizona. Caterpillar operates a 6,250-acre demonstration center and proving ground known as the Tinaja Hills Demonstration and Application Center and Tucson Proving Ground (the "facility") on private and leased State land south of Tucson. This facility represents a \$30 million investment by Caterpillar, contributes an estimated \$20 million annually to the local economy, draws over twelve thousand visitors a year to the Tucson area, and, as it happens, lies directly in the path of the Western and Crossover routes of TEP's proposed Sahuarita-Nogales transmission line.

The conflict between the proposed Western and Crossover routes and the Caterpillar facility is extremely problematic. Caterpillar is not opposed in principle to the construction of a new TEP transmission line but is concerned that significant land use and socioeconomic impacts were not considered in the Draft Environmental Impact Statement. Below, we describe the significant adverse impacts from the transmission line route as proposed and suggest a short detour that will permit Caterpillar to operate its facility while satisfying TEP's purpose and need. This letter is submitted pursuant to the Federal Register notice dated August 27, 2003, soliciting comments on the Draft EIS for the Sahuarita-Nogales transmission line and is meant to supplement Caterpillar's comments provided at the first public hearing in Green Valley on September 25, 2003.

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Comment No. 1

Caterpillar's suggested re-route would be on land owned or leased by Caterpillar, but it is outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line as suggested. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. The suggested re-route option was considered in the Final EIS, but as described in Section 2.1.5, was eliminated from detailed study.

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

Comment No. 2

If an action alternative is selected, precise siting of the ROW and support structures, access roads, and ancillary facilities within the ROW would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed, and input from land owners to mitigate environmental and visual impacts and other concerns on each land owner's property. TEP is required by the ACC to develop mitigation measures to address issues such as safety and illegal immigrants when determining the line alignment. Table 2.2-2 in Section 2.2.6 of the Final EIS has been revised to include TEP's commitment to work with landowners on siting the power line and resolving site-specific safety issues such as those identified in this comment.

Quarles & Brady Streich Lang,
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Background

Caterpillar's facility is a 6,250-acre complex of newly constructed offices, auditoriums, classrooms, dining rooms, equipment demonstration and training sites, equipment testing and development areas, and service workshops, all intentionally located in a remote desert area. Massive, mobile, heavy duty earthmoving equipment operated at this facility can exceed 60 feet in height and is operated constantly for research, testing, and training purposes. Other activities conducted at Caterpillar's facility include customer education, training and machine demonstration programs, dealer sales and service training schools, and internal training programs.

The cost to Caterpillar of developing this facility exceeds \$30 million in land purchases, leases, improvements, and equipment. Caterpillar is directly responsible for the employment of at least 65 Arizonans and indirectly supports the employment of many more through outside contracts and visitor services. Caterpillar's estimated \$20 million dollar annual contribution to the local economy results from wages and taxes paid, lease payments made to the State of Arizona, local contracts for related services, and the 12 to 15 thousand visitors who visit the Caterpillar facility each year and who spend more than 30,000 nights in local hotels and money for services in and around Tucson.

Problems With the Western and Crossover Routes As Proposed

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 cont. The Western and Crossover routes of the proposed TEP transmission line, as described in the Draft EIS, bisect Caterpillar's facility within sections 28 and 29, Township 18 South, Range 12 East. This corresponds to the segment of the proposed transmission line between tower locations 2-40 and 2-63. The location of Caterpillar's facility and the area of conflict with the proposed transmission line are depicted on the maps attached hereto as Exhibit A.

2 If the Western or Crossover route is built as proposed in the Draft EIS, the adverse impacts to Caterpillar's facility would be extreme, and much if not all of the regional benefits of the Caterpillar facility would be lost. Negative impacts would include but not be limited to the following:

- Massive equipment greater than 60 feet in height would operate directly underneath the transmission line, often piloted by inexperienced operators undergoing training, posing obvious safety and logistical problems;
- Caterpillar's ability to use its facility for research and training would be hampered and its day-to-day operations disrupted by the intrusion of towers, overhead transmission lines, and access roads;

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Comment No. 3

Relative to land use, the purpose of an EIS is not to determine the compatibility of the proposed project with specific adjacent land uses, but to disclose the potential impacts to land use that would result from the proposed project and to determine overall compatibility with land use plans. Property-specific concerns, such as those discussed in this comment, exceed the level of detail that is normally provided in an EIS. However, in response to this and other comments, Section 4.1, Land Use, of the Final EIS has been revised to include a discussion of potential impacts to the Caterpillar Facility and clarify potential impacts on other commercial, residential, and miscellaneous land uses in the project area. See responses to comments 1 and 2 for discussion of how these types of issues would be handled during the siting of the ROW and support structures.

Sections 3.1 and 4.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS discuss illegal immigration and U.S. Border Patrol activities in the area and the potential effects of the proposed action on illegal immigrant activity. Because TEP would work with Caterpillar to develop mitigation measures to prevent unauthorized access to Caterpillar's facility (see above), and given the distance of Caterpillar's facility from the U.S.-Mexico border (approximately 35 mi [56 km]), the Federal agencies do not expect a substantial increase in illegal immigrants on Caterpillar's facility as a result of the proposed project.

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3
 cont.

- The remote setting, a major attraction for customers and visitors to the facility, would be severely compromised, and program attendance, training and equipment demonstration programs would be curtailed as a result;

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- The facility could not operate as designed, leading to employee lay-offs and dramatically fewer visitors;

3
 cont.

- Increased access across Caterpillar's facility would expose highly sensitive, proprietary information to competitors in an extremely competitive market;
- An access route through the property may facilitate the flow of illegal immigrants and other unauthorized visitors to the facility, increasing security costs and interfering with the operation of large and dangerous equipment.

The importance of the Tinaja Hills facility to Caterpillar and to the region cannot be overstated. It is vital that these impacts be avoided.

The Draft EIS Fails to Consider These Important Impacts

The Draft EIS fails to address Caterpillar's concerns in its discussion of land use and socioeconomic impacts.

Land Use

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 cont.

The Summary preceding the Draft EIS represents that "[o]utside the Coronado National Forest, each proposed corridor is compatible with current land use and land use plans." Unfortunately, this is decidedly not true with respect to the Caterpillar facility. In the body of the Draft EIS, land use impacts to Caterpillar's facility are not discussed. The discussion of the affected environment recognizes the presence of "commercial and industrial" areas but does not seek to determine whether the proposed Western and Crossover routes are compatible or incompatible with these existing land uses, including the Caterpillar training and proving grounds.

Caterpillar's intensive land use is not compatible with the presence of a transmission line and access road bisecting its facility. As noted, researchers, demonstrators, and trainees operate massive earthmoving equipment across Caterpillar's facility. The footprints of monopoles and lattice towers, overhead transmission lines, and access roads running through the middle of Caterpillar's facility all would disrupt operations and interfere with existing land use.

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Comment No. 4

The EIS does not consider impacts to specific property units. Socioeconomic analyses evaluate factors on a regional scale such as employment, income, population, housing, and community services, and potential impacts to these factors, rather than evaluating specific impacts on an individual or company-by-company basis. Additionally, the potential impacts to Caterpillar's facility or associated economic impacts to the area that could result from the proposed project are speculative.

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Socioeconomics

When the Draft EIS predicts that the majority of socioeconomic impacts from each alternative would be the same, it fails to account for the severe adverse economic effects that would result from the displacement of the Caterpillar facility and its workers.

4
CONT.

The Draft EIS predicts temporary gains in employment associated with construction of the transmission line but does not account for the permanent job losses that would likely occur at the Caterpillar facility if the Western or Crossover route is built as proposed. In many ways, the economic impact of these routes on the Caterpillar facility would undermine the predicted socioeconomic benefits of the project overall.

If transmission line towers present an obstacle to operating farm equipment, as predicted in the Draft EIS, then they certainly will present an obstacle to operating Caterpillar's massive earthmoving equipment – an impact that the Draft EIS does not address. The Draft EIS further predicts that little utility will be lost between towers for property in agricultural use, but does not consider the loss of utility that will occur at Caterpillar's non-agricultural facility.

3
CONT.

The discussion of right-of-way issues in the socioeconomics section of the Draft EIS disregards the impacts that would be caused to Caterpillar's facility. The Draft EIS explains that typical transmission line easements "require the right to clear the ROW and to keep it clear of all trees, brush, vegetation, other structures, and fire and electrical hazards." In this regard, "access to the ROW must be controlled to maintain safe distances." Clearing a transmission line right-of-way that bisects the Caterpillar facility and controlling access to prevent safety hazards is not compatible with Caterpillar's operations.

If these adverse consequences are avoided – as they can be by adopting the slight detour described below or selecting the Central route – then the proposed project will result in the economic gains described in the Draft EIS without attendant losses at the Caterpillar facility.

A Short Detour Will Avoid Impacts to Caterpillar's Facility While Serving TEP's Needs

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CONT.

Caterpillar's goal is to avoid significant, adverse land use and socioeconomic impacts that would be caused by the Western and Crossover routes as proposed and to preserve the positive contributions made by the Caterpillar facility to the local economy, while recognizing TEP's need for the proposed transmission line. Caterpillar has therefore identified a short detour in the route of the transmission line that would be compatible with Caterpillar's land use and still satisfy TEP's needs. This route is depicted on the maps attached at Exhibit A.

Instead of turning to the southwest at location 2-39, the detour would avoid Caterpillar's facility by continuing south along the proposed Central route for approximately 4.25 miles until just south of location 567-27. From there, the transmission line would run west for approximately 3 miles to rejoin the proposed Western and Crossover routes just south of location

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CONT.

3A-4. Caterpillar's proposed detour follows an existing gas line for most of its length and avoids the rugged terrain of the Tinaja Hills; it may be more attractive to TEP for that reason. If the transmission line route ultimately selected by DOE is the Central route, then no adjustment needs to be made to avoid Caterpillar's operations.

Conclusion

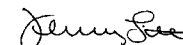
3
CONT.

Caterpillar's large training and development facility is part of the affected environment that could be negatively impacted by the proposed transmission line. There are serious questions whether the facility can continue to operate if a transmission line and access road are constructed through center of Caterpillar's proving and demonstration grounds. Caterpillar is interested in cooperating with DOE, TEP, and the Arizona Corporation Commission to identify and adopt a transmission line route that serves TEP's purposes while avoiding conflicts with Caterpillar's operations. Caterpillar appreciates this opportunity to comment on the Draft EIS and hopes that its serious concerns are addressed as further studies and plans unfold.

If you have any questions or require additional information about Caterpillar's operations and the proposed transmission line detour, please contact me at (520) 770-8739.

Very truly yours,

QUARLES & BRADY STREICH LANG LLP

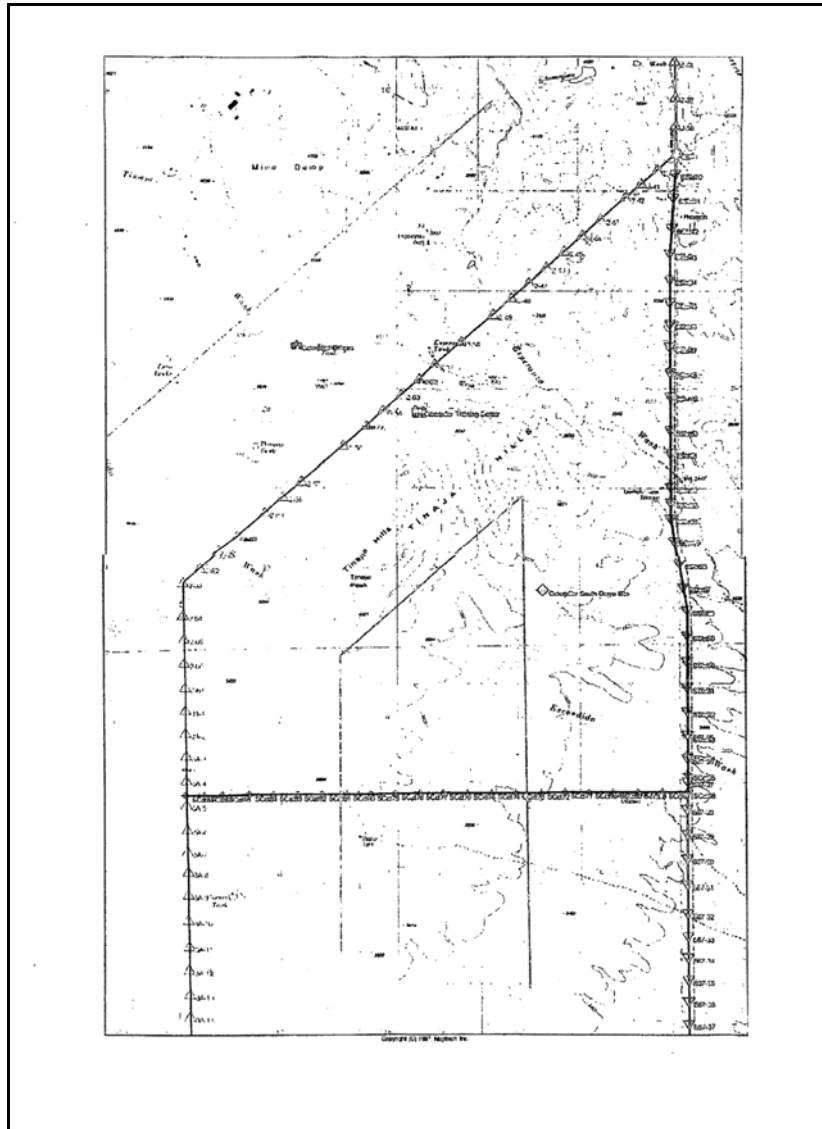

Jeremy A. Lite

Enclosure

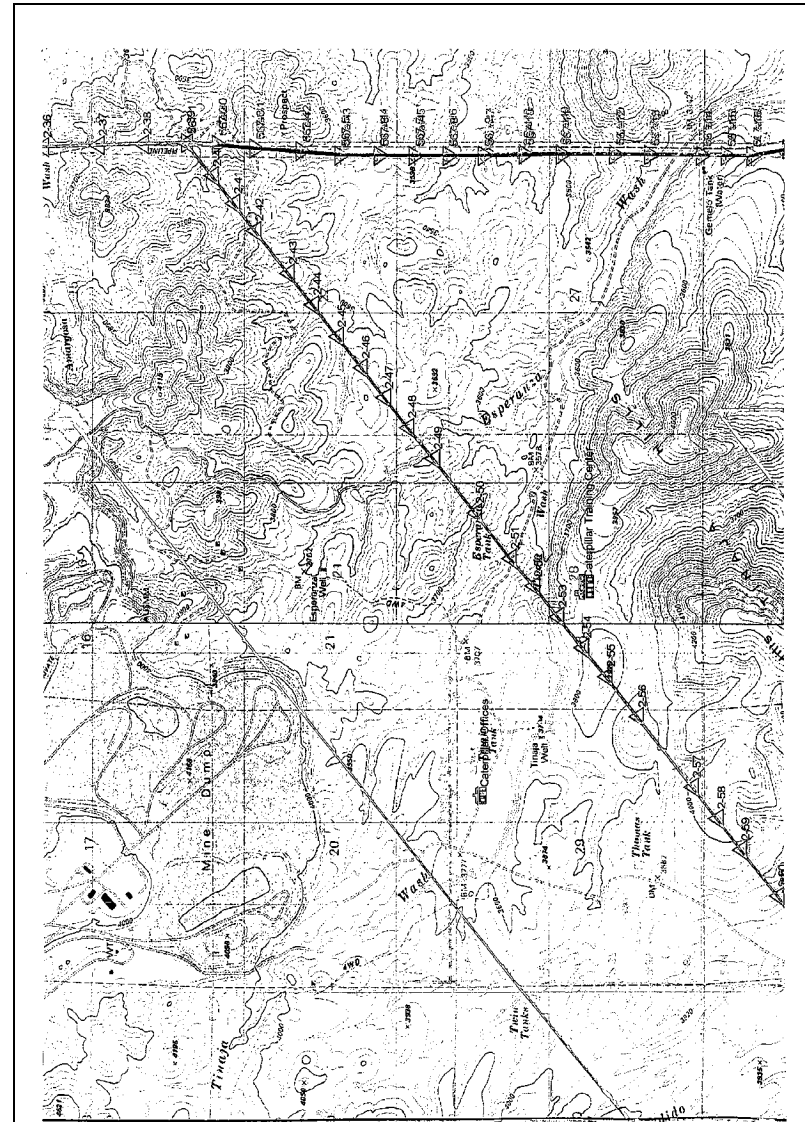
cc: Walt Harrison
Gayle Hoopes
Jim Horton
Matt Turner
Kevin Quigley

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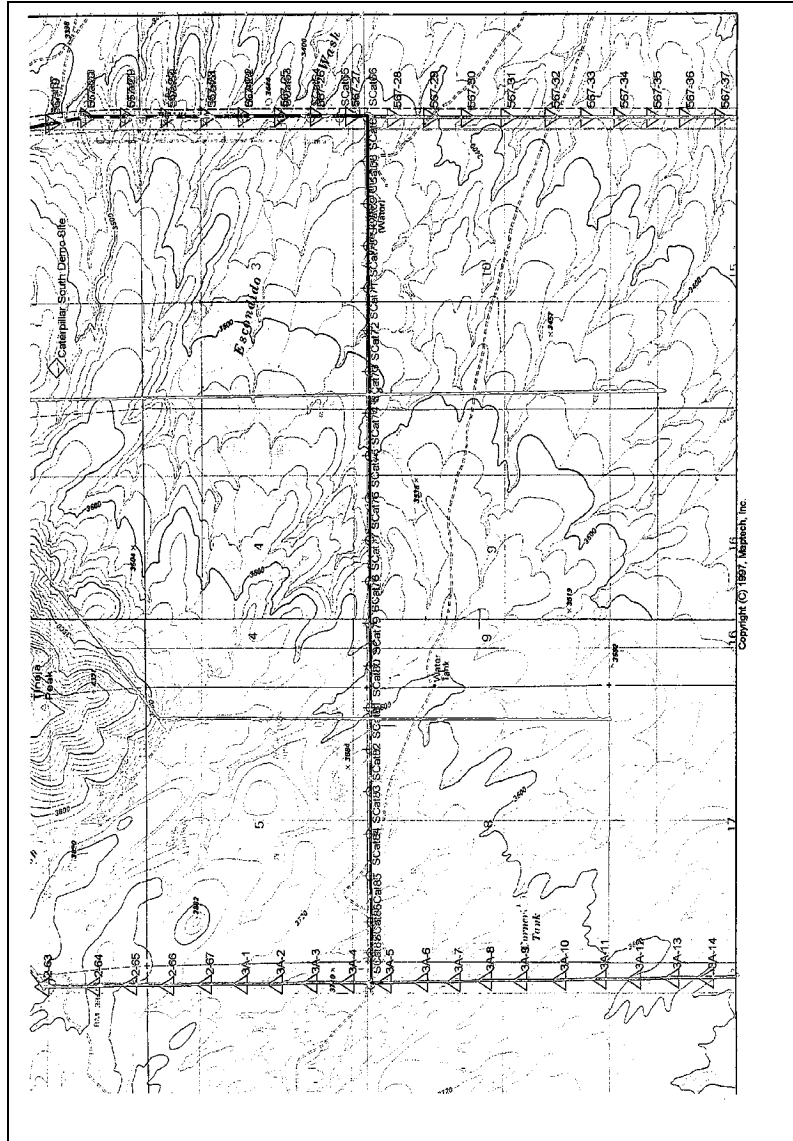
Quarles & Brady Streich Lang
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Santa Cruz County Flood Control District
Page 1 of 1

Comment No. 1

Each Federal agency's ROD will require compliance with all applicable statutes, regulations, and standards, if an action alternative is selected. An analysis of the 500-year floodplain event has been added to the Final EIS in Appendix C.

1 | Hays John-Flood District
Sent: Friday, October 03, 2003 12:44 PM
To: Pell, Jerry
Subject: Sahuarita-Nogales Transmission line.
The following link goes to a site listing the Standards for Critical Facilities and Services in Santa Cruz County, Arizona. The transmission line would fall under the definition of a critical facility/service.
<http://www.co.santa-cruz.az.us/flood/CriticalFacilityStandard.pdf>

John E. Hays, E.I.T., C.F.M.
Floodplain Coordinator
Santa Cruz County Flood Control District
jhays@co.santa-cruz.az.us
http://www.co.santa-cruz.az.us/public_works/flood_control.html
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Page 2

Santa Cruz County Flood Control District
Page 1 of 1

Comment No. 1

Refer to the response to the first submittal from the Santa Cruz County Flood Control District.

Hays John-Flood District
RE: Sahuarita-Nogales Transmission line.

From: John Hays [SMTP:jhays@co.santa-cruz.az.us]
To: Pell, Jerry
Cc:

Subject: RE: Sahuarita-Nogales Transmission line.
Sent: 10/7/2003 3:53 PM
Importance: Normal
Mr. Pell,

1 | Simply that the new line, when crossing any regulatory floodplains (peak discharge of 50 cubic feet per second during the 100-year flood event) within the unincorporated portions of Santa Cruz County, Arizona, would require a floodplain use permit, and would be required to be protected (depending on method of installation) from the 500-year flood event, especially on the larger wash systems. This may mean burying the line deeper or encasing it in concrete to prevent erosion if buried, or ensuring the poles can withstand the 500 year flood, and/or are outside the 500 year floodplain and or erosion potential. I would need more information on the exact route the line would take before I could give more detailed information.

This is true for all utilities in Santa Cruz County as of June of 2002, when the Standard for Critical Facilities and Services was adopted by the General Manager of the Flood Control District.

John E. Hays, E.I.T., C.F.M.
Floodplain Coordinator
Santa Cruz County Flood Control District
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Santa Cruz County Flood Control District
Page 1 of 1

Comment No. 1

Refer to the response to the first submittal from the Santa Cruz County Flood Control District.

Hays John 2-Flood District
RE: Sahuarita-Nogales Transmission line.

From: John Hays [SMTP:jhays@co.santa-cruz.az.us]
To: Pell, Jerry
Cc:

Subject: RE: Sahuarita-Nogales Transmission line.
Sent: 10/7/2003 3:57 PM
Importance: Normal
Mr. Pell,

1 | I should have noted that this does not mean the Santa Cruz County Flood Control District has any veto power over the utility. It is our intention to ensure the line is able to stay operational during a flooding event, so essential and critical services to the community are able to remain operational.

John E. Hays, E.I.T., C.F.M.
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Sky Island Alliance
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SKY ISLAND ALLIANCE

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www.skyislandalliance.org

October 14, 2003

Jerry Pell, Ph.D., CCM
NEPA Document Manager
Office of Electric Power Regulation
Fossil Energy, FE-27

CC: Jerry Comer, Coronado National Forest; Sue Kozacek, Acting Supervisor,
Coronado National Forest

RE: Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft
Environmental Impact Statement

Dear Mr. Pell:

1 Thank you for this opportunity to publicly comment on the Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement (DEIS). The following comments are made on behalf of Sky Island Alliance. But although we do appreciate the opportunity we are troubled by the fact that DOE and cooperating agencies have been unwilling to provide a formal extension to the public review and comment period provided for this project. The proposed power line raises very important and extremely complicated issues and the limited comment period provided is insufficient to give the public an adequate opportunity to review and comment on it. We emphasize that DOE is obligated to diligently involve the public in this project and therefore ask that you provide a written justification for DOE's refusal to extend the public review and comment period

The Sky Island Alliance (SIA) is a non-profit organization under Section 501(c)(3) of the Internal Revenue Code dedicated to the preservation and restoration of native biological diversity in the sky islands of New Mexico and Arizona. SIA practices science-based conservation by gathering data, making recommendations to land and wildlife agencies, and working with them to resolve issues. In the past our organization has sponsored public lectures, educational presentations, and field trips in order to inform the general public on regional environmental issues and concerns. In addition, SIA publishes a newsletter that informs more than a thousand members and volunteers of federal agency policy and encourages public participation in agency decisions. Finally, SIA provides written and spoken testimony at public hearings and publishes articles in

Comment No. 1

The public comment period began on August 22, 2003, and officially concluded on October 14, 2003, for a total of 53 days. An extension of the comment period was not granted because the Federal agencies deemed this comment period to be reasonable, and it exceeded the requirements set forth by CEQ Regulations (40 CFR 1506.10[c]) for a Draft EIS public comment period of at least 45 days. Although the official public comment period for comments on the Draft EIS closed on October 14, 2003, the Federal agencies continued to accept comments after the close of public comment periods, and considered them, to the extent feasible, in the preparation of the Final EIS.

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

Sky Island Alliance
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magazines and newspapers such as *Bowhunter*, *Audubon*, *Bioscience*, and the *Arizona Daily Star*, all of which serve to disseminate information about important events and to foster an appreciation for and desire to preserve the sky islands.

Introduction:

We have examined and analyzed the Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement. We are puzzled by many things contained within but are most baffled by the DOE's decision to select the Western Route as it's preferred alternative. After attending the four public hearings in Green Valley and Nogales, we are more perplexed than ever.

2

You are probably aware that the public opposition to this project was unanimous and the issues of most concern were the possibilities of construction in either the Western or Crossover Routes. This was the same message that earlier public hearings conveyed. Furthermore, there is unanimous opposition from conservation groups and their members to either the Crossover or Western Routes; affected Tribes are opposed to these two routes. We know of no one who supports this route. Why is the Western route the preferred alternative?

We can only surmise that this decision is tied to the Arizona Corporation Commission's approval of the Western Route only. As it is the pertinent federal land management agency's responsibility to oversee federal public lands, this action sets a bad precedent. These types of decisions are not within the expertise of the ACC. The ACC's decision was not based on environmental compatibility with public land use and the effect on the public. This decision was solely about serving TEP's self interests. It is ludicrous to allow TEP to build a powerline so large that the main benefit is the financial gain of TEP, while simultaneously impacting thousand of acres of the highest quality view-shed on the Coronado National Forest; within the Tumacacori Ecosystem Management-Area there are more than 50 sensitive species, a scenic perennial water source (Sycamore creek), countless rare and native plants that provide valuable genetic resources, and numerous scenic and recreational opportunities that people come from all over the US to explore. Who benefits here? Although TEP would like us to believe otherwise, it certainly is not the public.

3

As will be examined in detail below, the Department of Energy (DOE) failed to sufficiently address numerous and important issues regarding this project. The DEIS fails to consider all the reasonable alternatives as required by the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ). The purpose and need of the project is overly narrow so as to preclude other reasonable alternatives. The document's slight references to cumulative effects analysis are sorely inadequate to comply with NEPA and CEQ regulations. Further, DOE fails to appropriately address the illegal road densities on the Coronado National Forest (CNF) and its attempt at mitigation of such densities only serves to add to the problem of road damaged resources on the landscape. The DEIS is based on inaccurate and illegal FS delineations of

2

Comment No. 2

Section 1.4 of the Final EIS discusses the rationale for DOE's identification of a preferred alternative in the Draft EIS and identifies the preferred alternative designated by each Federal agency. Section 1.6.6 explains that the decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USIBWC. Section 1.1.2 of the Final EIS provides information regarding the ACC proceedings that led the ACC to order TEP to build its line along the Western Corridor.

Comment No. 3

The commentor provides a summary of specific issues that are responded to in comments 4 through 11 below.

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cont.

inventoried roadless areas. The "analysis" of impacts to flora, fauna, sensitive, threatened, and endangered species cannot properly be called an analysis and, in the specific context of the affected lands within the CNF, fails to ensure the diversity and viability of biological species. Merely stating that a project will pass through an area and noting the different species that live there does not even approach what is necessary to comply with federal law. Also, the DEIS fails to ensure that the FS is in compliance with executive orders and forest regulations that require the closure of areas on the forest in which off-road vehicles have caused "considerable adverse effects." In addition, all of the proposed projects violate NFMA, the Coronado National Forest Plan, and the principle of multiple use as embodied in the Multiple-Use, Sustained-Yield Act of 1960 because they fail to abide by the FS' Recreation Opportunity Spectrum and its Scenery Management System. The DEIS also fails to acknowledge that all of the proposed projects will open a new migration corridor for drug smugglers and illegal immigrants, which will both spread the Border Patrol even thinner and create more impacts on this pristine area. Finally, the DEIS does not address cultural impacts of the project sufficiently. It is especially troubling that consultation with the tribes was not completed prior to the release of the DEIS.

SIA urges the DOE and cooperating agencies to seriously consider the following comments as it is our view that this document is severely insufficient for the scope of this project. As the DEIS does not meet legal requirements, we urge DOE to withdraw this DEIS and reissue it at a later date when the below mentioned deficiencies are appropriately redressed.

Implementation of Any of the Proposed Alternatives Would Violate the National Environmental Policy Act Because the DEIS Fails to Provide Appropriate, Reasonable, and Obvious Alternatives:

The National Environmental Policy Act (NEPA) requires agencies to consider "[a]lternatives to the proposed action in the EIS. 42 U.S.C.A. § 4332(C)(iii). NEPA further states that agencies must "[s]tudy, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." *Id.* at § 4332(E). Pursuant to the NEPA, the Council for Environmental Quality (CEQ) requires that agencies "[u]se the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. § 1500.2(e). The regulations also mandate an agency to "[r]igorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14(a). In addition, the ninth circuit has stated that to comply with NEPA and the CEQ, all "obvious" alternatives must also be considered. *Coalition for Canyon Preservation v. Bowers*, 632 F.2d 774, 784 (9th Cir. 1980).

Any decision stemming from this DEIS would violate both NEPA and the CEQ regulations because of the absence of any reasonable alternatives to the environmentally devastating transmission line proposals; that is, the DEIS fails to consider a power generating station located in Nogales, an appropriate, reasonable and obvious alternative

3

Comment No. 4

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of

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cont.

to the costly, unsightly, and publicly disfavored transmission lines currently proposed. The DEIS dismisses the alternative of a power plant located in Nogales because it will not fulfill the "[r]equirement to build a second transmission line to serve customers in Santa Cruz County by December 31, 2003." DEIS at 2-11. This argument makes no sense because there can be no realistic expectation that any of the proposed projects will meet this deadline and therefore, should not be used to eliminate such an alternative as sound as a local power plant.

Furthermore, according to CEQ, the "[s]cope of alternatives to be considered" depends on what is "reasonable rather than whether the proponent or applicant likes or is itself capable of carrying out a particular alternative." NEPA's Forty Most Asked Questions, at <http://ceq.eh.doe.gov/nepa/regs/40/1-10.HTM#1>. The range of alternatives here violates this guideline because they are all based on the self-serving purpose and need of TEP rather than on what is "reasonable." Taken in light of overwhelming public request for a local power plant alternative and absolute opposition to the proposed projects as expressed in recent public hearings, SIA urges DOE to redraft the DEIS so as to comply with NEPA and CEQ regulations by including a local power plant as an appropriate, reasonable, and obvious alternative to the three transmission line proposals.

The DEIS looks to no other alternative but that of lengthy transmission lines through remote and scenic areas. Similar to the facts of *State of California v. Block*, "[t]he policy at hand demands a trade-off between" pristine wild areas and development. 690 F.2d 753, 766 (9th Cir. 1982) (holding that the Forest Service's EIS did not address an adequate range of alternatives because none of the alternatives considered more than one third of the land in question to be designated as wilderness and the EIS assumed that at least thirty seven percent of the area in question would be developed.); See also *Muckleshoot Tribe v. U.S. Forest Service*, 177 F.3d 800, 813(9th Cir. 1999) (holding that the FS failed to consider a reasonable range of alternatives because the EIS considered only the no action alternative and two "virtually identical" alternatives). As the court stated in *Block*, "[t]his trade-off... cannot be intelligently made without examining whether it can be softened or eliminated by increasing resource extraction and use from already developed areas." *Id.* Similarly, the DEIS here fails to consider options that would not involve destroying a pristine and scenic area in the name of development even though such an alternative is available. Like the court stated of the Forest Service in *Block*, "[i]t is troubling" that the DOE "[s]aw fit to consider from the outset only those alternatives leading to that end result," that of destroying the resource. *Id.* at 767. The local power plant must be considered as a serious alternative to the transmission line proposals in order to comply with the reasonable alternative mandate of NEPA and the CEQ regulations; this is the only way to "[f]oster informed decision-making and informed public participation," a further requirement of NEPA. *Id.*

4

Comment No. 4 (continued)

power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

As explained in Section 2.1.5, a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS.

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The DEIS' Statement of the Purpose and Need of the Proposed Project is Too Narrow in Violation of NEPA, CEQ Regulations, and Case Law:

According to NEPA and CEQ, an EIS must specify the underlying purpose and need to which the proposal is responding. 40 C.F.R. § 1502.13 (requiring a statement that "shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action."). The ninth circuit has interpreted these regulations such that "the stated goal of a project necessarily dictates the range of reasonable alternatives and an agency cannot define its objectives in unreasonably narrow terms." *City of Caramel-By-The-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1155 (9th Cir. 1997); *See also Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800 (9th Cir. 1999). SIA contends that the DEIS states the purpose and need of the TEP project in "unreasonably narrow terms."

TEP has failed to adequately show a need for a 345kv power line. While their mandate from the Arizona Corporation Commission is to provide backup power for Santa Cruz County, their proposed solution is akin to killing a mosquito with a machine gun. The need for backup power in Santa Cruz County could be accomplished by a power generation station in Nogales or by an additional 115kv line. A second 115kv would also be less expensive and it would be possible to install such a line within the Central route with little or no modification to the existing utility corridor. More importantly, this line could be easily buried along the Central route so as to conserve scenic integrity for residents living in the area. But instead of considering these reasonable alternatives, TEP has defined its purpose and need based on its own self-serving interests, that of making a profit. By defining the purpose and need of the project in overly narrow terms, the DEIS has failed to uphold the requirements of NEPA and CEQ as interpreted by the ninth circuit.

The Cumulative Effects Analysis in the DEIS is Insufficient to Comply with NEPA and CEQ Regulations and Guidelines:

The Council on Environmental Quality (CEQ), pursuant to the National Environmental Policy Act (NEPA) not only requires that "cumulative impacts," be analyzed but also used in determining the appropriate actions to pursue. Cumulative impacts are defined in CEQ regulations as the "[i]mpacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency...or person undertakes such actions." 40 C.F.R. § 1508.7. CEQ also acknowledged that "[c]umulative impacts can result from individually minor but collectively significant actions taking place over a period of time." *Id.* Examples of cumulative impacts affecting this project include off-road vehicle use, wildcat roads, grazing, and urban sprawl.

Furthermore, the CEQ has acknowledged that "[t]he fact that the human environment continues to change in unintended and unwanted ways in spite of improved federal decisionmaking resulting from the implementation of NEPA is largely attributable to [cumulative impacts]." Considering the Cumulative Effects Under the National

Comment No. 5

As stated in Section 1.2, Federal Agencies' Purpose and Need Statements, an agency's statement of purpose and need explains what the agency is called upon to do, given its authority, and it is from this statement of purpose and need that an agency identifies the range of reasonable alternatives it will consider in the EIS. In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need. TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." Therefore, the purpose and need statements in Section 1.2.2 are not unreasonably narrow.

In order to meet the international connection aspect of TEP's purpose and need, a 345-kV transmission line is required. If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built. The USFS and BLM would also not mandate that the project be built. But if it were going to be built, TEP would have to build it within the time limits specified in the permits issued by the Federal agencies.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Likewise, a smaller transmission line in lieu of the proposed 345-kV transmission line (e.g., a 115-kV transmission line) would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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Environmental Policy Act, Council on Environmental Quality, v (Jan. 1997) (hereinafter CEQ guidelines).

The DEIS fails to adequately assess cumulative impacts overall or to assess these impacts for each separate alternative as required by NEPA and the CEQ. According to the CEQ's guidelines for assessing cumulative impacts, it is "critical to incorporate cumulative effects analysis into the development of alternatives for an...EIS." *Id.* at v. This is because CEQ recognizes that "[o]nly by reevaluating and modifying alternatives in light of the projected cumulative effects can adverse consequences be effectively avoided or minimized." *Id.* Furthermore, as the guidelines state, "[t]he results of cumulative effects analysis can and should contribute to refining alternatives and designing mitigation." *Id.* at vii. Finally, CEQ states that "[b]y definition, cumulative effects *must* be evaluated...[for] each alternative." *Id.* at 1 (emphasis added). Here, the DEIS fails miserably in two ways to follow this guideline. First, none of the eliminated alternatives received cumulative effects analysis prior to being eliminated and second, TEP failed to consider cumulative effects with respect to each of the surviving alternatives. Both of these flaws significantly hamper the ability of the public and the decisionmaker to have a "[c]lear basis for choice among options" and renders the EIS severely inadequate under NEPA. 40 C.F.R. § 1504.4.

Further, the DEIS fails to address cumulative effects "[w]ithin the context of resource, ecosystem, and human community thresholds." CEQ Guidelines at 7. Thresholds are defined as "[l]evels of stress beyond which the desired condition degrades." *Id.* It is impossible to determine the impact of cumulative effects if no consideration is made as to the threshold of the given environment. As CEQ states, "[t]he magnitude and extent of the effect on a resource depends on whether the cumulative effects exceed the capacity of the resource to sustain itself." *Id.* at 7. Here, the DEIS does not even address such thresholds let alone analyze how the cumulative effects would impact the environment with respect to such thresholds.

For example, the Forest Service has specified that the CNF has a threshold road density of one mile of road per square mile of forest. Although the DEIS states that the road density in this region does not exceed this threshold, it fails to consider wildcat roads in its analysis even though it acknowledges that wildcat roads equal more than 50% of all of the roads within the proposed areas for action. This important omission in turn produces a fatal flaw in DOE's cumulative impact analysis; it fails to acknowledge both that the forest is already well above its threshold for roads and that the proposed project will only increase the stress and degradation in the given areas. Furthermore, this problem is not alleviated by TEP's promise to close one mile of road per one mile constructed because the forest is already dangerously over its threshold for roads. As the CEQ states, "[t]he most effective cumulative effects analysis focuses on what is needed to ensure long term productivity or sustainability of the resource." *Id.* at 8. Any such analysis is utterly absent from the DEIS.

Cumulative impact analysis is particularly important given the USFS' current roads policy. In context of a forest transportation system, in many instances the length of the

Comment No. 6

Chapter 5 of the EIS presents an analysis of cumulative impacts, as required under NEPA, which could occur as a result of the potential impacts of TEP's proposed project when added to impacts from other past, present, and reasonably foreseeable future actions. Where specific information was available on past, present, and reasonably foreseeable future actions, it was included in the EIS; relevant information received from the public during the Draft EIS public comment period was also added to the Final EIS (e.g., information on planned residential developments was added to Section 5.2.4). Section 5.1, Cumulative Impacts Methodology, in the Final EIS has been revised to clarify that the analysis identifies where cumulative impacts may differ among alternatives, and Section 5.3, Cumulative Impact Analysis, has been revised in the Final EIS to more completely assess the potential cumulative impacts.

In addition, Table 5.4-1 has been added to the Final EIS to provide a summary comparison of the cumulative impacts by resource area, and identify any differences in cumulative impacts for the Western, Central, and Crossover Corridors. For example, for the actions described as reasonably foreseeable actions in the area of Nogales, Arizona, the cumulative impacts would not differ among TEP's alternatives because the Western, Central, and Crossover Corridors are identical in the vicinity of Nogales.

Regarding the comment that the EIS should either include or address a habitat fragmentation analysis and meaningful analysis of cumulative impacts, a spatial analysis of roads on the Coronado National Forest associated with the proposed project in relation to natural and cultural resources was conducted in the Roads Analysis (URS 2003a) and was relied upon for evaluation of the direct and indirect environmental impacts of the proposed project (see Chapter 4), and cumulative impacts (see Chapter 5). Additional information regarding habitat fragmentation has been added to sections 3.3.2 and 4.3.2.

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roads and the overall road density of the forest, while critically important to effective NEPA analysis, is a limited metric of impacts, and, in particular, cumulative impacts. In order for decisions to comply with NEPA, the underlying analysis must account for spatial analysis on the landscape. The DEIS should therefore incorporate a habitat fragmentation analysis that includes data concerning all roads – whether classified, unclassified, temporary, or wildcat – and which overlays spatial data for affected natural and cultural resources. We feel that this information is absolutely necessary to “insure the professional integrity, including scientific integrity, of the discussions and analyses in” the DEIS. 40 C.F.R. § 1502.24. At the very least, the DEIS needs to disclose a why such an analysis was not conducted. 40 C.F.R. § 1502.22(b)(1)-(4).

Additionally, the CEQ and NEPA require more than a laundry list of possible cumulative effects as illustrated in the CEQ Guidelines. *See Id.* at Chapter 5 “Methods, Techniques, and Tools for Analyzing Cumulative Effects (implicitly acknowledging that agencies must do more than create a list of possible cumulative effects of proposed actions but must also analyze the significance of such effects using available science, technology, etc.). The cumulative effects analysis is fatally deficient because it is simply a laundry list of possible negative impacts from the proposed project in light of other possible uses and projects. It does not meaningfully analyze these effects using appropriate science or technology and fails completely to provide data that would allow a “clear basis for choice” or “meaningful analysis” for decisionmakers or the public. 40 C.F.R. §1502.9(a). Moreover, the DEIS fails to disclose why these effects were not disclosed, and why any underlying information necessary to consider these effects, was not obtained. 40 C.F.R. § 1502.22(b)(1)-(4).

6
cont.

Finally, cumulative effects analysis is essential to determine whether substantive legal requirements are satisfied. For example, without a sufficient cumulative effects analysis, the Forest Service is unable to ensure compliance with the National Forest Management Act’s requirement to ensure the continued diversity of plant and animal communities and the continued viability of wildlife. 16 U.S.C. § 1604(g)(3)(B); 36 C.F.R. § 219.19. The TEP project’s failure to adequately address cumulative effects suggest that within the Coronado National Forest, the diversity and viability of biological species is not ensured.

The CEQ regulations require that draft environmental impact statements “[f]ulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of [NEPA].” *Id.* Additionally, the regulations state that “[i]f a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion.” *Id.* Here, the DEIS fails to comply with this mandatory requirement. The document’s meager laundry list of possible cumulative effects of the proposed project, its blatant omission of cumulative effects with respect to each alternative, its utter neglect to analyze cumulative effects when deciding what alternatives to eliminate, and its failure to ensure the diversity and viability of species within the CNF all serve to “preclude meaningful analysis” such that a new revised draft must be prepared.

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Comment No. 6 (continued)

The calculations of road density referenced in Section 3.12, Transportation, were done correctly as part of the Roads Analysis (URS 2003a) for the proposed project, as required by Forest Service Manual 7712 in accordance with the USDA Forest Service Miscellaneous Report FS 643 (1999) as guidance. The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed classified road density limits set forth in the Forest Plan. Road density limits set forth in the Forest Plan are for the Forest as a whole, not for individual land units or EMAs within the Coronado National Forest. TEP would close 1.0 mi (1.6 km) of existing classified road for every 1.0 mi (1.6 km) of proposed road to be used in the operation or long-term maintenance of the proposed project on the Coronado National Forest, such that road density on the Coronado National Forest would not be affected. Any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions to ensure road barrier effectiveness and maintenance. Based on the measures described above for ensuring the effectiveness of road closures, the proposed project is consistent with Forest Plan standards and guidelines for road density.

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

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cont.

Furthermore, the DEIS acknowledges its own inadequacies in its discussion regarding visual resources. "Further evaluation of potential cumulative visual impacts is currently underway by DOE in consultation with USFS. The results of this evaluation will be included in the Final EIS." DEIS at 5-9. To not adequately address an issue as crucially important to meaningful decisionmaking as cumulative effects, the DEIS fails to "satisfy to the fullest extent possible the requirements" of CEQ regulations and NEPA.

TEP's Proposed Projects Violate the National Forest Management Act and NEPA with Regard to Road Densities:

The National Forest Management Act (NFMA) states that "resource plans and permits... for the use and occupancy of National Forest System lands shall be consistent with the land management plans." 16 USC § 1604(i). The Coronado National Forest Plan explicitly requires the forest service to "limit density of *existing* and new road construction to one mile of road or less per square mile [of forest]." Coronado Forest Plan Amendment No. 8, June 1996 (Replacement Page 34), Wildlife and Fish, 12(d) (emphasis added). Furthermore, upholding such road density standards is a basic provision to protect forest resources and is particularly important given the FS' new management obligations as articulated in their roads policy. See 36 C.F.R. § 212; See also FSM 7700 and 7710.

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However, while the DEIS claims that the Forest service (USFS) "[h]as indicated that current road density is estimated to be near this level," this statement is severely inaccurate. Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement, 3-93, July 2003 (hereinafter DEIS). The DEIS figure for existing road density in the Tumacacori Ecosystem Management Area (EMA) is limited to classified roads as their figures plainly show. It states that there are approximately 320 miles of classified roads located within the EMA and that the EMA consists of 203,800 acres of forest land. DEIS at 3-93. Doing the math, 203,800 acres, or approximately 318 square miles, illustrates that the road density within the EMA approaches legal limits only if classified roads (as opposed to all *existing* roads as the Forest Plan clearly requires) are taken into account. Further, as the DEIS also indicates, the percentage of wildcat roads in all of the proposed project areas exceeds that of classified roads. DEIS, at 3-93 to 3-95 (stating that 54% of "existing" roads in the Western Corridor are wildcat roads, 65% of "existing roads in the Central Corridor are wildcat roads and 58% of "existing" roads in the Crossover Corridor are wildcat roads). Finally, as the Forest Plan states, the road density standard is for all "existing roads" and not just limited to classified roads. Therefore, if the proposed project areas are representative of the overall situation within the EMA, the road density not only is not "near" the acceptable levels, it is over double the acceptable limit as mandated by the Coronado National Forest Plan.

While the DEIS states that the road density on the forest will not change because TEP proposes to close one mile of road for every one mile of new road constructed, as can be seen from the numbers, this is not enough to ensure that the proposed projects are

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Comment No. 7

The response to Comment 6 above clarifies that the proposed project is consistent with Forest Plan standards and guidelines for road density. The proposed project does not violate the Forest Plan, NFMA, or NEPA with regard to road densities on the Coronado National Forest.

The commentor is correct in stating that wildcat roads cannot be used during project implementation without undergoing NEPA analysis. The environmental analysis and disclosure provided by this Final EIS fulfills this requirement for NEPA analysis. (See the response to comment 6 above).

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cont.

consistent with the Forest Plan. DEIS at 2-6. And because NFMA requires that all projects on the forest comply with the Forest Plan, the proposed projects not only are in violation of the Coronado Forest Plan, but they also violate NFMA. 16 U.S.C. §1604(i). Therefore, none of the proposed projects should be adopted until and unless they comply with federal law.

As written, the proposed projects would be in violation of NEPA and the CEQ regulations. Even as the DEIS acknowledges that "[w]ildcat roads have not been subjected to the USFS planning process, and therefore, may not meet technical or environmental protection standards, they may pose a threat to both the environment and to user safety," they still propose to use them for right of ways. DEIS at 3-94, 95. Without the requisite environmental analysis, these roads remain illegal and in violation of NEPA and cannot be legitimized until the appropriate procedural channels such as drafting an environmental impact statement and allowing for public participation, have been undertaken.

Furthermore, the DEIS assumes that system roads within the EMA have undergone NEPA. We are not so convinced. There are substantial questions as to whether adequate NEPA analysis has been conducted within the EMA for the existing system roads. The fact that system roads may not have undergone NEPA prior to their incorporation within the forest road system undermines the legitimacy of the TEP project and its DEIS as it pertains to roads within the Coronado National Forest. Responsible officials must ensure that the roads on the forest proposed for use by TEP, whether wildcat or classified, have undergone appropriate environmental analysis or the project will be in violation of federal law.

Fundamentally, in the context of roads and road densities, the current DEIS is wholly inadequate to satisfy NEPA's procedural mandates and the Forest Service's substantive mandates.

The Identified Inventoried Roadless Areas on the CNF Is Not Accurate Because the FS Illegally Changed Roadless Area Boundaries in 2000:

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In 1979 the Coronado National Forest (CNF) completed a congressionally mandated inventory of potential Wilderness Areas. This process was called the second Roadless Area Review and Evaluation more commonly referred to as RARE II. As a result of the RARE II process, twenty-one areas on the CNF were deemed "Roadless" and recommended for Wilderness designation, non-Wilderness uses, or a third classification called Further Planning which allowed upcoming Forest Plans to individually assess the Wilderness Characteristics of so designated areas.

The Tumacacori EMA contained three RARE II areas as defined by the Final Environmental Impact Statement of the Roadless Area Review and Evaluation II issued in January 1979. Unit # 03-114, named Tumacacori, was comprised of 51,490 acres that encompassed the majority of the Tumacacori and Atascosa Mountains, including Apache

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Comment No. 8

The analysis in the Final EIS correctly relies on the IRAs defined in Volume 2 of the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* (USFS 2000) to determine potential impacts of the proposed project. The method used by the Coronado National Forest to identify the IRAs in the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* is outside the scope of this EIS.

According to USFS's Murphy Peak Quadrangle map, Apache Pass is approximately 1.25 mi (2.01 km) west of the planned Western Corridor route. Apache Pass is not within an IRA, as specified in Volume 2 of the *Final Environmental Impact Statement for the Roadless Area Conservation Rule*.

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Pass and Bartolo Mountain. Throughout the Final EIS process, 03-114 was moved from a recommendation of "Wilderness" to "Further Planning". Interestingly, while the final step in the analysis clearly stated that 03-114 was deemed as "Further Planning", we see a "non-Wilderness" recommendation in the published Final EIS. There was no justification recorded for this change. In November 1983, the CNF revised its RARE II maps and issued their "Revised Roadless Area Boundary". In this review, the Tumacacori unit changed slightly, approximating 46,000 acres (based on digitized data originating from 1:127,000 maps located at CNF Supervisor's Office – see attached map). Again, the area around Bartolo Mountain and Apache Pass were included and actually expanded.

Regardless, the Tumacacori roadless area was not included in the 1984 Arizona Wilderness Act. This was in light of the fact that throughout the 1979 RARE II process, 399 letters were received by the CNF supporting Wilderness designation in unit 03-114. 31 letters were received that did not recommend Wilderness designation (only 20% of which were site specific).

The RARE II process of the late 1970's was intended to first *identify* then *analyze* the roadless characteristics of Forest lands. The 1983 revision process in preparation for the 1984 Arizona Wilderness Act was similar in intent and changed little. Throughout this process, the area was field checked, ranked, and analyzed for Wilderness potential. It is important to note that this identification process was clearly spelled out by the RARE II Draft EIS and included a variety of different means of analyzing a particular area. It is also important to note that in 1984 Congress intended for the FS to revisit the roadless area and Wilderness question during a Forest Plan Revision process, to occur "at least every fifteen years" 98 U.S.C.A. § 1485 (1984).

In May 2000 the FS issued a Draft EIS entitled "Forest Service Roadless Area Conservation". This national policy was precipitated by a mandate given on October 13th, 1999 by President Clinton directing the FS to "provide appropriate long-term protection for most or all of these *currently* inventoried 'roadless' areas, and to determine whether such protection is warranted for any smaller 'roadless areas not yet inventoried'" (emphasis added). At that time, the 1983 Revised Roadless Area Boundaries on the CNF were the most accurate and up-to-date depictions of roadless areas on the forest. In preparation for this rulemaking, the Forest Service Washington Office (WO) released a memo to Regional Offices requesting roadless area information (File Code 1920 Nov. 12, 1999). In this memo, the WO specifically requests "geospatial data displaying National Forest System lands *currently* inventoried for planning purposes as roadless areas (emphasis added). In enclosure 1 of this same memo, the WO requests

"geospatial data (GIS coverages or maps) displaying National Forest System lands inventoried (as of October 13, 1999) for planning purposes as roadless areas. This inventory is based on forest plans, forest plan revisions in progress where the Agency has established an inventory (this information should be in Appendix C of most forest plans), or other assessments that are completed and adopted by the Agency. RARE II inventory information should only be used if a

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forest does not have a more recent roadless area inventory *which was established using RARE II information.*" *Id.* (emphasis added)

Further, this memo clearly articulates the fact that each Forest was expected to use already existing roadless area information that has or was in the process of going through analysis *outside* of the 2000 Roadless Area Conservation rulemaking. The rulemaking was clearly not intended to actually *identify* roadless areas (see DEIS Forest Service Roadless Area Conservation May 2000). Additionally, Federal law clearly outlines the process for the identification of roadless areas in CFR Sec. 219.17, Evaluation of Roadless Areas. It states:

- (1) During analysis of the management situation, the following areas shall be subject to evaluation:
- (i) Roadless Areas including those previously inventoried in the second Roadless Area Review and Evaluation (RARE II), in a unit plan, or in a forest plan, which remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for nonwilderness uses by law. In addition, other essentially roadless areas may be subject to evaluation at the discretion of the Forest Supervisor.

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Again we clearly see reference to RARE II areas and their importance as at least a starting point for the identification of roadless areas.

Given the repeated and clear direction of the WO and federal law, the CNF did not consider RARE II areas or the 1983 Revised Roadless Area Boundaries when they submitted their Inventoried Roadless Area maps to the WO for inclusion in the 2000 Roadless Area Conservation DEIS and 2001 FEIS.

The CNF did not properly assess, propose, and define roadless areas in the 2000-2001 Roadless Area Conservation Rule. Considering the above information and given further that the Coronado National Forest:

- Failed to use existing roadless information and created their own, never seen before data *after* October, 1999 – against well-intentioned and legally advisable direction from the WO as given in the November 12, 1999 Regional Office memo (File Code 1920)
- Failed to identify and analyze their new Inventoried Roadless Area maps under the National Environmental Policy Act of 1969. The maps as seen in the 2000 DEIS of the Roadless Area Conservation Rule had not gone through a public process, as required by NEPA. The maps had never even been seen outside of the Coronado National Forest before being published in the 2000 Roadless Area Conservation Rule DEIS.
- Failed to use a process that would accurately assess existing roadless areas. Instead of using existing data (RARE II) or already proven protocol for roadless area identification, the CNF used the Recreational Opportunities Spectrum (ROS), which has never been intended to actually *identify* roadless areas.

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- Failed to accurately identify roadless areas on the Forest. For instance, in the Tumacacori RARE II area 03-114, Apache Pass and Bartolo Mountain are connected to the larger bulk of the roadless area. While no new roads have been built in this area since 1979 when RARE II identified the roadless boundaries, the 2000 IRA, using the fundamentally flawed ROS program, did not accurately display similar roadless area boundaries. Apache Pass is not shown within the Roadless Area – even though no new roads have been built.
- ROS illegally identified roadless areas on the CNF. The 2000 Inventoried Roadless Area maps submitted and displayed in the 2000 Roadless Area Conservation Rule DEIS was simply created drawing 0.5 or 1.0 mile buffers around every Forest Service Road and naming whatever “fell out” as an IRA. The 1984 Wilderness Act, among other Congressional language specifically states in Sec. 101 (d) “The Congress does not intend that designation of wilderness areas in the State of Arizona lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.” This language makes the intent of Congress clear – buffers around Wilderness Areas, much less Inventoried Roadless Areas should not be utilized or promoted. Given this, the CNF used a minimum of 0.5 mile buffers on *each* side of every road, even if that road no longer existed. When asked in 2000 why this was so, the Coronado National Forest responded that they did not want the “sights and sounds” of roads within the Inventoried Roadless Areas, in direct contradiction to Congressional language.

We are seriously concerned that the path of the preferred Western Route passes directly through Apache Pass, an Inventoried Roadless Area that was not properly or legally assessed in the CNF's recent roadless area mapping project in preparation for the 2001 Roadless Area Conservation Rule. The area is clearly roadless. See the attached map for a comparison between the 1983 Revised Roadless Area Boundaries and the 2001 Inventoried Roadless Area maps. While almost nothing has changed on the ground, the maps are vastly different. The 1983 RARE II based map includes Apache Pass, the 2001 IRA map does not. Counterintuitively, the 1983 map is more accurate.

Consequently, the Inventoried Roadless Area as shown and described in the Tucson Electric Power Company Sahuarita-Nogales Transmission Line DEIS is not correct. The correct Inventoried Roadless Area in the Tumacacori EMA clearly should include Apache Pass. The consequences of such changes in the Inventoried Roadless Area map would have dire consequences for the proposed Western Route. The Western Route would no longer avoid the Inventoried Roadless Area, but actually cross it. The building of permanent roads in Inventoried Roadless Areas is currently not allowed. We feel that this change would constitute a new analysis of the Western Route and require serious consideration of other alternatives.

All of the Proposed Projects Are in Violation of Forest Service Regulations, NFMA, and Case Law for Failing to Appropriately Address Management Indicator Species:

Pursuant to NFMA, the FS is required to "provide for a diversity of plant and animal communities." 16 U.S.C. § 1604(g)(3)(B). Regulations implementing this provision state more specifically that the FS must manage habitat to "maintain viable populations of existing native and desired non-native vertebrate species." 36 C.F.R. § 219.19. The regulations also require certain species to be designated as "management indicators" and that "planning alternatives shall be stated and evaluated in terms of both amount and quality of habitat and of animal population trends of the management indicator species." Finally, "population trends of the management indicator species will be monitored and relationships to habitat changes determined." 36 C.F.R. § 219.19(a)(1) and (6).

The courts have held that "[t]he clear language of the regulations... requires evaluation of 'both amount and quality of habitat and of animal population trends of the management indicator species.'" *Sierra Club v. Martin*, 168 F.3d 1, 7(11th Cir. 1999) (quoting 36 C.F.R. § 219.19(a)(2)). The court in *Sierra Club* also concluded that "population data must be collected" to be in compliance with the regulations. *Id.* (stating that "[d]espite... the fact that some MIS populations in the forest are actually declining, the Forest Service has no population data for half of the MIS... and thus cannot reliably gauge the impact of the timber projects on these species.").

Likewise, in *Forest Guardians v. U.S. Forest Service*, the court held that under the plain language of the FS' multiple use implementing regulations, the FS "[m]ay not rely solely on habitat trend data as a proxy for population data or to extrapolate population trends." 180 F.Supp.2d 1273, 1281 (D.N.M. 2001). The court further acknowledged that management indicator species already "[r]epresent a management short cut... [and] consequently, there is generally no reason to further short cut the management monitoring process by relying only on habitat trends to project management indicator species population data." *Id.* at 1281-82. In conclusion, the court held the FS responsible for obtaining and analyzing both actual and trend population data for each of the management indicator species located in the project area before coming to a decision. *Id.* at 1282.

Further, while the ninth circuit has held that an agency may use habitat trend data as a proxy for population data, *Inland Empire Public Lands Council v. USFS*, 88 F.3d 754 (9th Cir. 1996), this holding was sharply limited in *Idaho Sporting Congress v. Rittenhouse*, 305 F.3d 957 (9th Cir. 2002) (holding that the United States FS' use of old-growth habitat as proxy for population monitoring of indicator species was arbitrary and capricious.). It is our view that, in the context of the Coronado National Forest and the proposed project, using habitat trend data as a proxy for population data is inadequate. The FS has failed to document or justify any conclusion to the contrary. Thus, the FS on the Coronado is responsible for obtaining both population and trend data and ensuring that such data is used within the DEIS for the TEP project to ensure the diversity of plant and animal species and the viability of vertebrate species.

Comment No. 9

The Final EIS includes revised information and analysis of MIS in sections 3.3.5 and 4.3.5 respectively. The revised information is based on information from sources, including but not limited to sources such as the 2003 Arizona Game and Fish Department Wildlife Survey Report and North American Breeding Bird Survey from 1980 to 2000. More information is provided in the MIS report (SWCA 2004) and bibliography in the project record. Additionally, a recent USFS MIS Report has been prepared. This report is listed in the references (Chapter 11 of the EIS) and is available upon request to the USFS.

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The DEIS identifies numerous MIS which occur or have suitable habitat within the proposed project areas, including the Mexican spotted owl, white-tailed deer, gray hawk, and gila woodpecker. However, in contravention to NFMA, NFMA's implementing regulations, and case law, the DEIS is utterly lacking in the requisite quantified population data and thus fails to provide reliable estimates of population trend. The document merely provides a list of the MIS that may be present within the proposed project areas and states simply that the projects "[have] the potential to adversely impact MIS within the Tumacacori EMA... by both direct and indirect impacts" but then concludes dismissively that "[t]he proposed projects are not expected to result in any downward population trends for MIS." DEIS at 4-66-67. It is difficult to imagine that an analysis of impacts on MIS consisting of four sentences can possibly be sufficient to comply with the plain language of the regulations or the requirements as interpreted by the courts. *Id.* On the contrary, the DEIS falls far short of what is required by law and must be redrafted to ensure meaningful public participation and responsible decisionmaking.

Furthermore, DOE cannot escape this obligation by arguing that forest level monitoring is outside the scope of the project. As the courts in both *Sierra Club* and *Forest Guardians* hold, the requirements for MIS analysis is a *project-specific* as well as a programmatic requirement. *Sierra Club* at 6; *Forest Guardians* at 1280; See also *Utah Environmental Congress v. Zieroth*, 190 F.Supp.2d 1265, 1271 (D.UT. 2002) (concluding that because the FS failed to collect data on population, "the [FS'] approval of the project without actual or trend population data is contrary to governing regulations.").

The DEIS Fails to Ensure Compliance With Executive Orders 11644 and 11989 and the Code of Federal Regulations Regarding Considerable Adverse Effects:

Pursuant to Executive Orders (EO) 11644 and 11989, the Code of Federal Regulations (CFR) requires the FS to analyze the effects of off-road vehicle (ORV) use on the land and if it is determined that such use will

"[c]ause considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources, the authorized officer shall immediately close the areas affected to the type(s) of vehicle causing the adverse effect until the adverse effects are eliminated and measures implemented to prevent recurrence." 36 C.F.R. 295.5 (emphasis added).

There is no question that illegal ORV use is a serious problem on the CNF. In the Tumacacori EMA, the DEIS acknowledged that greater than fifty-percent of the existing roads within the proposed project areas are wildcat roads and that these are mainly attributed to illegal ORV use. DEIS at 3-93- 95. However, DOE fails to ensure that that the FS is in compliance with EO 11644 and 11989 and the CFR. Particularly, it fails to

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Comment No. 10

Section 3.1.2 states that there is off-highway vehicle use in the project area, and Section 4.1.2 analyzes the impacts of off-highway vehicle use as one of many recreational uses of the project area, including the Coronado National Forest.

The USFS Southwestern Region (which includes the Coronado National Forest) published a Draft EIS (USFS 2003b) addressing the regulations at 36 CFR 295.5 (codifying the requirements of Executive Orders 11644 and 11989), which authorize Federal land management agencies to manage off-highway vehicle travel in ways that protect public resources, promote safety, and minimize conflicts between users. Access management needs are not addressed by the Draft EIS, but are reserved for individual analysis at the site-specific level. The Coronado National Forest was not included in this regional analysis because it does not share common boundaries with other proclaimed National Forests and cross-country travel, except in limited circumstances, was already prohibited on the Coronado National Forest by the Forest Plan. User-created roads and trails are a subset of the existing roads and trails (unclassified) found on the ground on National Forest System lands, but are not part of the permanent (classified) transportation network. Such roads and trails will remain unclassified until site-specific analysis and planning determines the appropriateness of including them in the permanent transportation network and whether they should be permanently closed.

The purpose of the EIS is to assess the direct, indirect, and cumulative environmental impacts of the reasonable alternatives. The USFS manages the CNF in accordance with all applicable laws, regulations, and Executive Orders. Whether or not the USFS is in compliance with a specific Executive Order is beyond the scope of the EIS.

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document whether the FS has fulfilled its obligation to close areas where there are "considerable adverse effects" presently on the landscape or where ORV use is likely to cause considerable adverse effects in the future as required by the executive orders. In light of previously stated facts that the road density within the EMA is over fifty-percent wildcat roads and that this density far exceeds what is allowed according to the CNF plan, it is hard to imagine that the FS is anything but in violation of EO 11644, EO 11989, and 36 C.F.R. 295.5. Furthermore, with such hard data it would be difficult to conclude anything other than that ORVs are causing considerable adverse effects on the EMA. Finally, any proposed project within such an area is also not in compliance with the law if it fails to address the legal mandates required by the Executive Orders and the Code of Federal Regulations in its environmental analysis.

In conclusion, it is critical to note that the FS cannot evade its legal obligations to take action where there are or there is a likelihood of considerable adverse effects by passively acquiescing to impacts. The FS, pursuant to forest regulations, has an affirmative obligation to prevent both existing and the likelihood of future considerable adverse effects.

The Proposed Projects Violate the Multiple-Use Sustained Yield Act and NFMA Because They Fail to Abide by the Coronado National Forest's Recreation Opportunity Spectrum:

The USFS adopted the Recreation Opportunity Spectrum (ROS) pursuant to the multiple-use principle as laid out in the Multiple Use Sustained Yield Act (MUSYA) and NFMA, www.fs.fed.us/r2/gmug/policy/unc_travel/ch3_ros.pdf ("Direction given in the regulations to implement terms of [NFMA] of 1976 provides further direction to provide for a broad spectrum of recreation opportunities."). The ROS system therefore, is important to achieving the overall principle of multiple-use on the forest. While all three corridors violate the ROS system, recreation on the Western and Crossover corridors will be the most severely affected by the transmission lines.

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Within the Western Corridor there are two areas of semi-primitive motorized land equaling a total of 21.3 miles. DEIS at 3-8. TEP states that only two setting indicators in the semi-primitive motorized areas will be impacted to the "unacceptable" level. These setting indicators are Facilities and Site Management and Naturalness. DEIS at 4-9. According to the FS, "unacceptable" is defined as conditions where "[s]ignificant management changes are necessary to bring the setting back into its desired state." www.fs.fed.us. Further "[i]n some cases where site changes are not possible to rectify unacceptable conditions, the agency may consider changing the allocation to fit actual ground conditions." www.fs.fed.us. Therefore, the proposed project located in the Western Corridor will force the FS to change its semi-primitive motorized designation to one that is more developed in order to "fit actual ground conditions." In light of the FS' mandate to manage the national forests under a system of multiple-use, this is inappropriate. As the FS itself acknowledges, keeping a designation at "[t]he more

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Comment No. 11

In response to this and other comments, Sections 3.1 and 4.1 of the FEIS include revised text to clarify how the ROS is used, more fully describe the analysis of potential ROS changes, and correct some inaccuracies and omissions in the DEIS.

The ROS is a management tool used by the USFS to describe and evaluate a spectrum of recreational settings, opportunities, and experiences. It is a system to map and manage a variety of recreational opportunities on National Forest System lands. As used in this EIS, the ROS provides a consistent basis for evaluating the effects of the proposed action on forest recreation. The effects analysis described in the EIS considered each of the seven setting indicators as distinctly different criteria under each of the various ROS settings. For example, the visible impacts of the support structures and conductors were considered under the Naturalness setting indicator, rather than under Visitor Impacts, as suggested by the commentor. This is appropriate because the support structures are physical structures, not human visitors. The methodology and interpretation of the ROS analysis described in Section 4.1.2 are consistent with FS guidelines. The analysis found that the proposed action would introduce changes in ROS setting indicators that are identified as not compatible with one or more of the 7 setting indicators. However, each setting must be viewed in its entirety. Therefore, when considering the overall impact on each area the powerline would cross, none of the action alternatives alone would change the overall character of the recreational experience available within most areas sufficiently to shift the ROS setting into a different ROS category. It should be noted that other utility corridors on the Coronado National Forest have not, in and of themselves, influenced the mapping of ROS settings. Finally, and perhaps most importantly, because it is easier to shift ROS settings from the primitive to the urban direction along the spectrum than the reverse (because once physical developments are in place it is unlikely that they will be removed), continuing to manage these areas under current ROS categories will best protect the remaining character of these recreation settings; changing ROS settings along the corridor might allow for additional future impacts.

As the commentor notes, the Western and Crossover Corridors were found to have greater impacts on ROS settings than the Central Corridor. However, the only ROS setting that might be permanently changed by the

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primitive end of the spectrum allows greater future options; it is more difficult to revert a developed category toward the less developed end of the spectrum and once lost, it is questionable whether a primitive setting can be restored."

www.fes.fed.us/r2/gmug/policy/unc_travel/ch3_ros.pdf. SIA urges DOE not to adopt any proposal that would violate the Coronado Forest Plan, NFMA, and the principle of multiple-use as laid out by the Multiple-Use, Sustained Yield Act by forcing the FS to change its recreation setting indicator to one that is more developed thus in effect, eliminating opportunity for more primitive recreation experiences.

Furthermore, while TEP claims that the Western Corridor will only impact two ROS setting indicators within semi-primitive motorized areas to the point of unacceptability, this is inaccurate. According to the DEIS, there would be no significant change to the "Visitor Impact" setting indicator. But the FS defines "visitor impacts" as "[t]he physical change that human use produces in the environment."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. The definition does not specify that "visitors" are solely those entering onto the forest for recreational purposes and in light of the prevalence of the many other uses for our national forests, it seems unlikely that the FS would limit its definition in such a way. Therefore, how can the construction of numerous and physically unattractive transmission poles and the necessary access roads not have a significant, human-caused, physical change in the environment? According to the FS' ROS system, if site hardening is dominant, it is unacceptable in a semi-primitive motorized area, even if the hardening is in harmony with the existing landscape. www.fs.fed.us. In an area as pristine and undeveloped as that of the Western Corridor it is hard to imagine that the site hardening caused by the proposed transmission lines and necessary access roads would not be entirely out of harmony with the existing landscape and would therefore, be unacceptable according to the ROS.

SIA further questions whether the proposed project would only be "inconsistent" with the "Remoteness" indicator within the semi-primitive motorized area of the Western corridor as the DEIS claims. DEIS at 4-9. The FS states that "Remoteness" is the "perception of being removed from human sights and sounds."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. And the FS defines "inconsistent" as "[s]ome incompatibility bet ground conditions and standards for the setting," and that "[o]ften minor changes can be pursued to rectify these situations."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. Constructing the proposed transmission lines in the middle of what is now a remote and pristine area where one is considerably "removed from human sights" is much more incompatible than the definition for "inconsistent" allows for, especially in light of the fact that it would take much more than "minor changes" to "rectify" the incompatibility. Therefore, the DEIS should have acknowledged that the proposed project would alter "Remoteness" conditions within the semi-primitive motorized areas in the Western Corridor from fully compatible to unacceptable.

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Comment No. 11 (continued)

proposed action is the Semi-Primitive Non-Motorized area within the Crossover Corridor. If any access roads remain in this area following line construction (either permanent roads or temporary construction roads that cannot be fully naturalized), this setting would likely shift to Semi-Primitive Motorized. As stated in section 4.12.3, all proposed roads to structure sites would be consistent with the Forest Plan, and would be classified as closed special use roads. Roads to access these maintenance roads would be Level 2 roads. Further, USFS classified roads currently at Level 2 would be reconstructed to no higher than Level 3 during construction of the proposed project, but allowed afterwards to revert back to their original level. With mitigation (including ripping and seeding of roads), the ROS setting Semi-Primitive Non-Motorized would not change.

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SIA urges DOE to reconsider its decision to label the Western Corridor as its preferred alternative as the proposed project would jeopardize important areas of remote and primitive recreation and would cause the FS to violate its Forest Plan, NFMA and the principle of multiple-use management.

The proposed transmission lines would impact the Crossover Corridor most severely in terms of diminished recreation opportunities because the corridor and access roads would traverse through an area of Semi-Primitive Non-Motorized land in Peck Canyon. Because of this, the DEIS states that the project would render the area unacceptable under the remoteness, naturalness, and facilities and site management indicators.

Furthermore, while TEP claims that the visitor impacts to the Crossover Corridor both in Semi-Primitive Non-Motorized and Semi-Primitive Motorized areas will not be significantly changed, this cannot possibly be the case. DEIS at 4-13. As stated above, the FS defines "visitor impacts" as "[t]he physical change that human use produces in the environment."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. The definition does not specify that "visitors" are solely those entering onto the forest for recreational purposes and in light of the prevalence of the many other uses for our national forests, it seems unlikely that the FS would limit its definition in such a way. Therefore, how can the construction of numerous and physically unattractive transmission poles and the necessary access roads not have a significant, human-caused, physical change in the environment? According to the FS' ROS system, if site hardening is dominant, it is unacceptable in either a Semi-Primitive Non-Motorized area or a Semi-Primitive Motorized area, even if the hardening is in harmony with the existing landscape. www.fs.fed.us. As similarly stated of the Western Corridor, in an area as pristine and undeveloped as that of the Crossover Corridor, it is hard to imagine that the site hardening caused by the proposed transmission lines and necessary access roads would not be entirely out of harmony with the existing landscape and would therefore, be unacceptable according to the ROS.

SIA further asserts that the proposed project in the Crossover Corridor would alter the remoteness indicator from compatible to unacceptable in the Semi-Primitive Motorized areas. See DEIS at 4-13 (claiming remoteness indicator for Semi-Primitive Motorized areas in the Crossover corridor would change from compatible to inconsistent.). As acknowledged above, the FS states that "Remoteness" is the "perception of being removed from human sights and sounds."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. And the FS defines "inconsistent" as "[s]ome incompatibility bet ground conditions and standards for the setting," and that "[o]ften minor changes can be pursued to rectify these situations."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. Constructing the proposed transmission lines within the Crossover Corridor, an area known for its undeveloped and remote qualities because one is considerably "removed from human sights," is much more incompatible than the definition for "inconsistent" allows for; this is especially true because it would take much more than "minor changes"

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to "rectify" the incompatibility. Therefore, the DEIS should have acknowledged that the proposed project would alter "Remoteness" conditions within the semi-primitive motorized areas in the Crossover Corridor from fully compatible to unacceptable.

The DEIS does acknowledge that impacts in the Crossover Corridor would alter naturalness within the SPNM from compatible to unacceptable. DEIS at 4-13. However, SIA believes that the naturalness indicator within the SPM areas of the Crossover Corridor would also be altered to unacceptable despite DEIS claims. *Id.* (claiming that the naturalness of SPM areas in the Crossover corridor would become inconsistent with the implementation of the project). According to the FS, SPM areas are labeled unacceptable for "naturalness" when "maximum modification" occurs. Maximum modification is defined as "human-caused change [that] dominates the surrounding landscape features, however they will appear as natural occurrences when viewed as background scenery."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. Further, the FS states that for SPM areas are inconsistent for "naturalness" when "modification" occurs. "Modification" is defined as "human-created change [that] borrows from natural forms, colors, shapes, and texture such that the change blends into the surrounding landscape features." *Id.* It is impossible to believe that large, steel transmission towers and power lines will in any way "blend into the surrounding landscape features" such that they will merely change the naturalness indicator from compatible to inconsistent in an SPM area. Rather, it is much more likely that such a project is better described as "maximum modification" because transmission towers and power lines tend to "dominate the surrounding landscape features" and worse, probably will never "appear as natural occurrences when viewed as background scenery." Therefore, the naturalness indicator of the SPM areas in the Crossover Corridor will not merely be inconsistent with the current ROS as the DEIS claims; rather, it will be unacceptable and therefore, in violation of the Coronado National Forest Plan and NFMA.

Although it appears that the Central Corridor would have the least adverse impacts to the FS' ROS, the project still violates the Coronado Forest Plan, NFMA and the principle of multiple use by altering some of the indicators to an unacceptable and inconsistent level. Again, the DEIS states that the remoteness indicator for SPM areas would only change from compatible to inconsistent but this is not the case. As stated repeatedly above, "remoteness" is the "perception of being removed from human sights and sounds," and "inconsistent" is "[s]ome incompatibility bet ground conditions and standards for the setting," and that "[o]ften minor changes can be pursued to rectify these situations."

www.fs.fed.us/r6/willamette/manage/waldolake/planningdocs/waldoappendices.pdf. Constructing the proposed transmission lines in the Central Corridor will have a similar effect on the ROS as in the Western and Crossover Corridors; that is it will alter an area where one is considerably "removed from human sights" to one where transmission lines and towers will be a dominant feature in the area. In addition it would take much more than "minor changes" to "rectify" the incompatibility. Therefore, the DEIS should have acknowledged that the proposed project would alter "Remoteness" conditions within the

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Sky Island Alliance
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cont.

semi-primitive motorized areas in the Central Corridor from fully compatible to unacceptable.

As written, all of the proposed alternatives violate the FS' ROS system and thus are not in compliance with the Coronado National Forest Plan, NFMA, and the multiple-use principle as stated in MUSYA. Further they seek to alter areas that remain some of the few left in Arizona where remote and primitive recreation can be enjoyed and once altered,

The Proposed Projects Do Not Meet the FS' Scenery Management System (SMS) Objectives and Therefore, Violate the Coronado National Forest Plan and Federal Law:

The FS has derived its requirement to manage visual resources on an equal basis with all other resources from the plain language of several federal statutes including the Wilderness Act of 1964, the Wild and Scenic Rivers Act of 1968, NEPA, and NFMA. Landscape Aesthetics Handbook, Appendix B (hereinafter, Handbook). According to this scenery management system (SMS), each NF is responsible for rating different areas of the forest according to their scenic value with one being the highest and seven being of lowest scenic value. *Id.* at 4-14. Furthermore, the Handbook states that "the higher the scenic class, the more important it is to maintain the highest scenic value." *Id.*

The FS designated much of the Tumacacori EMA as classes one and two and therefore, as having high public value. DEIS at 3-18. All of the proposed corridors will reduce scenic classes of one or two to a lower scenic class upon implementation of the project and this will not only violate the FS principle that it is more important to maintain the highest scenic value, but will also violate the Coronado National Forest Plan, NFMA and other federal statutes that the FS has interpreted to require that scenic resources be treated as equal to other resources on national forests.

Furthermore, in a recent decision by the Regional Forester in this region, a project on the forest was suspended in large part because the scenic quality objectives of the forest would be adversely affected. Appeal #03-03-00-0012-A215, VERITAS, Nogales Ranger District, Coronado National Forest at <http://www.fs.fed.us/r3/planning/appeals/coronado/veritas.pdf> (April 21, 2003) (holding that the proposed action violated the Forest Plan because it did not comply with the visual quality objectives as stated in the Plan).

Additionally, the Aesthetics Handbook has differentiated between structures on the forest that are there for public use and those that are not. It states specifically that "utility structures along travelways and in recreation sites... that are not directly used by the public and do not need to be distinguished by them should be judged as structures

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Comment No. 12

The USFS is directed to consider visual resources on an equal basis with other resources and multiple uses. Multiple use management, however, does not provide that every use be given the same treatment on every acre of National Forest. For this reason, tradeoffs must be analyzed and disclosed so that the responsible official may make an informed decision.

The TEP Final EIS assesses potential impacts to visual resources using two different methods: (1) Scenery Management System (SMS) and (2) Visual Quality Objectives (VQOs). Section 3.2 discusses the existing visual resources and Section 4.2 assesses potential impacts to visual resources using the SMS. Appendix I, which was added to the Final EIS, includes an analysis of visual resources using the VQOs.

Regardless of the method used to assess impacts, the analyses indicates that construction and operation of the transmission line would negatively impact visual resources. The transmission line would be evident to casual forest visitors, and in foreground locations it would dominate the landscape. Per the SMS analysis, reduced Scenic Integrity would result. Per the VQO analysis, the transmission lines would not be consistent with the visual quality objectives in the Forest Plan.

As described in Section 1.2.2.2, USFS Purpose and Need, the USFS purpose and need for action is driven by its statutory responsibility under the FLPMA to consider the use of National Forest System lands for purposes that are in the public interest, such as utility corridors, and that are identified as appropriate in the pertinent agency land and resource management plan. The USFS may deny an application for use of National Forest System lands for a number of different reasons (36 CFR 251.54), such as "the proposed use would be inconsistent or incompatible with the purpose(s) for which the lands are managed, or with other uses," or "would not be in the public interest." The decision by the USFS to approve or deny such authorization will be based, in part, on the findings of the impact analyses reported in this EIS and the proposal's compatibility with the Land and Resource Management Plan (Forest Plan) for the Coronado National Forest (USFS, 1986, as amended).

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cont.

serving purposes other than scenery and recreation. They should meet scenic condition objectives, even when viewed in foreground." Handbook at D-2. Therefore, the FS recognizes that a higher standard applies to utility structures than to structures created for public use. This standard is certainly not met for the construction of power lines through the center of an area of high scenic value; such an occurrence would be in violation of the FS' scenic objectives because such objectives will not be met when the utility structures are viewed in the foreground.

Even though SIA advocates adamantly against the adoption of any of the proposed corridors, but would rather DOE consider the no-action alternative or other alternatives not addressed in the DEIS, it should be noted that the impacts to scenery from the proposed transmission lines to the Western Corridor and the Crossover Corridor are by far more devastating than the impacts to the area surrounding the Central Corridor in terms of amount of land affected. According to the DEIS, the transmission lines will reduce scenic integrity for 18,511 acres on the Western Corridor, 18,736 acres on the Crossover Corridor, and only 9,668 acres on the Central Corridor. DEIS at 4-34. So while all three proposed corridors violate federal law, the DEIS is also contrary to the spirit and intent of NEPA because the preferred alternative is one that destroys twice as much forest with high scenic value than another alternative. 42 U.S.C.A. § 4321 (1969) (declaring that it is the national policy to "[e]ncourage ... harmony between man and his environment [and to] promote efforts which will prevent or eliminate damage to the environment..."); see also 40 C.F.R. § 1500.1 ("the NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.").

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cont.

Furthermore, a local power plant in Nogales, a reasonable and obvious alternative to the transmission lines as discussed above, would allow the high scenic values of all of the three proposed corridors to remain intact. By eliminating this alternative from the DEIS, DOE has not upheld the spirit of NEPA requiring among other goals, the "[p]reservation of important ... natural aspects of our national heritage, and maintain[ance] of ... an environment which supports diversity and a variety of individual choice." 42 U.S.C.A. § 4331(b)(4). By including only alternatives that significantly diminish the scenic quality of valuable biological and recreational areas, the DEIS contravenes the very heart and soul of NEPA.

13

The Proposed Western Route is Located Within a Proposed Wilderness Area:

In light of the outstanding wilderness characteristics of this area and the relatively large roadless area, local, regional, and national organizations and individuals have proposed the Tumacacori EMA as a congressionally designated Wilderness Area. The Friends of the Tumacacori Highlands (www.tumacacoriwild.org), an ad hoc coalition of organizations and businesses dedicated to protecting the Tumacacori Highlands as wilderness, have been working on inventorying and gaining support for wilderness designation since 1998. During this process, hundreds of volunteers have dedicated thousands of volunteer hours to identifying the potential wilderness area and advocating

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Comment No. 12 (continued)

Appendix H describes proposed amendments that would be required in order to implement any of the action alternatives. As discussed in that Appendix, the proposed amendments would permanently lower objectives for visual resource management in the transmission line corridor. The report in Appendix I entitled, *Proposed TEP Powerline - Project Analysis Using Visual Quality Objectives*, provides information about the locations where visual quality objectives would be changed.

The commentor's statement that the Central Corridor would have less overall impact to visual resources than either of the other proposed corridors is supported by the analyses.

Comment No. 13

The Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori EMA. Maps provided by commentors indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as the Wilderness Act of 1964 and Forest Service regulations (36 CFR 293.15) allow for the existence, establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

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cont. on its behalf. Please see the attached map labeled "The Tumacacori Highlands." All of the proposed alternatives are incompatible with such wilderness designation.

The DEIS Should Have Addressed the Projects' Effects on Illegal Immigration and the Border Patrol:

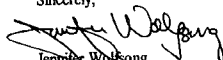
14 Another impact that the DEIS does not recognize is the opening of a human migration corridor within the areas of the proposed projects but especially within the remote western portion of this national forest unit. Both smugglers and undocumented aliens (UDA) depend on roads to move north, even while on foot because it keeps them from getting lost. The West side of the Tumacacori and Atascosa Mountains (Western and Crossover routes) is presently one of the least impacted routes in southern Arizona by smugglers and UDA's, primarily due to the scarcity of roads. If either the Western or Crossover route is chosen, there will be a well marked, north/south superhighway, which connects the border with highways to the north. This area will suddenly begin to feel the impacts that other areas of southern Arizona currently do. What are these actual impacts? How many people are projected to use this migration corridor in the course of a week or a year? What is the impact to this area? This will be one of the single largest impacts to the landscape, to wildlife, sensitive flora and fauna, and to the public. Why is this not addressed in the DEIS?

In addition, if such a corridor is opened up, it will serve to stretch the Border Patrol ever thinner. What will be the impact of increased Border Patrol activity? This is not addressed in the DEIS. What does the Border Patrol and the Department of Homeland Security think of this project? DOE should be consulting with both of these agencies and this should be reflected in the DEIS. We can find no mention of such a consultation.

Conclusion:

15 SIA urges the DOE and cooperating agencies to seriously consider the above comments. As the multitude of deficiencies suggests, this document is severely insufficient for the scope of this project. Further, as the DEIS does not meet numerous mandatory legal requirements, the proposed projects not only violate the letter of the law but they contravene the very purpose and spirit of such laws and regulations. It is disturbing to think that any federal agency would attempt to carry out a project that deviates so dramatically from such clear and decisive legislative intent. We urge DOE to withdraw this DEIS and reissue it at a later date when the above-mentioned deficiencies are appropriately redressed.

Sincerely,


Jennifer Workong
Legal Associate

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Comment No. 14

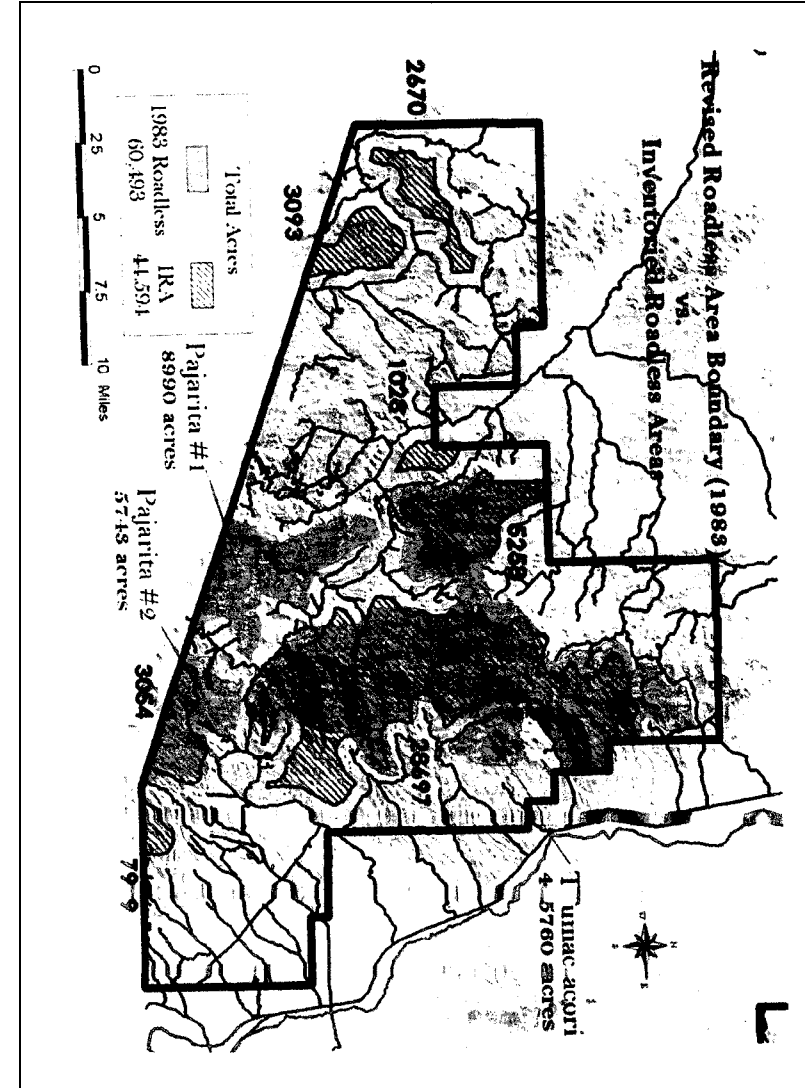
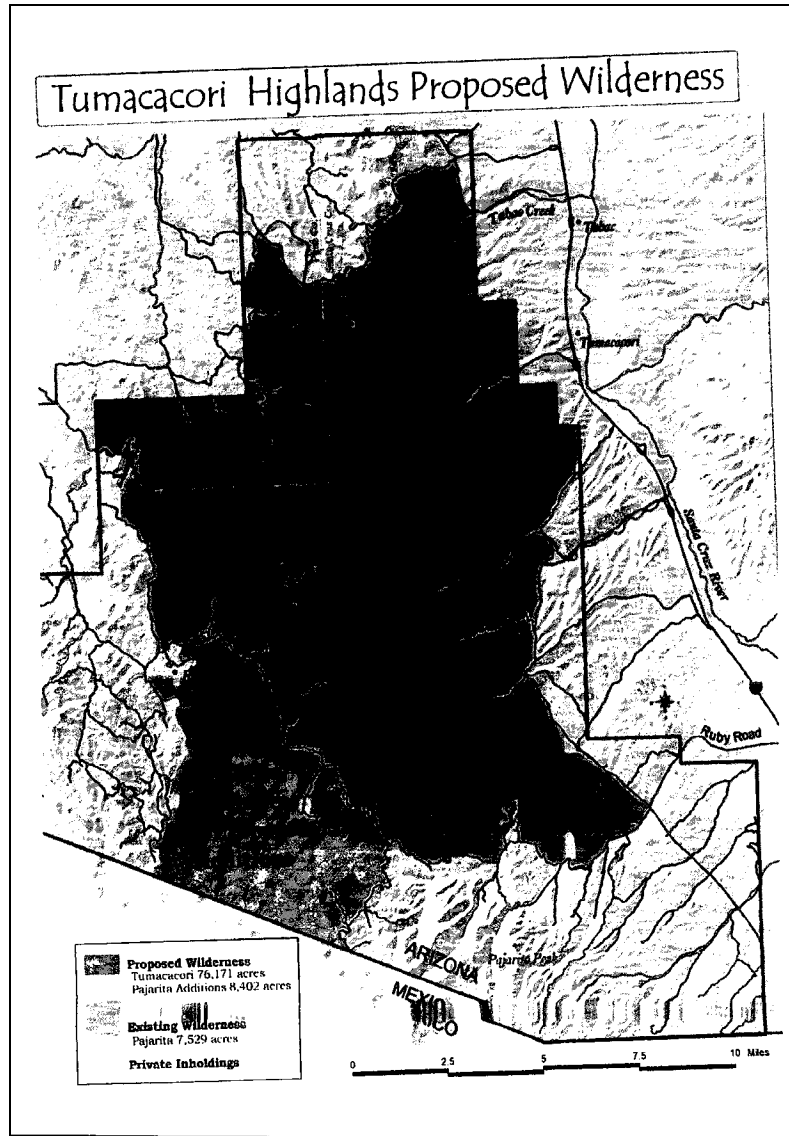
As documented in Table 10-2 of the Draft EIS, the U.S. Border Patrol did not respond to DOE's solicitation of comments regarding the proposed project prior to publication of the Draft EIS, and therefore, the Draft EIS addressed in a general manner the potential impacts on illegal immigration and U.S. Border Patrol operations and the resulting environmental impacts.

In response to public comments, the Federal agencies again solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1, Land Use and Recreation; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally reinforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).

Comment No. 15

The Federal agencies have addressed each of the issues raised by the commentor, as described in the previous responses. The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.



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THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT
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October 10, 2003

Dr. Jerry Pell
Office of Fossil Energy
U.S. Department of Energy
Washington, D.C 20585

Re: Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft
Environmental Impact Statement

Dear Dr. Pell:

The Arizona Game and Fish Department (Department) reviewed the Tucson Electric Power Company Sahuarita-Nogales Transmission Line Draft Environmental Impact Statement (DEIS). We provide the following comments for your consideration.

The Department understands that Tucson Electric Power (TEP) has applied for a Presidential Permit with the Department of Energy (DOE) to build a double-circuit 345-kV transmission line on a single set of support structures from Sahuarita to Nogales, Arizona, extending across the U.S. international border to Santa Ana, Sonora, Mexico. The 140-foot tall support structures would consist primarily of the monopole towers, and would be located within an approximate 125-foot wide right-of-way (ROW). Lattice towers would be used in specific locations for engineering or environmental reasons. All proposed alternatives would cross U. S. Forest Service (USFS) [Tumacacori Ecosystem Management Area (EMA), Coronado National Forest] and Bureau of Land Management (BLM) land, requiring approval by both land management agencies (and a forest plan amendment) to proceed. We understand that the USFS and BLM have not yet determined their preferred alternative.

The TEP identified three potential transmission line corridors in the DEIS: a western corridor (DOE's and TEP's preferred alternative), central corridor, and crossover corridor. The western corridor and crossover corridor call for approximately 430 support structures over 65 miles, including 191-196 structures over 29 miles of the Coronado National Forest (CNF). These alternatives would permanently or temporarily disturb 226-274 acres of USFS land and create approximately 20 miles of new roads within the CNF, Tumacacori EMA. The crossover corridor would enter an Inventoried Roadless Area (IRA) within Peck Canyon on the CNF, and two structures would be located in the canyon bottom. No new roads would be created within the IRA as helicopters would be used to transport poles and string lines. The central corridor would cover approximately 57 miles (373 support structures), including 102 structures over 15 miles of the CNF. This alternative would permanently or temporarily disturb 128 acres of USFS land. The central corridor would follow or cross an existing right-of-way (ROW) for an estimated 43 miles

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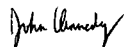
Dr. Jerry Pell
October 10, 2003
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and would cross a higher percentage of previously disturbed ground, requiring fewer (14 miles) new roads within the CNF than the other two proposed routes.

The Department is concerned about this project and anticipated adverse impacts to wildlife resources. In addition, we question the overall purpose and need for the project. Of the action alternatives, we have fewer concerns with the central corridor than the western or crossover corridors. The Department's specific comments are included as an attachment to this letter.

We appreciate the opportunity to provide these comments on the DEIS. Please contact Laurie Averill-Murray, Habitat Specialist, at (520) 628-5982 ext. 550 or at the letterhead address if you have any questions regarding this letter.

Sincerely,



John Kennedy
Habitat Branch Chief

JK:aam

cc: Sue Kozack, Acting Forest Supervisor, Coronado National Forest
Joan Scott, Habitat Program Manager, Region V, Tucson
Laurie Averill-Murray, Habitat Specialist, Region V, Tucson
Bob Broscheid, Project Evaluation Program Supervisor

Attachment

Comment No. 1

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of

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Arizona Game and Fish Department Comments on the Draft Environmental Assessment
for the Tucson Electric Power Company Sahuarita-Nogales Transmission Line

October 10, 2003

Purpose and Need

The purpose and need for DOE action is to determine whether it is in the public's best interest to grant TEP a Presidential Permit to construct, operate, and maintain a 345-kV transmission line crossing the U.S. international border. In response to several hours of blackouts in Santa Cruz County in 1999, the Arizona Corporation Commission (ACC) mandated that a backup source of power be built to alleviate future blackouts and keep up with increasing energy demands. TEP signed a contractual agreement with the local power company (Citizens) to respond to the ACC mandate.

1

The DEIS addresses the need to comply with the ACC mandate to supply reliable power to southern Arizona. However, the DEIS does not adequately address the need for a 65-mile, 345-kV transmission line. The ACC mandate, and the reliability and availability of power in Santa Cruz County, can likely be met through a less costly means, both environmentally and economically. While the proposed transmission line would be operated to transmit 500 MW, Citizens has committed to buying only 100 MW, which is a substantial increase over the current energy demands of Santa Cruz County. TEP anticipates sending the remaining 400 MW to Mexico. Additionally, upgrades have been made to the existing Santa Cruz County power supply since the original issuance of the ACC mandate, which may lessen the need for this action. These upgrades should be considered when addressing the purpose and need for this project.

Alternatives Considered

The DEIS does not explore all of the viable alternatives. CEQ regulations require agencies to consider all reasonable alternatives, even those not within the jurisdiction of the lead agency (40 CFR, 1502.14[c]). Other potential alternatives that should be explored include the following: 1) building a smaller (115-kV) powerline, 2) running a smaller powerline down an existing ROW, 3) building a new local power plant, 4) building a shorter powerline, 5) upgrading the existing powerline, 6) burying the powerline in sensitive areas, and 7) using alternative energy sources. Anyone of these options could alleviate concerns regarding environmental degradation, loss of scenic integrity, and cost.

2

In January 2002, ACC granted TEP and Citizens permission to build the proposed project in the Western Corridor, rejecting both a central and an easterly route. It is unclear how this decision affects the alternatives as set forth in this DEIS. Is the central route really a viable alternative if TEP has not received permission from the ACC for this route?

Comment No. 1 (continued)

power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

As discussed in Section 2.1.5, upgrades to the local distribution system do not eliminate the need for the proposed second transmission line because this would not alleviate the reliability problem.

Comment No. 2

Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal. The alternatives suggested by the commentor would not satisfy the applicant's proposal.

The Central Corridor remains a viable alternative for selection by the Federal decisionmakers, regardless of the rejection of this route by the ACC. However, implementation of the proposed project in the Central Corridor could not occur until TEP meets all regulatory requirements, including obtaining the necessary approval from the ACC.

Section 2.1.5 discusses alternatives that were considered but eliminated from detailed study, including those identified by the commentor. The Eastern Corridor was eliminated from further consideration in this EIS because of TEP's conclusion that the Eastern Corridor is technically infeasible. It is physically impossible to build it there, and reliability would

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AGFD Comments on TEP DEIS
 October 10, 2003
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Cumulative Effects Analysis

3

The cumulative effects analysis lacks enough information to make comparisons among the various alternatives. The cumulative effects of past, present, and reasonably foreseeable future actions should be analyzed for each alternative, including the No Action alternative. This information is needed by all of the agencies involved in the decision-making process of this project to effectively determine the appropriate course of action.

Biological Concerns

4

Powerline ROWs and roads fragment landscapes by creating linear openings or corridors within otherwise contiguous vegetation patches. The DEIS acknowledges some of the general concerns regarding powerline ROWs and roads, and offers mitigation measures to ameliorate these effects. Due to the long recovery time of arid lands, even with active restoration efforts, the best strategy is to avoid and minimize impacts if at all possible. From an environmental and wildlife resources standpoint, it is better to situate new roads and powerlines in previously disturbed areas rather than through contiguous and relatively pristine "habitat" patches. If the proposed powerline were built, a corridor along an existing ROW and/or through previously disturbed land would provide the least damaging route. Of the alternative corridors proposed in this DEIS, the central corridor would follow or cross an existing ROW over more distance, disturb fewer acres of forested land, and create fewer new roads on the CNF than the other two proposed corridors.

Habitat fragmentation is considered one of the leading causes of species endangerment and loss of biodiversity. Linear corridors (such as roads and ROWs) create an edge effect and often attract generalist species, frequently at the expense of more specialized or interior forest-dwelling species, thereby altering both plant and animal community composition. Some birds, such as raptors and brown-headed cowbirds, are found in higher densities in edge habitats (e.g., powerline ROWs) and use these linear corridors for nesting and foraging, as well as to expand into the surrounding landscape. These species affect the local vertebrate community through increased predation and brood parasitism. Non-native plants, such as Lehmann's lovegrass, often spread from disturbed areas (roadsides and powerline ROWs) to the surrounding landscape, thereby increasing the fine fuel load and altering the frequency and intensity of fire. Some animals avoid openings due to increased vulnerability to predation. Additionally, corridors used by people (which any linear corridor can lend itself to) can lead to increased harassment of wildlife, both purposefully through increased poaching and inadvertently through road kill or alteration of animal behavior. Many animals will alter their movement patterns to avoid contact with people.

We understand that TEP would mitigate for the creation of new roads within the CNF by closing all except those needed for powerline maintenance (i.e., administrative roads). Additionally, we understand that TEP would close one mile of existing roads (potentially including wildcat roads) within CNF for every one mile of proposed road to be used for operation and maintenance of the

also be an issue. (See Section 2.1.5 for further discussion of elimination of the Eastern Corridor.) Finally, it is noted that the corridors that were eliminated from detailed study would also have environmental impacts.

Comment No. 3

Table 5.1-4 has been added to Chapter 5 the Final EIS to provide a summary comparison of the cumulative impacts by resource area and identify any differences in cumulative impacts for the Western, Central, and Crossover Corridors.

Comment No. 4

In response to comments received on the DEIS, the Biological Assessments and Sections 3.3.2 and 4.3.2 of the Final EIS have been revised to present information on and evaluate habitat fragmentation from the proposed action. Information has been added to Section 3.3.6 of the EIS that discusses existing invasive species in the project area. Also, Section 4.3.6 has been revised in the Final EIS to acknowledge that an increase in invasive species could contribute to an increase in the number and intensity of wildfires in the area.

Regarding ecosystem recovery from construction impacts, Section 4.3.2 acknowledges that long-term impacts to vegetation tend to be more pronounced in arid areas such as the proposed project area where biological communities recover very slowly from disturbances.

Sections 3.12 and 4.12 of the EIS have been revised to provide more details on road closures and changes in road densities from the proposed project.

The Pajarita Wilderness, including Goodding Research Natural Area and Sycamore Canyon, is described in section 3.1.1. The impacts on Federally listed species found in Sycamore Canyon are discussed in section 4.3.3.1.

The potential impacts to special status species, including impacts to Federally listed species such as the jaguar, are addressed in Section 4.3.3. DOE initiated formal consultation under Section 7 of the *Endangered Species Act* (ESA) with the U.S. Fish and Wildlife Service (USFWS) to

State of Arizona Game and Fish Department
Page 5 of 6

AGFD Comments on TEP DEIS
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3

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CONT.

proposed project. Administrative roads would be closed using locked barricades; other roads would be closed using trenches or natural impediments, such as boulders. Additionally, portions of the road would be ripped and reseeded or revegetated. Closures would help limit some of the damage caused by creating additional roads, but they are not always effective. Arid ecosystems are slow to recover from disturbance, and these road scars would remain visible for many years. People often find a way around obstacles when they see a path they want to travel. The net effect of these proposed powerline corridors would likely be an increase in roads or footpaths within the Tumacacori EMA.

The proposed western corridor (Preferred Alternative) would cross within one mile of the Pajarita Wilderness, including Goodding Research Natural Area and Sycamore Canyon. Sycamore Canyon is known for its high vertebrate diversity; this area has been proposed as an Important Bird Area (National Audubon Society designation) due to its avian diversity, including many species that have limited distributions in Arizona. At least three federally listed species have been recorded in Sycamore Canyon. Additionally, the Department is currently considering re-establishing Tarahumara frogs in Arizona, and Sycamore Canyon is one of the proposed re-establishment sites.

The Draft Biological Assessment (Harris Environmental Group [HEG] 2003) for the Western Corridor determined that this route could potentially impact ten federally listed species, and would likely adversely affect five species (cactus ferruginous pygmy-owl, Chiricahua leopard frog, lesser long-nosed bat, Pima pineapple cactus, and Sonora chub). An additional 65 species listed as sensitive by the USFS, BLM, or the Department have the potential to occur in the corridor and could be affected by this activity. The proposed corridor will pass within one mile of two Mexican spotted owl Protected Activity Centers (PAC) and within 0.18 miles of a peregrine falcon 2002 nest at Castle Rock. Similarly, the crossover corridor could potentially impact nine federally listed species, and would likely adversely affect three species (Pima pineapple cactus, lesser long-nosed bat, and cactus ferruginous pygmy-owl; Draft Biological Assessment, HEG 2003). This route would pass within 0.6 miles of a Mexican spotted owl PAC. The central corridor could potentially impact seven federally listed species and would likely adversely affect the same three species as the crossover corridor (Draft Biological Assessment, HEG 2003).

The Atascosa and Pajarito mountains are areas of past jaguar sightings, including one documented in 2001 in California Gulch. This area has been identified as an important area for jaguar conservation in the United States and is a likely location for future jaguar sightings due to its remote and rugged nature and the presence of perennial and intermittent waters and springs. Jaguars are secretive animals and avoid areas with high human impact. Jaguar habitat is becoming more and more fragmented throughout its range, and conservation of this species will likely rely on protection of remote, rugged areas such as that found in the Tumacacori EMA. Activities such as construction of this proposed transmission line within remote areas would likely not be conducive to continued jaguar occurrence north of the Mexican border.

Comment No. 4 (continued)

address potential impacts to Federally listed species (see letters in Appendix A). In response to DOE's request for formal consultation on the Western Corridor (DOE's identified preferred alternative in the DEIS), the FWS provided a Biological Opinion on that alternative on April 26, 2004. The Forest Supervisor has advised DOE that the USFS had identified the Central Corridor (Option 1) as its preferred alternative. Thus, DOE has requested formal consultation under Section 7 on that alternative. That consultation has not yet been completed.

The Tarahumara frog is not listed under the ESA and, thus, is not afforded Federal protection. This species is, however, classified as a Wildlife of Special Concern in Arizona by Arizona Game and Fish Department (AGFD). It is considered to be extirpated in the United States. Impacts to Tarahumara frog by the proposed transmission line are expected to be similar to those described for the Chiricahua leopard frog (see Section 4.3.3).

The USFWS has completed an Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) (USFWS 2004a and 2004b, respectively) for the proposed re-introduction of Tarahumara frog in portions of Sycamore Canyon. Therefore, the USFWS has decided to proceed with the re-establishment in Sycamore Canyon as proposed (USFWS 2004b). No date has, however, been set for the reintroduction.

The current USFWS protocol for cactus ferruginous pygmy-owl surveys requires that three surveys be conducted per year for two consecutive years. The protocol requires that the three surveys be completed between January 1 and June 30, with one of these three surveys being completed between February 15 and April 15. Survey areas within each of TEP's proposed corridors have been identified and approved by USFWS (USFWS 2004). TEP has contracted HEG to complete surveys during the 2004 cactus ferruginous pygmy-owl survey season and, therefore, could complete the surveys by June 30, 2005, at the earliest.

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4
 cont.

All three proposed corridors pass through potential habitat for the cactus ferruginous pygmy-owl. The Department is currently tracking a pygmy-owl that dispersed from the Altar Valley to within several miles of Green Valley, not far from the proposed corridors. The potential for pygmy-owls to occur along all three corridors will necessitate surveys according to USFWS protocol prior to any vegetation disturbance.

The Department understands that TEP will implement mitigation measures proposed in the DEIS and Biological Assessments, and any additional measures required by the USFWS, to minimize impacts to federally listed species.

Other Concerns

Recreation

5

The Tumacacori EMA is a popular destination for many recreationists, from hikers, birdwatchers, and photographers to hunters and OHV recreationists. As Arizona's population continues to grow and urban areas expand outward, remote natural settings will become less abundant, and increasingly valued by the citizens of southern Arizona. These areas provide relief and relaxation for an increasingly urban populace. Remote natural settings, such as the Tumacacori EMA, should be preserved from urban encroachment to the maximum extent possible so that these opportunities for enjoyment can be passed on to future generations.

Safety Issues

6

The Department conducts low-level flight surveys for game species in the Tumacacori EMA. Powerlines present a safety concern and make surveys logistically more difficult. If this transmission line were built within the CNF, the addition of aerial marker spheres would make them more visible and would help alleviate these concerns. These markers could also serve as a warning system for birds, thereby lowering the number of bird-powerline collisions.

Summary

1
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At this time, the Department does not support the Action alternatives because 1) the DEIS does not demonstrate the need for a 345-kV transmission line, 2) the proposed corridors would cause environmental damage to relatively pristine areas within the Coronado National Forest, and 3) TEP has not considered all reasonable alternatives, including those not within their jurisdiction (as required by CEQ regulations). Of the remaining alternatives that TEP has proposed, the western and crossover corridor would be the most damaging to the environment and wildlife resources. The eastern corridor, while also damaging, would follow or cross an established ROW for a longer distance than the other two alternatives, would not disturb as much land within the Tumacacori Ecosystem Management Area of the Coronado National Forest, and would not impact as many federally listed species.

Comment No. 5

Sections 3.1.2 and 4.1.2 present a description of existing recreational settings and activities and analysis of potential impacts to recreation from the proposed project. Section 4.1.2 specifically evaluates impacts to indicators such as remoteness and naturalness.

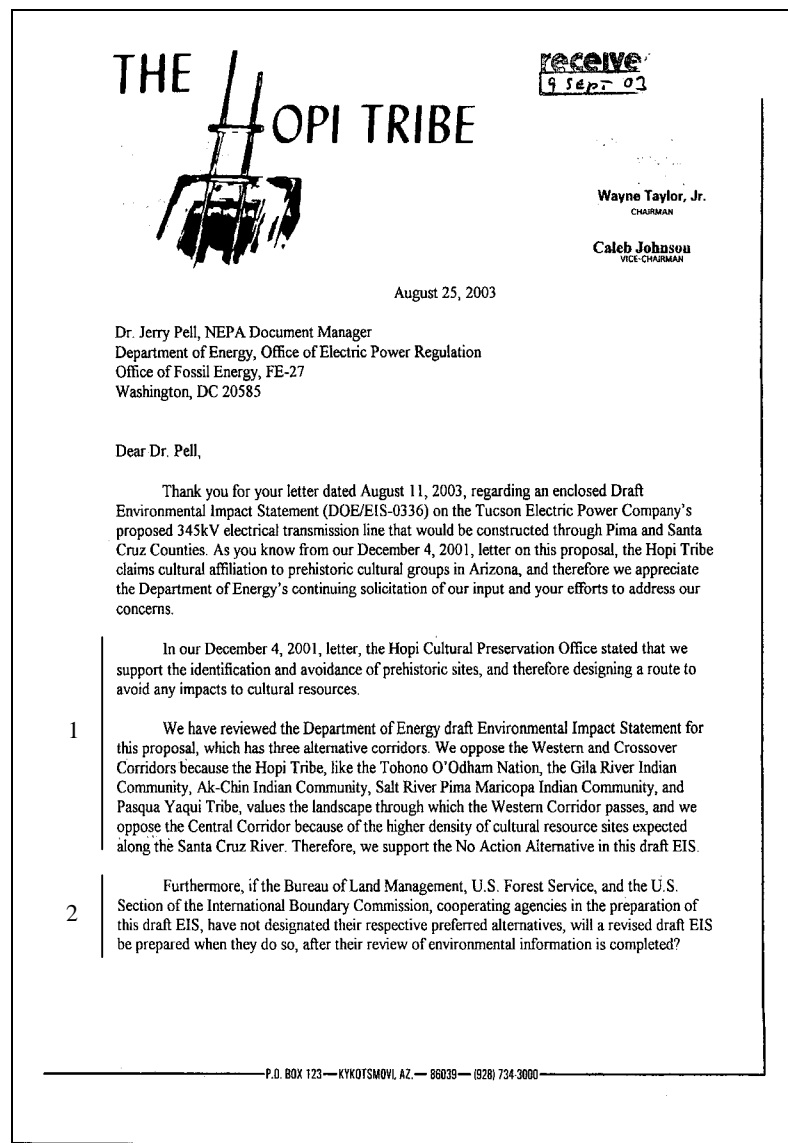
Comment No. 6

Although the area planned for construction within the Coronado National Forest is not flight-restricted, USFS is also concerned about potential flight hazards should a 345-kV transmission line be constructed. Section 2.2.6, Standard Mitigation, of the Final EIS was revised to include the following USFS mitigation measures to reduce the potential for flight hazards: (1) the transmission line would be included on the Forest Flight Hazard Map, which is provided to pilots working on USFS projects in the area, and (2) visual flight rules would apply in the area.

In addition, the Federal agencies conducted consultation with Federal Aviation Administration (FAA) (see Table 10-2 and Appendix A), and the FAA indicated that the only requirement would be to adhere to the State of Arizona statutes regarding tower construction. Table 2.2-2, TEP Mitigation Practices Included in the Proposed Action, measure number 7, reflects this requirement.

The suggestion by the commentor for visual markers to reduce the number of collisions of birds with transmission lines is acknowledged. However, balls would not help birds avoid the transmission lines, and they would reduce visual quality. Using the Forest Flight Hazard Maps would avoid potential safety impacts from the project on low-level flight surveys for game species in the Coronado National Forest.

The Hopi Tribe
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Comment No. 1

The Federal agencies recognize that many people value certain areas along the alternative transmission corridors and have a holistic concern for the natural beauty, undisturbed landscape features, abundant plant and animal wildlife, and cultural resources that characterize those areas. These unique natural characteristics give such areas their "sense of place," which includes the spiritual value that many people associate with these areas because of their cultural and religious significance. The Federal agencies recognize and appreciate this holistic sense of place and have revised the introductory sections of Chapters 3 and 4 of the Final EIS to acknowledge these values.

The agencies recognize that the natural and cultural characteristics that contribute to a sense of place cannot be measured in the same manner as some other resources in an environmental analysis. However, in order to analyze potential impacts effectively and document the analysis, it is necessary to consider the resource areas individually. Thus, the EIS discussions of affected environment in Chapter 3 and potential impacts in Chapter 4 are divided into distinct resource areas (e.g., visual resources, biological resources, cultural resources).

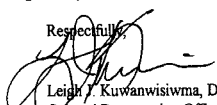
Section 4.4.2, Native American Concerns, and Table 2.3-1, Summary Comparison of Potential Environmental Effects of Alternatives, of the Final EIS have been revised to specifically identify the Hopi Tribe's preferences.

The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in consultation with all parties who are participants in the Programmatic Agreement.

The Hopi Tribe
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Dr. Jerry Pell
August 25, 2003
Page 2

If you have any questions or need additional information, please contact the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh T. Kuwanwisiwma, Director
Cultural Preservation Office

cc: Dr. Louise Senior, SWCA
Forest Supervisor, Coronado National Forest
Arizona State Historic Preservation Office
Tehono O'odham Nation
Gila River Indian Community
Ak-Chin Indian Community
Salt River Pima Maricopa Indian Community
Pasqua Yaqui Tribe

Comment No. 1 (continued)

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the, appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.


If an action alternative is selected, cultural, biological, and visual resource specialists, would be involved in the final placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km) wide study corridors, and the siting of the support structures within the ROW, to identify and minimize impacts to each area of land to be disturbed. This would occur after each agency has issued a ROD, as stated in Section 3.1.1. The required mitigation measures would be incorporated as part of each agency's ROD, or in the letter of concurrence in the case of the USIBWC.. These mitigation measures would address protection of cultural resources, based on the mitigation measures listed in Table 2.2-2, TEP Mitigation Practices Included in the Proposed Action.

Prior to construction in any approved corridor, cultural resources would be completely inventoried through additional studies and pedestrian surveys mandated by Section 106 of the NHPA.

Comment No. 2

DOE and the cooperating agencies have each identified their preferred alternative in Section 1.4 of the Final EIS, in compliance with NEPA implementing regulations (40 CFR Part 1502.14[e]), which only require the identification of each agency's preferred alternative in a Draft EIS if one or more exists, or, if one does not yet exist at the draft stage, in the Final EIS. Thus, the Draft EIS will not be re-issued for the purposes of identifying each agency's preferred alternative.

Tohono O'odham Nation
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<p>Vivian Juan-Saunders Chairwoman</p>	 <p>OFFICE OF THE CHAIRWOMAN & VICE CHAIRMAN TOHONO O'ODHAM NATION P.O. Box 837 • Sells, Arizona 85634 Telephone (520) 383-2028 • Fax (520) 383-3379</p>	<p>Ned Norris Jr. Vice Chairman</p>
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received
 10/28/03

October 13, 2003

Dr. Jerry Pell, Manager
 Office of Electric Power Regulation
 Fossil Energy, FE -27
 U.S. Department of Energy
 Washington, D.C.
 20585

Dear Dr. Pell:

Thank you for consulting with the Tohono O'odham Nation on the proposed Tucson Electric Power Company's 345 kV Sahuarita-Nogales Transmission Line and providing an opportunity to review the Draft Environmental Impact Statement (Draft EIS) prepared by the Department of Energy.

In a letter written to William Mundell, Chairman of the Arizona Corporation Commission on December 12, 2001, Edward D. Manuel, former Chairman of the Tohono O'odham Nation expressed serious concerns about the environmental impacts of the proposed transmission line corridors. These concerns have not changed.

While the Draft EIS makes an effort to address a wide range of environmental concerns, there remain many unanswered questions regarding impacts on cultural and natural resources.

The lands involved in these proposed transmission line corridors are the Traditional Use Lands of the Tohono O'odham Nation, recognized by the United States Indian Claims Commission. The Tohono O'odham Nation regards these lands as culturally sensitive since they contain many significant cultural sites including traditional cultural places, archaeological sites, sacred sites, religious sites, plant collection areas for basket materials and medicines and burial sites.

The Tohono O'odham Nation also has serious concerns about impacts to the cultural and natural landscapes and view sheds of the proposed transmission line corridors, including impacts to National Forest Lands, the Pajarita Wilderness Area, the Gooding Research

Comment No. 1

The Federal agencies recognize that many people value certain areas along the alternative transmission corridors and have a holistic concern for the natural beauty, undisturbed landscape features, abundant plant and animal wildlife, and cultural resources that characterize those areas. These unique natural characteristics give such areas their "sense of place," which includes the spiritual value that many people associate with these areas because of their cultural and religious significance. The Federal agencies recognize and appreciate this holistic sense of place and have revised the introductory sections of Chapters 3 and 4 of the Final EIS to acknowledge these values.

The agencies recognize that the natural and cultural characteristics that contribute to a sense of place cannot be measured in the same manner as some other resources in an environmental analysis. However, in order to analyze potential impacts effectively and document the analysis, it is necessary to consider the resource areas individually. Thus, the EIS discussions of affected environment in Chapter 3 and potential impacts in Chapter 4 are divided into distinct resource areas (e.g., visual resources, biological resources, cultural resources).

The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in consultation with all parties who are participants in the Programmatic Agreement.

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan

Tohono O'odham Nation
Page 2 of 2

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cont.

Natural Area, the riparian zone in Sycamore Canyon and many unique and culturally important plant and animal species.

Two of the proposed transmission line corridors, the Western Corridor and the Western Corridor with the Peck Canyon Crossover will have significant impacts on the natural and cultural environment of the proposed project area. The proposed Central Corridor will have similar but less severe impacts.

2

The drawings accompanying this Draft EIS fail to show the transmission line between the United States and Mexico. Nowhere in the Draft Environmental Impact Statement are impacts of this proposed transmission line on Tohono O'odham villages in Sonora, Mexico addressed and evaluated. Nowhere in the Draft Environmental Impact Statement are cumulative impacts of the proposed transmission line corridors being used by illegal immigrants, smugglers and the law enforcement agencies trying to apprehend them, addressed and evaluated.

3

There are some concerns whether this proposed power line is necessary. The Maestros Group's Presidential Permit application for a proposed combined cycle, natural gas turbine power plant in or near the present Gateway Substation with 100 MW for Nogales, Arizona and 500 MW for Nogales, Sonora should be used in this analysis of various alternatives.

4

The South Substation is located near the Santa Cruz River, thus flooding is of some concern. The South Substation area contains various hazardous petroleum products including oil-filled equipment. If this area is expanded to accommodate the needs of the new transmission line and flooding should occur, hazardous materials could be washed into the Santa Cruz River and onto the lands of the San Xavier District of the Tohono O'odham Nation.

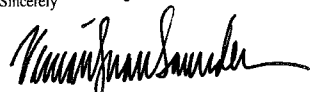
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Tohono O'odham spiritual leaders regard large construction projects such as transmission line corridors that disrupt the space between significant cultural landmarks as being disrupting to the forces that hold the earth together.

1
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The Tohono O'odham Nation values the cultural and natural landscape through which the proposed transmission line corridors pass. Therefore, the Tohono O'odham Nation recommends that the Department of Energy select the "No Action Alternative" in this Draft EIS and that Coronado National Forest, United States Forest not issue a special-use permit for the construction of this proposed transmission line.

Sincerely



Vivian Juan-Saunders, Chairwoman
 Tohono O'odham Nation

Comment No. 1 (continued)

would be developed in consultation with tribes, the, appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

The agencies recognize the Tohono O'odham Nation's concern about impact to cultural and natural landscapes and viewsheds. Sections 3.2 and 4.2 present analysis of the existing visual resources, and potential impacts to these visual resources for each alternative (including the areas cited by the commentor). Likewise, Sections 3.3 and 4.3 address biological resources, and Sections 3.4 and 4.4 address cultural resources.

Comment No. 2

The 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. The specific routing of the connecting transmission line between the U.S.-Mexico border and a new substation in the area of Nogales, Sonora, and the location of the new substation in Mexico have not yet been determined. Evaluation of potential environmental impacts in Sonora, Mexico, is not within the scope of the EIS.

As documented in Table 10-2 of the Draft EIS, the U.S. Border Patrol did not respond to DOE's solicitation of comments regarding the proposed project prior to publication of the Draft EIS, and therefore, the Draft EIS addressed in a general manner the potential impacts on illegal immigration and U.S. Border Patrol operations and the resulting environmental impacts.

In response to public comments, the Federal agencies again solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1, Land Use and Recreation; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border

Comment No. 2 (continued)

Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).

Comment No. 3

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

As discussed in Section 2.1.5, a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS.

Comment No. 4

The proposed expansion of the South Substation would not be expected to: (1) raise the flood elevation in the surrounding area; (2) change flow patterns of the Santa Cruz River; nor (3) introduce significantly new hazardous material. TEP has completed a study to determine engineering measures that could be implemented to provide flood protection to the South Substation. (TEP 2002c). The results of that study indicate a variety of protective measures (ranging from reducing erosion with soil cement to building a structural concrete retaining wall) that can be implemented to better protect the South Substation from flooding. TEP would take appropriate measures to maintain the reliability of the electric transmission system.

Comment No. 5

Section 3.4.2.2, Cultural Concerns and Traditional Cultural Properties, has been revised to provide additional information about the Tohono O'odham Nation's spiritual values and culture. The background document used in preparation of the EIS, *Tumacacori Uplands Ethnohistory and Traditional Uses Overview* (USFS 2002d) also discusses this topic, which is broad in both scope and area.

The issue of impacts to spiritual values is best considered under the American Indian Religious Freedom Act (AIRFA). Tohono O'odham representatives were consulted about a specific published passage regarding the effects of constructions (such as power lines) that disrupt the space between significant landmarks, and thus disrupt the forces that hold the earth together (quoted in USFS 2002d, SWCA 2002c). The issue of disruption of space must be considered from the standpoint of the American Indian Religious Freedom Act (AIRFA; Public Law 95-341, enacted in 1978), Executive Order 13007 signed in 1996, and the First Amendment to the Constitution of the United States of America.

AIRFA (Public Law 95-341), enacted in 1978 states:

. . . [H]enceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Executive Order 13007, signed in 1996 states:

. . . In managing Federal lands, each Executive Branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions: (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and (2)

avoid adversely affecting the physical integrity of such sacred sites.

Executive Order 13007 includes definitions:

- "Sacred site" means any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion;

provided that the tribe or appropriately authoritative representative of and Indian religion has informed the agency of the existence of such a site.

Sections 3 and 4 of the Executive Order address how it pertains to other uses of Federal lands:

- Nothing in this order shall be construed to require a taking of vested property interests. Nor shall this order be construed to impair enforceable rights to use of Federal lands that have been granted to third parties through final agency action. (Section 3)
- This order is intended only to improve the internal management of the Executive Branch and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the United States, its agencies, officers, or any person. (Section 4)

The Federal Reporter states that AIRFA "does not prohibit agencies from adopting land uses that conflict with traditional Indian religious beliefs or practices." (708 Federal Reporter, 2d Series, page 736, Section 8) Executive Order 13007 is equally limited in effect, and in fact is more limited in scope; it defines "sacred site" as "any specific, discrete, narrowly delineated location" identified by an Indian tribe or authoritative representative of an Indian religion."

Therefore, neither AIRFA nor Executive Order 12007 would require the selection of a "no action" alternative. The Supreme Court decision in *Lyng v. N.W. Indian Cemetery Protective Association*, also known as the "G-O Road"

Comment No. 5 (continued)

case, (485 US 439, 99 L Ed 2d 534, 108 S C 1319 [1988], page 548) is particularly revealing of the current legal interpretation of how Native American religious values must be considered and accommodated in agency decisions:

However much we might wish that it were otherwise, government simply could not operate if it were required to satisfy every citizen's religious needs and desires. A broad range of government activities – from social welfare programs to foreign aid to conservation projects – will always be considered essential to the spiritual well-being of some citizens, often on the basis of sincerely held religious beliefs. Others will find the very same activities deeply offensive, and perhaps incompatible with their own search for spiritual fulfillment and the tenets of their religion. The First Amendment must apply to all citizens alike, and it can give to none of them a veto over public programs that do not prohibit the free exercise of religion. The Constitution does not, and the courts cannot, offer to reconcile the various competing demands on government, many of them rooted in sincere religious belief, that inevitably arise in so diverse a society as ours.

Tucson Audubon Society,
Page 1 of 1

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300 E. University
 #120
 Tucson, Arizona
 85705

520/629-0510

conservation
 education
 recreation

8 October 2003

Dr. Jerry Pell
 Office of Fossil Energy
 U. S. Department of Energy
 Washington, D. C. 20585

Dear Dr. Pell:

Tucson Audubon Society (TAS) does not support the preferred alternative for locating the "Tucson Electric Power Sahuarita-Nogales Transmission Line," and is concerned about the focus of the Draft Environmental Impact Statement (DEIS) for the line. None of the alternatives for locating the line is satisfactory, but the preferred alternative (i.e., the Western Route) is the worst, from the biological perspective of TAS. It is the longest and most expensive alternative, and likely will have the most negative impacts on an area prized for its primitive recreational opportunities and natural beauty. For example, the preferred alternative would require construction of at least 20 miles of new roads. Furthermore, according to analyses presented in the DEIS, placing the line along the preferred route has the most potential to do harm to sensitive plant and animal populations (i.e., 74 species; Tables S-1).

The most disturbing aspect of the Draft Environmental Impact Statement, however, is that alternatives to a 345 kV line were not considered. Can the needs of Santa Cruz County be met with a smaller, less obtrusive line (e.g., 115 kV line), or a locally run power plant? We request that a Supplemental Draft Environmental Impact Statement be written that analyzes alternative solutions to providing power to Santa Cruz County.

Thank you for the opportunity to comment on this important issue.

Sincerely,

Sonja Marcs
 Executive Director
 Tucson Audubon Society

Comment No. 1

The commentor's specific opposition to the Western Corridor and general opposition to all action alternatives is noted.

Comment No. 2

The EIS includes a description of the affected environment of the Western Corridor and analysis of the types of impacts cited by the commentor (see Section 3.3 and 4.3, Biological Resources; Sections 3.2 and 4.2, Visual Resources, and Sections 3.1.2 and 4.1.2). Table 2.3-1 provides a summary comparison of the potential environmental effects of the alternatives, including potential impacts to biological resources, recreation, and visual resources, and the road requirements for each alternative. In addition, Sections 3.1.2 and 4.1.2 present analyses of existing recreational settings and activities, and potential impacts to recreation from the proposed project. Section 4.1.2 states that the primary impact to recreation activities would be a change in the visual setting where recreation occurs, and specifically evaluates impacts to indicators such as remoteness and naturalness for the range of areas that are crossed by each proposed corridor. The commentor is also directed to Appendices D, E, F, and K (included in the CD-rom attached to this EIS) which contain the Final Biological Assessments and the Biological Opinion of the USFWS.

Comment No.3

As discussed in Section 2.1.5, a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Likewise, a smaller transmission line (e.g., 115-kV line) in lieu of the proposed 345-kV transmission line would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS.

The Federal agencies believe the Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all other applicable laws and regulations. The Federal agencies do not think the Draft EIS needs to be recirculated for additional review.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

received
11/15/03

November 7, 2003

Jerry Pell
Office of Fossil Energy (FE-27)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

Subject: Draft Environmental Impact Statement (DEIS) for the Tucson Electric Power
Company Sahuarita-Nogales Transmission Line, Pima and Santa Cruz Counties,
Arizona (CEQ #030386)

Dear Dr. Pell:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The DEIS analyzes three alternative routes for placing the proposed 345,000 volt transmission line and identifies the Western Corridor as the Department of Energy's Preferred Alternative. The document is clearly written and provides a good comparison of alternatives.

Based on our review of the DEIS, EPA has environmental concerns about potential water and air quality impacts associated with the project's construction and placement of the transmission line structures. We are also requesting additional information regarding the participation of environmental justice communities in DOE's decision-making process, and how identified conflicts with affected Tribes will be resolved. EPA also seeks clarification on potential transboundary effects, cumulative effects, and the identification of the Western Corridor as the Preferred Alternative.

For these reasons, we rate the DEIS as Environmental Concerns - Insufficient Information (EC-2). EPA's rating and a summary of our concerns will be published in the Federal Register. Please refer to the attached "Summary of EPA Rating Definitions" for a description of EPA's rating system.

We appreciate the opportunity to review this DEIS. When the Final EIS is released for public review, please send two copies to the address above (mail code: CMD-2). If you have any

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questions, please contact me or David P. Schmidt, the lead reviewer for this project. David can be reached at 415-972-3792 or schmidt.davidp@epa.gov.

Sincerely,

Lisa B. Hanf, Manager
Federal Activities Office
Cross Media Division

Enclosures:

EPA's Detailed Comments
Summary of EPA Rating Definitions

United States Environmental Protection Agency
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EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) FOR
THE TUCSON ELECTRIC POWER COMPANY SAHUARITA-NOGALES TRANSMISSION LINE,
November 7, 2003

Water Resources

The descriptions of Water Resources in the *Affected Environment* and *Environmental Effects* sections of the DEIS (Sections 3.7 and 4.7, respectively) provide information on the current environment and potential impacts. However, there are some inconsistencies in the descriptions provided, as well as insufficient information that does not allow for a full evaluation of potential impacts.

The DEIS states that since no transmission line structures are proposed within 400 feet of the international border, surface drainage would not be affected and no increase in volume, peak runoff, or flow, in either direction across the border would occur from the proposed construction. This statement does not take into account possible surface water effects of transmission line structure placement in Mexico impacting surface water sources in the U.S. (Section 4.7.1 p. 4-81).

Under the discussion of Affected Environment (Chapter 3), there are numerous references to water bodies that are either not sufficiently described or that contradict statements made in Appendix C (Floodplain/Wetlands Assessment). This missing or contradictory information makes it difficult to fully assess potential impacts of the proposed project on water quality. For example, under the Tumacacori Ecosystem Management Area (EMA) discussion (Section 3.7.1, p. 3-70, paragraph 5), the DEIS does not identify or characterize the three perennial streams in the EMA. These streams are not identified on Figure 3.7-2, p. 3-72 (Surface Waters and Watersheds Within the Coronado National Forest). This information also conflicts with Appendix C, Section C.1.2.1, p. C-8, which states that no perennial streams, lakes or reservoirs are within the proposed corridors.

In addition, the DEIS does not evaluate or discuss the effect of the project alternatives on the surface water resources and water quality within the EMA, only indicating that best management practices would be used to mitigate potential impacts to water resource parameters (Sections 4.7.1.1, 4.7.1.2, and 4.7.1.3, pps. 4-83 - 4-84).

Recommendations:

The FEIS should identify the placement of transmission towers in Mexico adjacent to the border, and assess potential impacts to surface drainage under various flow conditions. The Water Resources sections of Chapter 3 (Affected Environment) and Chapter 4 (Environmental Effects), as well as Appendix C should include an accurate identification and characterization of all water bodies. An analysis of the impacts of the proposed alternatives on these water resources should also be performed.

Comment No. 1

The Final EIS has been revised per the commentor's suggestions. Section 3.7.1, Floodplains, Wetlands, and Surface Water, of the Final EIS has been revised to clarify that no transmission line structures are proposed within 400 ft (122 m) of the U.S.-Mexico border, either in the United States by TEP, or in Mexico (see Section 1.1.1 regarding construction of a connecting transmission line in Mexico). The Federal agencies do not have specific information on the project design and construction in Mexico. However, as discussed in Section 3.7.1, the USIBWC would not approve any construction in the United States that increases, concentrates, or relocates overland drainage flows into either the United States or Mexico. A similar requirement would apply to any construction in Mexico. Prior to construction of the selected corridor, TEP would provide site-specific drawings to USIBWC for approval along with any hydrological or hydraulic studies for work proposed in the vicinity of the U.S.-Mexico border. Given the setback distance of 400 ft (122 m) from the border in Mexico, any impacts in the U.S. such as erosion, sedimentation, or surface drainage impacts would be minimal.

Figure 3.7-2, Surface Waters and Watersheds within the Coronado National Forest, was revised in the Final EIS to clarify the locations of perennial streams in the analysis area for the proposed project. In addition, Section C.1.2.1, Watercourses, in Appendix C was revised in the Final EIS to indicate that Peck Canyon, portions of which contain a perennial stream, is within the east-west segment of the Crossover Corridor. The other drainages crossed by the corridors are normally dry washes for which little or no characterization data are available. Locations of most named washes are given in EIS Figures 3.7-1, 3.7-2, and 3.7-3. Floodplain information for those washes with delineated floodplains is included in Appendix C.

Section 4.7.1.1 addresses the potential impacts to surface water resources and water quality for the entire project, including impacts within the Tumacacori EMA, stating that impacts would be from increased erosion and subsequent siltation. Section 4.7.1.1 also states that potential effects related to stream crossings include increased sedimentation, changes in stream morphology including substrate composition, and changes in the ability of the stream to support vegetation and wildlife. USFS holds an agreement

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Air Quality

2 The DEIS lists numerous assumptions that were used for estimating the fugitive dust and other emissions that would be generated during construction in each of the proposed corridors (Section 4.8.2, pps. 4-90 - 4-91). These estimates are used in performing the conformity analysis required under the Clean Air Act. The assumptions used in the DEIS do not include the potential for dust generated by the use of helicopters (as described in the document) during construction in the Coronado National Forest and in the U.S. Mexican border area.

Recommendation:

For tower sites and stringing operations where workers or equipment are to be inserted by helicopters, the FEIS should consider including an assumption for helicopter-generated dust when performing calculations for the Nogales PM₁₀ (particulate matter with a diameter less than or equal to 10 microns) moderate non-attainment area.

Environmental Justice

3 The DEIS provides a good description of how minority and low-income populations were identified using data from the 2000 Census. The analysis supports the conclusion that no disproportionate adverse impacts would be expected for those populations in the three alternative corridors. The document does not address the environmental justice impacts of the no action alternative. In addition, there is no information provided in the document as to approaches used to foster public participation by these populations (either during the scoping process or development of the DEIS). For example, the analysis of the Census data documents a large Hispanic population, yet there is no indication that public outreach efforts included translation of documents into Spanish or opportunities for translation of public comments.

Recommendations:

The FEIS should document if the no action alternative (not building the proposed transmission line) would have an adverse effect on residents in the Nogales area (low-income population), since part of the purpose of the project appears to include meeting the electric demands of the Nogales community. The FEIS should also document the public involvement methods used to support environmental justice findings. Assessment of the project's impact on minority and low-income populations should reflect coordination with those populations affected.

Tribal Concerns

4 The proposed project is within the traditional territories of twelve Native American tribes. The Department of Energy (DOE) initiated formal government-to-government consultation in November of 2001. Seven of the twelve tribes have indicated they have concerns about the project and that portions of the project's area of potential effect (APE) are important to them.

Comment No. 1 (continued)

with the Arizona Department of Environmental Quality that designates USFS as the planning and management agency in the context of the State of Arizona's Water Quality Management Program on National Forest System lands. The vehicle for controlling potential nonpoint pollution sources from forests is through development of Best Management Practices (BMPs) that mitigate possible pollution.

The analysis of potential impacts to surface water resources and water quality for the Western Corridor in Section 4.7.1.1 is also referenced for the Central and Crossover Corridors in Sections 4.7.1.2 and 4.7.1.3, respectively.

Comment No. 2

Section 4.8.3, *Clean Air Act* Conformity Requirements, has been revised to calculate the impacts of helicopter-generated dust associated with construction of the proposed project within the Nogales PM₁₀ moderate nonattainment area.

Comment No. 3

Section 4.13.2 of the EIS addresses environmental justice for the No Action Alternative. This section has been revised in the Final EIS to clarify that, under the No Action Alternative, Santa Cruz County would continue to experience unreliable electric supply. Unreliable electric supply has the potential to cause health and safety impacts. These adverse impacts of No Action would not be experienced disproportionately by minority and low-income populations in the affected area.

Section 1.6 of the Final EIS states that a factsheet translated into Spanish has been provided on the proposed project website maintained for DOE (www.ttclient.com/TEP). In addition, Section 1.6 has been revised to describe public outreach activities designed to include non-English-speaking populations.

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4
cont.

The seven tribes are the Ak-Chin Indian Community, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, the Tohono O'Odham Nation, the Hopi Tribe, the Mescalero Apache Tribe, and the Pascua Yaqui Tribe. Tribal concerns are related to disturbance of human remains, natural features which are important in the cultural landscape, and impacts to archaeological features and culturally significant plants and animals. No traditional cultural properties (TCPs) have been identified or located by Native American tribes within the proposed project corridors (Section 3.4.2.2, pp. 3-54 - 3-55).

Recommendations:

The FEIS should include a description of how tribal concerns were considered in the identification of the Preferred Alternative, given the stated opposition by some tribes to the Western Corridor. Also, prior to development of the FEIS, additional consultation should be conducted to address tribal concerns in greater detail, including the identification and analysis of traditional cultural properties.

Transboundary Effects

The DEIS states that the proposed transmission line would continue from the Gateway Substation (west of Nogales, Arizona) across the U.S.-Mexican border for approximately 60 miles and interconnect with the Santa Ana Substation of the Comision Federal de Electricidad (Mexico's national electric utility). The document does not provide information about the construction of the transmission line in Mexico or the proposed route of the line. In addition, the DEIS does not provide information that would allow readers to evaluate and comment on potential environmental impacts that could occur in Nogales, Arizona, due to the extension of the transmission line into Mexico.

Recommendation:

The FEIS should identify the agency responsible for construction of the transmission line in Mexico and provide a discussion of the applicability of Executive Order 12114 *Environmental Effects Abroad of Major Federal Actions* to the proposed action. In accordance with the *CEQ's Guidance on NEPA Analyses for Transboundary Effects*, July 1, 1997, the FEIS should also discuss the reasonably foreseeable environmental effects that may occur in Nogales, Arizona, as a result of the new transmission line providing power to northern Mexico and Nogales, Sonora.

Cumulative Effects

The DEIS states that if the proposed project was constructed, Citizens Communication Company (Citizens) would likely construct a new transmission line between the proposed Tucson Electric Power Company (TEP) Gateway Substation and the existing Valencia Substation. This project is under review by the Arizona Power Plant and Transmission Line Siting Committee (Section 5.2, p. 5-1, paragraph 5). If this new transmission line is an

3

Comment No. 4

Section 1.4 of the Final EIS describes the Federal agencies' preferred alternatives. The final decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USBWC (see Section 1.6.6).

Between issuance of the Draft and Final EIS, the Federal agencies continued to conduct additional tribal consultations, and the results of these consultations are reflected in Section 4.4.2, Native American Concerns.

The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in consultation with all parties who are participants in the Programmatic Agreement.

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

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cont.

interdependent part of the proposed project, it should be addressed within the scope of this EIS [40 CFR 1508.25 (a)].

Recommendation:

The FEIS should include an analysis of the impacts from the transmission line that would be constructed between TEP's Gateway Substation and Citizens' Valencia Substation.

Alternatives Analysis

The action alternatives considered in the DEIS (the Western, Central and Crossover corridors) appear to be both feasible and reasonable, in accordance with CEQ regulations [40 CFR 1502.14]. The DEIS presents sufficient information to justify the elimination of several other alternatives from further consideration.

7

TEP (the project applicant) selected the Western Corridor as its Preferred Alternative. The DEIS states that DOE, the lead federal agency, selected that same corridor as its Preferred Alternative based on the preference expressed by TEP and the Arizona Corporation Commission (ACC) decision. However, there is no underlying basis given for the selection of the Western Corridor as the Preferred Alternative. Based on information provided, it appears that the Central Corridor has the least overall adverse impact on the environment.

Recommendations:

The FEIS should clearly explain the process and underlying rationale for the selection of the Preferred Alternative, and identify the environmentally preferred alternative in the Record of Decision (ROD) [40 CFR 1505.2(b)].

4

Comment No. 5

Section 1.1.1, The Proposed Action, has been revised in the Final EIS to clarify that the 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. CFE and TEP will jointly determine what entity is responsible for designing and constructing the portion of the connecting transmission line in Mexico. The most likely entity to be responsible for the construction in Mexico is CFE, although it is possible that TEP may construct a portion of the transmission line in Mexico. The specific routing of the connecting transmission line between the U.S.-Mexico border and the existing Santa Ana Substation in Mexican has not yet been determined.

The National Environmental Policy Act (NEPA) does not require an analysis of environmental impacts that occur within another sovereign nation that result from approved actions by that sovereign nation. Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (44 FR 1954, January 4, 1979) provides that extraterritorial NEPA review be conducted under certain circumstances, and not under others. The Executive Order does not require Federal agencies to evaluate impacts outside the United States when the foreign nation is participating with the United States or is otherwise involved in the action [Section 2-3(b)]. Here, the Mexican government will evaluate the environmental impacts associated with the proposed project and will have to issue permits authorizing any construction and operation within Mexico. In addition, the Federal action does not affect the global commons (e.g., outer space or Antarctica), and the Federal action does not produce a product, emission, or effluent that is "prohibited or strictly regulated by Federal law in the United States because its toxic effects on the environment create a serious public health risk," or which involves regulated or prohibited radioactive materials.

The Federal action evaluated in the EIS is only to permit the transmission lines to be built in the United States, not in Mexico. The agencies' position in this regard (1) is consistent with applicable Federal laws, including the generally held legal presumption that Acts of Congress do not ordinarily apply outside U.S. borders; (2) avoids the appearance of the assertion of extraterritorial control over actions that were approved by and occur within the lands of another sovereign nation; and (3) prevents interference in the

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SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

Comment No. 5 (continued)

foreign relations of the United States. Application of this policy is particularly appropriate where, as here, the power lines will be located in Mexico and the foreign sovereign itself will have both reviewed the environmental impacts of the projects and approved them.

Section 4.8.3, PM₁₀ Contributions from Transmission Line Construction in Mexico, in the EIS analyzed air quality impacts in the United States that could result from construction of a connecting transmission line in Mexico. Any additional actions or growth that could occur as a result of a new transmission line in Mexico, and any resulting environmental effects, are speculative and not included in this EIS.

Chapter 5 of the EIS presents an analysis of cumulative impacts, as required under NEPA, which could occur as a result of the potential impacts of TEP's proposed project when added to impacts from other past, present, and reasonably foreseeable future actions. Where specific information was available on past, present, and reasonably foreseeable future actions, it was included in the EIS. With respect to transboundary effects specifically, Section 5.3.8 has been added to the Final EIS to discuss air quality in the area of the U.S.-Mexican border. Additionally, Section 4.8.3, PM₁₀ Contributions from Transmission Line Construction in Mexico, in the EIS analyzes air quality impacts in the United States that could result from construction of a connecting transmission line in Mexico. Any additional actions or growth that could occur as a result of a new transmission line in Mexico, and any resulting environmental effects, are speculative and not included in this EIS.

Comment No. 6

The Final EIS has been amended to include full description of the affected environment (Chapter 3) and analysis of potential environmental impacts (Chapter 4) of the interconnection between the Gateway and Valencia Substations in Nogales, Arizona that is common to all three action alternatives.

Comment No. 7

Section 1.4 of the Final EIS discusses the rationale for DOE's identification of a preferred alternative in the Draft EIS and identifies the preferred alternative designated by each Federal agency. Section 1.6.6 explains that the decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USIBWC. Per CEQ Requirements, the ROD of each Federal agency will identify: (1) the alternatives considered, (2) which action alternatives the agency deems to be environmentally the most preferable, and (3) the other factors that the agency considered in making its ultimate decision.

University of Arizona, Department of Geography
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Tucson Electric Power Line

From: amy eisenberg [SMTP:dramyeis@yahoo.com]
To: Pell, Jerry
Cc:

Subject: Tucson Electric Power Line
Sent: 9/22/2003 9:41 PM
Importance: Normal
Dear Jerry

1

We are highly opposed to the Tucson Electric Power Line and the environmental degradation that will ensue. I urge you to consider the opposition to this project and the damaging effects on the biodiversity of the region. The area involved is a highly specialized ecosystem for a variety of rare and threatened unique species. Thank you for the opportunity to express my steadfast opposition and deep concern. The academic community is not in support of this development.

Sincerely,

Dr. Amy Eisenberg
Department of Geography
University of Arizona
Tucson, Arizona 85721
(520) 319-2802

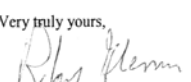
Do you Yahoo!??
Yahoo! SiteBuilder - Free, easy-to-use web site design software

Comment No. 1

Chapter 3 describes the affected environment of the area by resource area, and Chapter 4 evaluates the potential environmental impacts of the proposed project on each of these resources.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to biodiversity (Section 4.3.1) and special status species (Section 4.3.3).

University of Arizona, Morris K. Udall Professor of Law and Public Policy
Page 1 of 1

<p>Robert Jerome Glennon Morris K. Udall Professor of Law and Public Policy</p>	<p>THE UNIVERSITY OF ARIZONA. TUCSON ARIZONA</p>	<p>James E. Rogers College of Law 1201 East Speedway P.O. Box 210176 Tucson, Arizona 85721-0176 (520) 621-1614 Fax: (520) 621-9140 glennon@law.arizona.edu</p>
<p>October 6, 2003</p>		
<p>Dr. Jerry Pell Office of Fossil Energy U.S. Department of Energy Washington, DC 20585</p>		
<p>Re: Tucson Electric Power Sahuarita-Nogales Transmission Line</p>		
<p>Dear Dr. Pell:</p>		
<p>1</p>	<p>The preferred Western Route is very unfortunate. It is the longest, most expensive, and most environmentally destructive of all alternatives considered.</p>	
<p>2</p>	<p>The stunning reality is that there is already a major power line that goes down the Interstate 19 corridor from Tucson to Nogales. It would be quite simple to add power by using this same line or an adjacent one. The only objection would come from some residents who would not want to see a second power line in their views. But there is already an existing power line that restricts their aesthetic views in any event. I am opposed to building a destructive and aesthetically harmful power line through wilderness areas that will profoundly harm recreational activities, including bird watching, hiking, and picnicking in the Tumacacori and Atascosa Mountains.</p>	
<p>1 cont.</p>	<p>I encourage you to prepare a Supplemental Draft Environmental Impact Statement that properly analyzes the environmental consequences and the real alternative of running the power line down the I-19 corridor.</p>	
<p>2 cont.</p>	<p>Very truly yours,  Robert Glennon Morris K. Udall Professor of Law and Public Policy</p>	
<p>RJG:sd</p>		

Comment No. 1

Section 1.4 of the Final EIS discusses the rationale for DOE's identification of a preferred alternative in the Draft EIS and identifies the preferred alternative currently designated by each Federal agency. Section 1.6.6 explains that the decisions of each Federal agency will be explained in their respective RODs, or as a letter of concurrence in the case of the USIBWC. Per CEQ Requirements, the ROD of each Federal agency will identify: (1) the alternatives considered, (2) which action alternatives the agency deems to be environmentally the most preferable, and (3) the other factors that the agency considered in making its ultimate decision.

Chapter 3 of the EIS describes the potentially affected environment (including the Western and Crossover Corridors within the Tumacacori and Atascosa Mountains, and the Central Corridor along their eastern edge), and Chapter 4 analyzes potential impacts to these areas, including potential impacts on visual and recreational resources (Sections 4.2 and 4.1.2, respectively).

Comment No. 2

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

Comment No. 2 (continued)

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

The commentor's suggestion of adding an extra transmission line to the existing I-19 support structures alternative was considered but eliminated from further analysis in the EIS. As described in Section 2.1.5, combining different transmission lines onto a single set of support structures would mean that a problem with one structure (for instance, a wildfire in the area) would affect multiple transmission lines, thus potentially decreasing electrical reliability. Likewise, the commentor's suggestion of building a transmission line adjacent to the existing transmission line in the I-19 corridor was considered but eliminated from further analysis in the EIS (see Section 2.1.5 of the EIS which discusses the elimination of the Eastern Corridor and the I-19 Corridor, both similar to the commentor's suggestion).

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all other applicable laws and regulations. The Federal agencies have determined that the Draft EIS does not need to be recirculated for additional review.

2.2 Transcripts from Public Hearings

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PUBLIC COMMENT HEARING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
TUCSON ELECTRIC POWER COMPANY
SAHUARITA-NOGALES TRANSMISSION LINE

Green Valley, Arizona
September 25, 2003
3:00 P.M. to 5:00 P.M.

RAYNBO COURT REPORTING, LTD.
3625 West Gailey Drive
Tucson, Arizona 85741
520/744-2293
Reported by: Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

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1 PANEL:
2 ANTHONY COMO, Department of Energy
3 ELLEN RUSSELL, Department of Energy
4 BRIAN MILLS, Department of Energy
5
6
7 * * * *
8
9
10
11
12
13 The above hearing was held at the SANTA RITA
14 SPRINGS FACILITY, RECREATION DEPARTMENT, 921 Via Rio
15 Fuerta, in the City of Green Valley, County of Santa Cruz, State of
16 Arizona, before Raynbo Silva, RPR, CSR, CCR, Court Reporter
17 No. 50014, in and for the County of Pima, State of Arizona,
18 on the 25th day of September, 2003, commencing at the hour
19 of 3:14 P.M.
20
21
22
23 * * * *
24
25

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1 MR. ANTHONY COMO: Thank you very much.
2 We're going to call these proceedings to order,
3 and I don't mean to sound all that formal about it. My name
4 is Tony Como. I am with the U.S. Department of Energy. The
5 only reason we are here is actually to listen to you but,
6 unfortunately, I have to give you a couple of minute
7 monologue on why we're here and talk a little bit about the
8 protocols that we're going to use.

9 The first thing I would like to bring your
10 attention to is the fact that we have a court reporter.
11 That isn't to imply some high level legal proceeding. She
12 is only here so that we don't miss anything that's said.
13 It's no more important than that.

14 So a couple of rules for dealing with it.
15 Number one, whenever you get up to speak and as many times
16 as you care to get up and speak, every time you do so could
17 you please identify yourself for the court reporter and at
18 least the first time if you could also spell your name.

19 If you are going to be using any kind of technical
20 terms or terms of art in a particular discipline, it might
21 be helpful for you to spell them out for her. And speak
22 slowly and distinctly so that she catches all of your words.

23 And if she has any questions about anything that
24 you've said, she will just raise her hand and ask you to
25 clarify it. And I assume at some point you may want to take

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1 a break to change tapes or the like. So that's that.

2 Let me explain why we're here. Several years ago
3 in December of 2001, 2000, anyway late in the year 2000
4 Tucson Electric Power Company came to the Department of
5 Energy and applied for a Presidential Permit to build an
6 electric transmission line across the U.S. International
7 border.

8 The only reason the Department of Energy is
9 involved is because their project was involving a border
10 crossing. If the line were built exclusively inside the
11 United States, the Department of Energy would have no stake
12 in it whatsoever.

13 Some of my other Federal colleagues, who I will
14 introduce in a moment, would, though. Okay. So before we
15 issue a permit the law says we have to look at the
16 environmental impacts of building and operating this
17 transmission line. And that's what we are here about.

18 But a little over a year ago, maybe a year and a
19 half ago we were down here for meetings that looked very
20 much like this. And at that time we asked your thoughts on
21 what issues we should be studying in preparing our
22 Environmental Impact Statement, and you told us the issues
23 that you thought were pertinent to a project in this area.

24 And we went back home and for the better part of a
25 year and a half we have been writing a document. And about

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1 a month or so ago we sent it out to all of you, and
2 hopefully you all are here because you got a copy of that.
3 Well, now because you told us what to look at the
4 first time now here we're asking for your comments on how we
5 looked at it, whether we got it right, whether the analysis
6 is correct, impacts on alternatives, whether there are other
7 alternatives to consider. So that's what I meant when I
8 said we are really here to hear your comments on our
9 document.
10 The document that we prepared was prepared in
11 cooperation and in conjunction with other Federal agencies,
12 the U.S. Forest Service, the Bureau of Land Management and
13 the U.S. Section of the International Boundary and Water
14 Commission. And at least two of the agencies, both BLM and
15 the Forest Service, representatives are here in the
16 audience.
17 And not to put anybody on the spot, but if anybody
18 has any questions on their own processes on approving or
19 otherwise reviewing this project, I am sure they would be
20 available for you to talk to during coffee break time and
21 things like that. So that's why we're here. We have until
22 5 o'clock.
23 Another important point, this is not testimony.
24 These are comments. Anything you say here would be carried
25 no more or less than if you sent us a long letter back to

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1 Washington or e-mailed it to us and the like. No type of
2 comment that we receive is considered to any greater or
3 lesser degree. They are all considered equally.
4 So if you are sitting here and listening to some
5 of your neighbors talk and make some points and then you go
6 home later and something else dawns on you, you haven't
7 missed an opportunity to get it on the record. Send us a
8 letter, e-mail, FAX. It's pretty much all the same.
9 Everything you say here, anything that you write us at home
10 ultimately will appear word for word in the Final
11 Environmental Impact Statement.
12 We will take copies of the transcripts that the
13 reporter prepares for us. We will identify any points or
14 comments that you make. And whether it's in a letter or
15 anything in the document, the final document we will
16 identify how we have addressed your comment, whether we
17 changed a number on Page 15 of the EIS or how we have
18 modified the document to address the comment that you might
19 have made. So you will be able to see all of that when the
20 final is distributed.
21 When is that going to happen? I couldn't tell you
22 because it really is a function of how many comments we get
23 and what kind of comments they are and how much more work we
24 have to do to address them in the final EIS. So we are
25 talking months, not weeks. So three, four months from now

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1 is a very, very rough target figure you will expect to see
2 the final version of this document coming to you in the mail
3 just like this one did.
4 I'm going to sit down now and start calling names.
5 And as I call your name, if you could use the microphone in
6 the center, or if you would prefer, you are more than
7 welcome, I am going to stick this in the podium over here
8 because I probably won't need to speak too much. So as your
9 comfort zone, either up here or in the aisle will be just
10 fine.
11 Just one last thing, and then I really will be
12 quiet. I would be glad to introduce my colleagues.
13 With me today is Brian Mills from DOE's office of
14 NEPA Policy and Compliance, Ellen Russell who works with me
15 in the Office of Fossil Energy. And some place in the
16 audience cleverly disguised is our attorney, Rick Ahern.
17 Well, he actually has a DOE name tag just like this, but
18 Rick Ahern is our NEPA attorney. And in the back, like I
19 said, we have Keith Moon from the Bureau of Land Management
20 and Jerry Connor from the U.S. Forest Service.
21 I would like to call the first speaker up. Philip
22 Gray?
23 MR. PHIL GRAY: My name is Phil Gray. And I am
24 here representing the Green Valley Recreation Hiking Club.
25 And I appreciate the opportunity to present the perspective

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1 of the club.
2 Our club has presently over 500 active hikers, and
3 we maintain records on some 3,000 people who have hiked with
4 us during the years and are very interested in this issue.
5 And each of our members has his or her own opinion about the
6 need for this line.
7 But I feel as a club we can really only address
8 the issue of recreation and visual impact. And I will try
9 to limit my remarks to those issues.
10 I would like to have had a tape recorder here
11 today to play America the Beautiful softly while I'm
12 speaking. So just kind of hum to yourself while I am making
13 my remarks. You will remember the vision of the sea, from
14 shining sea to shining sea, images of the wild west, wide
15 open spaces, endless skies of blue.
16 Well, I bought into that until I started driving
17 out west some 20 years ago. My first shock of reality was
18 Bowman's Running Indian signs. Every interstate it seems in
19 the west has been destroyed with that particular company.
20 Mountain tailings stretching for miles, sulfur plants, talc
21 plants out in the middle of deserts, power plants belching
22 particulates into the air. You can imagine what I thought
23 as I drove from the mountains into Los Angeles. Tracks of
24 off-road vehicles, sand dunes marred and destroyed by them.
25 Forest trails with off-road vehicles creating ruts and

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1 taking shortcuts and eroding the trails badly. Thousands
2 and thousands of hills crawling up our majestic -- houses
3 crawling up the foothills of our majestic mountains and
4 across acres of our fruited plain. That's what we people
5 are, and that's what we need evidently.

6 What's happened here in this particular area in
7 this valley stretching from Tucson down to Nogales a
8 railroad line carrying sulfuric acid cars frequently from
9 Mexico traverses to our east. Immediately on the west side
10 of us here there is an interstate highway, one of the
11 busiest ones it seems in the U.S. apart from the east. Over
12 there is a river, runs dry once you get past Tubac. We have
13 managed to take all of the water out of that. Mine tailings
14 run for miles through Green Valley.

15 We certainly can't say anything that would run to
16 the west of us would mar the visual scenery over there with
17 those mine tailings.

18 Housing in Green Valley is just about used up,
19 every available acre. There is a little bit left but not
20 much. The Town of Sahuarita is going east. They are going
21 west. They are going south around us here. They have
22 projects either started, completed or on the board for
23 thousands upon thousands of commercial developments and
24 homes.

25 Tubac and Rio Rico are beginning to experience the

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PG-1

1 same rapid expansion and growth. Precious little unspoiled
2 land left in this part of the country, pocket areas in
3 Arizona that are not visually impacted by our human
4 development activities.

5 As a hiking club we tend to seek out then those
6 areas in which the recreational and visual resources can
7 give us a glimpse of the west as we all think it should be.

8 We have mapped and utilized over 15 hiking trails
9 in the Atascosa Mountains. We have worked with the
10 U.S. Forest Service to repair and restore the Atascosa
11 Lookout as a historical structure.

12 We have a great deal of pleasure when we go up
13 Atascosa Lookout Trail telling newcomers now around this
14 next bend you're going to keep your eye out for the
15 alligators. There is a big mountain range there that from
16 that trail looks just like a dormant alligator up there.

17 We have over 17 hikes mapped in the Tumacacori
18 Mountains, half a dozen in the Pajaritos and several in Peck
19 Canyon.

20 The visual integrity of all of these areas would
21 be destroyed by the proposed extension.

22 The government impact statement to which you refer
23 notes that the visual impact of a possible central power
24 line route notes the amount of impact that a possible
25 central route would have on Tubac, Amado and the Tumacacori

Comment No. PG-1

Sections 3.2 and 4.2, which discuss the existing Scenic Integrity and changes that may result from the proposed project, including impacts to the area of the Atascosa and Tumacacori Mountains, and the Pajarita Mountains south of Ruby Road, have been revised to discuss the proximity of the proposed project to the towns of Ruby and Arivaca and to analyze potential impacts to these areas.

Assessments of the visual impact of the Western, Crossover and Central corridors all demonstrate that though the proposed powerline would be visible from the Atascosa Lookout, the original fire detection function of the lookout house would not be compromised by the presence of the powerline. None of the proposed corridors significantly impact the historical integrity of Atascosa Lookout.

Sections 3.1.2 and 4.1.2 discuss existing recreational settings and activities, and potential impacts to recreation from the proposed project.

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PG-1
cont.

1 Mission area.

2 It seems to be conspicuously quiet about another
3 very historical area of southern Arizona, Arivaca and Ruby.
4 One can only wonder about priorities when the visual impact
5 of a power line in an area already corrupted by massive
6 human encroachment is considered more significant than the
7 impact on areas that are relatively free from such
8 intrusion.

9 The same assessments do note that the impact on
10 the scenic integrity for the preferred western route would
11 be double that for the central corridor.

12 The Green Valley Hiking Club members believe that
13 not only the central and western routes proposed for the
14 power extension line would negatively impact the visual
15 integrity of the entire valley but, also, that the western
16 route would have a particularly egregious impact on the
17 recreational and visual resources of this part of Arizona.

18 For this reason we are urging all of the
19 responsible agencies to either reject that route or to take
20 no action on permit requests. We would like to preserve at
21 least a little bit of America the Beautiful.

22 Again, thank you for the opportunity to speak.

23 MR. ANTHONY COMO: Thank you, Mr. Gray.

24 Next person, Pat Anderson?

25 MS. PAT ANDERSON: I am wanting to talk about, I

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PA-1	1 have been told I have picked the wrong venue and need to 2 talk to the Corporation Commission, but I am going to vent 3 anyway, Page S-15 in this document here says in part: 4 "Neither the Arizona Department of the Environmental 5 Quality, ADEQ, or the Pima County of Environmental Quality, 6 PCFEQ, has received any permit applications for new power 7 plants in the project vicinity of southern Arizona." 8 But that doesn't say it's not going to happen and 9 it's guaranteed it's going to. Where are you going to get 10 more juice?
PA-2	11 My concern is the power plants which will probably 12 be built in Mexico if what you did goes to the border and 13 then the Mexican folks did their thing from the border down, 14 there is a gap there. Nobody is saying we're going to make 15 dirty smoke belching plants below the border that EPA can't 16 touch. It's all going to blow up here, and we're going to 17 breathe it along with the tailings from the mine.
PA-3	18 And that really concerns me, especially because 19 we're going to be paying out of our own pockets in higher 20 utility bills for this, and we're not even going to get the 21 juice from it. 22 So that's all I've got to say. 23 MR. ANTHONY COMO: Thank you, Ms. Anderson. 24 Kenneth Fleshman? 25 MR. KENNETII FLESHIMAN: My name is Kenneth

Comment No. PA-1

Section 3.11.1 of the Final EIS has been revised to clarify that the proposed project does not require either the development of new or expansion of existing power generation facilities.

Comment No. PA-2

The Federal agencies do not have any information suggesting that any power plant construction in Mexico is reliant upon or otherwise connected to TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

Comment No. PA-3

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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KF-1	1	Fleshman. I am a resident of Green Valley.
	2	When I moved to Arizona 19 years ago, I chose to
	3	live in Green Valley rather than Tucson because of the many
	4	nearby mountain ranges, the so-called sky islands. I am out
KF-2	5	in these mountains hiking two times a week. I know the
	6	Tumacacori and Atascosa Mountains well. The area has been
	7	proposed for wilderness status, which it deserves.
	8	The current power line proposal proposes 191 power
KF-3	9	poles of 140-foot height and 14 lines to pass through these
	10	two mountain ranges. This would be a major intrusion into
	11	this rugged, beautiful and nearly roadless and undisturbed
	12	area. It is unthinkable to consider the placement of these
KF-2	13	structures along Ruby Road at the base of Atascosa Peak and
	14	the officially designated historic fire lookout.
	15	A case has been made for the need of a backup line
	16	for Nogales, Arizona, and Santa Cruz County.
KF-3	17	Only 20 percent of this line's capacity,
	18	100 megawatts out of 500, is for Nogales, Arizona. The
	19	remainder is for proposed export and sale to Mexico. The
	20	potential market in Mexico is highly uncertain and does not
KF-3	21	justify this intrusion into the Coronado National Forest.
	22	I respectfully request that the permit for this
	23	transmission line as described be denied.
	24	Thank you very much.
KF-3	25	MR. ANTHONY COMO: Thank you, Mr. Fleshman.

Comment No. KF-1

Sections 3.2 and 4.2 present analyses of the existing visual resources, and potential impacts to these visual resources (including Ruby Road and Atascosa Peak) for each alternative.

Sections 3.4.1 and 4.4.1.1 discuss the Atascosa Lookout Tower (referenced by the commentor) and the potential impacts from the proposed project. Assessments of the visual impact of the Western, Crossover and Central corridors all demonstrate that though the proposed powerline would be visible from the Atascosa Lookout, the original fire detection function of the lookout house would not be compromised by the presence of the powerline. None of the proposed corridors significantly impact the historical integrity of Atascosa Lookout.

Regarding the citizen-initiated proposal for an addition to the National Wilderness Preservation System, the Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori EMA. Maps provided by commentors indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as Forest Service regulations (36 CFR 293.15) provide for the establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

Comment No. KF-2

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current ("AC") transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." See further discussion of purpose and need in Section 1.2. This EIS addresses the environmental impacts that would accrue, including impacts on the

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1 Jeremy Lite, who I understand will be introducing
2 another speaker.

3 MR. JEREMY LITE: That's right. I will use the
4 front, so I can be by the map.

5 My name is Jeremy Lite. And I am with Quaryles &
6 Brady Streich Lang here on behalf of Caterpillar, Inc.,
7 which operates a 6,000 plus acre facility for demonstration
8 center and proving grounds in an area that would be affected
9 by the preferred route, the western route, and also by the
10 crossover route.

11 And when I say affected, I mean that the route as
12 it is currently proposed would run right through the center
13 of their facility.

JL-1 14 MR. ANTHONY COMO: Excuse me. Could you possibly
15 explain what the nature of the facility is for the record?

16 MR. JEREMY LITE: Yes. It's a demonstration
17 grounds, demonstration center and proving grounds. And I
18 think when I introduce Matt, he will have a better
19 explanation of the facility.

20 If it would be helpful, we could also point it out
21 on the map as far as its location. We will follow up our
22 comments today with written comments, and that might be a
23 better place to do that.

24 AUDIENCE: Could you point to the map right now?

25 MR. JEREMY LITE: The area that we are talking

Comment No. KF-2 (continued)

Coronado National Forest, if a transmission line were constructed within one of the three corridors identified.

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built

Comment No. KF-3

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. JL-1

Sections 3.1 and 4.1 have been revised to provide additional information regarding the Caterpillar Facility and potential impacts. Any suggested re-route of the Western and Crossover Corridors would be outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. Because of this limitation and because the agencies have less information about the environmental characteristics of this route than about the corridor alternatives, a re-route option is not available for selection by the agencies at this time as explained in Section 2.1.5. If, following the issuance of Federal agency RODs, TEP were to propose use of an alternative route, the Federal agencies would evaluate the need for additional NEPA review.

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JL-1
cont.

1 about is this cross right here (indicating). I realize that
2 won't be reflected in the record.
3 Caterpillar is not here to oppose a transmission
4 line, but it does have serious concerns about that the DEIS,
5 the Draft Environmental Impact Statement, either
6 misrepresents or fails to consider some of these significant
7 land use and socioeconomic and to some extent visual impacts
8 that the western route and the crossover route would have on
9 the Caterpillar facility.

10 These concerns were first brought to the attention
11 of TEP and the ACC and others in January, 2002. So this
12 isn't the first time that they are being raised.

13 Specifically the Draft EIS represents that land
14 outside of the National Forest is, as the DEIS says,
15 compatible with existing land use. And unfortunately,
16 that's not true with respect to the Caterpillar facility.
17 Again, Matt Turner will explain in more detail how it is
18 incompatible.

19 In addition, the discussion about socioeconomic
20 impacts creates temporary means of employment related to the
21 construction of the transmission line but does not address
22 the adverse economic consequences that would occur if the
23 Caterpillar facility is bisected by the planned western
24 route or by the crossover route and can no longer operate at
25 capacity.

Comment No. JL-1 (continued)

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

Sections 3.2 and 4.2 of the Final EIS present analysis of the existing visual resources, and potential impacts to these visual resources for each alternative.

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1 At this point I will introduce Matt Turner, who is
2 the manager of the Caterpillar Training Center. He will
3 provide you with some of the details about the impacts that
4 were not considered in the DEIS --

JL-2

5 And as he can also tell you, Caterpillar has
6 identified a short detour that will bypass the Caterpillar
7 facility and accommodate their concerns without jeopardizing
8 the preferred route if that's the one that's ultimately
9 selected.

10 MR. MATT TURNER: Again, my name is Matt Turner.
11 I am the manager of the training center here just west of
12 town. A lot of you probably have been out to the facility
13 or at least nearby. It borders the North Dodge Sahuarita
14 property.

MT-1

15 We came here in 1990 for basically two reasons,
16 and that is to have some privacy to develop new products.
17 Of course Caterpillar is the largest manufacturer of
18 earthmoving equipment and engines in the world. And this is
19 one of our major development centers. And it's also a major
20 trading center. So that is a dual purpose facility.

21 In fact, this facility has between 12 to
22 15 thousand people a year out here. So it may seem like
23 it's out in the middle of nowhere but, actually, we get
24 quite a few people here. We have actually got as many as
25 20,000 people in a few years. So it's very important to

Comment No. JL-2 and MT-1

Caterpillar's suggested re-route would be on land owned or leased by Caterpillar, but it is outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line as suggested. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. Because of this limitation and because the agencies have less information about the environmental characteristics of this route than about the corridor alternatives, the suggested reroute option is not available for selection by the agencies at this time. Therefore this suggested reroute was eliminated from detailed analysis in this EIS. However, a field survey conducted by Harris Environmental Group indicates that ecological characteristics on this route are similar to those on the portion of the Western or Crossover Corridor that this route would replace (HEG 2004e). Thus, it is likely that the impacts that would occur along the proposed re-route are consistent with those already identified in the assessment for these corridors. If, following the issuance of Federal agency RODs, TEP were to propose use of this alternative route, the Federal agencies would evaluate the need for additional NEPA review.

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

Sections 3.2 and 4.2 discuss the existing visual resources and potential impacts to these resources for each alternative.

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MT-1
cont.

1 Caterpillar, and we believe it's very important to Tucson
2 and the Green Valley community as well.

3 There is over 60 families employed by Caterpillar
4 out there. And I think probably a lot of you know some of
5 those people. And we represent about it's over \$30 million
6 to the Tucson economy every year. 28,000 room nights we
7 represent to the Tucson economy. And quite a few of those
8 are down here in Green Valley as well.

9 The facility itself is over \$30 million just in
10 the investments in the buildings that we have. There is
11 another \$30 million in fleets. So as you can see, it really
12 is a sizable investment in this community.

13 And the proposed route, the western route, as
14 Jeremy stated, we have no objections to in principle, but we
15 do have some concerns for the route as it lays now because
16 it does cut through basically right through the training
17 center where we are going to get 12 to 15 thousand people a
18 year, and that does compromise the scenic beauty. And
19 that's one of the key reasons we chose this.

20 We work very hard to keep our training and our
21 development facility, the impact on the environment to a
22 minimum. And we do that because we have so many people
23 coming through here that, of course, are here to enjoy not
24 just learning a little bit about Caterpillar and our
25 products but, of course, enjoying the beautiful Sonoran

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Comment No. MT-2

See response to MT-1 above.

MT-1
cont.

1 Desert as well. So it's very important.

2 It's also a safety issue. We have a lot of large
3 machineries. Some of them are over 60-foot high, and they
4 are in and some of the areas that they operate are between
5 the towers. That is a concern of ours as well.

6 And like I said before, the privacy is an issue.
7 Another corridor would just open up. I know they will close
8 the doors, but supposedly the gas lines closed, too, and yet
9 we still get a lot of traffic out here. So it would open it
10 up to a number of folks.

MT-2

11 Like I said, we do have some very valid, we
12 believe, concerns with the proposed western routes. As
13 Jeremy also mentioned, with just a short deviation of that
14 route that could hopefully be accepted by the ACC or this
15 committee we could negate the concerns to our property and
16 to our training and development centers there.

17 So anyway I would just like to conclude that we
18 think it could seriously impact our business as we have it
19 now, and but yet we are willing to work with the
20 organizations to negate that problem. And I think we can do
21 so successfully. And we will attempt to do that through the
22 process.

23 I want to thank you all for having me here to
24 talk.

25 MR. ANTIIONY COMO: Could I ask, Mr. Turner, not

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MT-3

1 today, but would you in some way, shape or form, is it
2 possible for you to send back to Washington your thoughts on
3 the detour that you mentioned? Do you have maps or any way
4 of providing that information?

5 MR. MATT TURNER: We have already prepared that,
6 and it will be in the comments. I would like to leave for
7 you, we have all of these people out here, we have developed
8 a very nice brochure some time ago that shows the scenic
9 beauty of the area. It kind of gives a little flavor of
10 exactly what it is we're doing out there. So I will just
11 leave you a few there.

12 MS. ELLEN RUSSELL: Can you tell me again how high
13 some of those machines reach?

14 MR. MATT TURNER: Some of the machines can get up
15 to 60 feet high. There is a number of different machines
16 and a lot of different applications. We have a full range
17 of mining equipment, and those tend to be large equipment.
18 Thank you.

19 MR. ANTHONY COMO: Thank you very much.
20 Our next speaker is Nancy Valentine.

21 MS. NANCY VALENTINE: That's Nancy Valentine. I
22 am with the Maestros Group.

23 In the Federal Register Notice dated July 10,
24 2001, the scope the EIS and TEP was to engage in included
25 the following passage, I quote: "The EIS will also consider

Comment No. MT-3

As stated in Section 4.2, the typical height of the transmission line structures would be 140 ft (43 m).

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1 alternatives to the proposed transmission line including to
 2 the extent practical: One, no action alternative; and two,
 3 construction of a power plant in the U.S. closer to the
 4 U.S.-Mexico border with a shorter transmission line
 5 extending to the border, an alternative concept for
 6 supplying electric power to the target region," unquote.
 7 The notice of intent also states, and I quote,
 8 "DOE has determined that the issuance of the Presidential
 9 Permit would constitute a major Federal action that may have
 10 a significant impact upon the environment within the meaning
 11 of the National Environmental Policy Act of 1969, NEPA. For
 12 this reason the DOE intends to prepare an EIS to address a
 13 reasonably foreseeable impact from the proposed action and
 14 alternatives," unquote.

15 The Draft EIS under consideration fails to
 16 consider the alternative of a power plant closer to the
 17 border. Why?

NV-1

18 DOE acted responsibly and was wise in its original
 19 decision to take a comprehensive approach when structuring
 20 the scope of the EIS to afford comparison of impacts of the
 21 transmission lines and the power plant alternative.
 22 What happened between July 10th, 2001, and today
 23 to have made this opportunity for comparison omitted?

24 I have attended many of the TEP hearings, and I
 25 have heard many comments from the public in support of a

Comment No. NV-1

The EIS has been revised to include a more extensive explanation (in Section 1.2, Purpose and Need) of the roles of TEP and the Federal agencies in developing alternatives for the proposed project. In permit proceedings such as TEP's, where an applicant seeks permission for a specific proposed project to meet the applicant's specific purpose and need, the Federal agencies generally limit their review to alternatives similar to the one proposed, i.e., that is, alternatives that would meet the applicant's purpose and need. The agencies generally do not review alternatives that are not within the scope of the applicant's proposals. Similarly, the Federal agencies do not compel a permit applicant to alter its proposal or its purpose and need, but instead they decide whether a permit is appropriate for the specific proposal as the applicant envisioned it. It is not for the agencies to run the applicant's business or to compel an applicant to change its proposal: DOE evaluates the project as offered. Therefore, in an applicant-initiated process, the range of reasonable alternatives analyzed in detail is limited to those alternatives that would satisfy the applicant's purpose and need and that the applicant would be willing and able to implement, plus the no-action alternative. All of the alternatives analyzed in this EIS were either suggested by or similar to alternatives suggested by TEP.

This approach is particularly apt where, as here, the proposed action reflects a state's decision as to the kind and location of electrical infrastructure it wants provided within its boundaries. The ACC is vested with the authority to decide how it believes energy should be furnished within Arizona's borders, including the need for, the location of, and the effectiveness of transmission lines within its borders. See the discussion at Section 1.1.2 and 1.2.2 of the EIS with respect to the respective jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA review. TEP's proposal has the dual purpose of addressing problems of electrical reliability in Santa Cruz County, Arizona, and crossing the border to eventually interconnect with the Mexican electrical grid. Alternatives that would not satisfy both elements of this dual purpose are not reasonable alternatives for the Federal agencies to consider in detail.

Thus, during the course of this NEPA review, the Federal agencies have considered alternative routes for TEP's proposed transmission line, but have not deemed feasible proposed alternatives that contemplate construction of

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NV-1
cont.

1 power plant as an alternative option and no objections.
2 Early on the Maestros Group met with managers of
3 TEP and introduced a plan for construction of a power plant
4 at the border that had become regarded as a viable and
5 feasible concept by other energy executives and financial
6 entities.
7 TEP did not accept an offer to continue the
8 discussion nor to view additional data, financial as well as
9 environmental, which would have been made available to them
10 by Maestros Group if they chose to explore further.
11 What was the reason TEP gave for their lack of
12 interest? It wasn't that the power plant wasn't feasible.
13 The reason was, and I quote, "It's not in our business
14 plan," unquote.
15 The power plant might not have been in their
16 business plan, but so what? Neither was a no action
17 alternative. It is curious that in past public hearings a
18 power plant alternative was received favorably, yet in the
19 DEIS it is not a consideration.
20 Modification to the scope of the DEIS however it
21 came to be to eliminate the power plant alternative is a
22 fatal omission to this process.
23 The Federal Courts have found DOE lacking in its
24 DEIS process in the Mexicali Presidential Permit scenario.
25 If as DOE taken the Mexicali road here and allowed

Comment No. NV-1 (continued)

power plants or transmission lines that differ in capacity from those that the ACC has directed TEP to construct.

Section 2.1.5 discusses why a new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). As discussed in that section, "new local generation does not pre-empt the need for a second transmission line. This is because the system deficiency is not a supply problem but rather a delivery problem that new generation can not solve. New local generation would be susceptible to tripping off line for a transmission line outage just like the existing Valencia units until a second transmission line connects Nogales to the Arizona grid." Therefore, this alternative was not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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NV-1 cont.	<p>1 an incomplete environmental study to come forward which is</p> <p>2 also subject to being knocked down in Court?</p> <p>3 I urge DOE to reject TEP's Draft EIS and to allow</p> <p>4 the continuation of this process to include a power plant</p> <p>5 alternative as originally intended.</p> <p>6 Thank you.</p> <p>7 MR. ANTHONY COMO: Thank you, Ms. Valentine.</p> <p>8 Dr. Falco?</p> <p>9 DR. EMILIO FALCO: Thank you. My name is Emilio</p> <p>10 Falco. And I am a resident of Tubac employed by the</p> <p>11 Smithsonian Institution and work as an astronomer at the</p> <p>12 nearby observatory, as most of you know.</p> <p>13 I have been involved in these hearings since the</p> <p>14 very beginning. And unfortunately, the last two months have</p> <p>15 been very complicated for me, so I haven't had time to</p> <p>16 prepare anything formally right now, but I will certainly</p> <p>17 submit something in writing. So I thought I would just give</p> <p>18 you a couple of quick thoughts.</p> <p>19 The first one is to thank you for not holding this</p> <p>20 on Halloween. This is scary enough already.</p>
EF-1	<p>21 The second one is, the second thought is I work</p> <p>22 for a Federal lab, so I know how things go at the Federal</p> <p>23 level. And one big question I have about these proceedings</p> <p>24 is why can't all of the Federal agencies involved in this</p> <p>25 get their act together together?</p>

Comment No. EF-1

The Draft EIS public comment meetings were held after the public release of the Draft EIS, as required by NEPA. While DOE identified the Western Corridor as its preferred alternative in Section 1.1 of the Draft EIS, none of the cooperating agencies identified preferred alternative(s) in the Draft EIS. NEPA implementing regulations (40 CFR Part 1502.14[e]) only require the identification of each agency's preferred alternative or alternatives in a Draft EIS if one or more exists, or, if one does not yet exist at the draft stage, in the Final EIS. The cooperating agencies had not identified their preferred alternative or alternative(s) at the time of the release of the Draft EIS. Each Federal agency has identified its preferred alternative(s) in the Final EIS as required by NEPA (see Section 1.4, Federal Agencies' Preferred Alternatives).

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EF-1 cont.	1 Is this a premature hearing given that we don't 2 know how all of the other agencies will come out?
EF-2	3 My own particular preference after having studied 4 all of these, the power lines in quite a lot of detail, more 5 than I ever wanted to know, my strong preference I would 6 urge you to adopt the no action alternative.
EF-3	7 And a couple of more items. Back I think it was 8 in July of 2001 the hearing in Sahuarita, I left you all 9 with a nice heavy package that was the California Study of 10 EMFs, electromagnetic force, the effects on health, human 11 health. And it's a very deep tome, but it doesn't reach a 12 very striking conclusion. However, there are significant 13 conclusions I thought that whose effect I don't see 14 reflected in the current EIS too much. There is some talk 15 about the effects on human health but not a great deal of 16 it.
EF-4	17 And I applaud Mr. Gray's views that he offered 18 earlier. Living in Tubac on the west side near the 19 Tumacacori Mountains would most definitely be severely 20 affected by the central route. So that's probably my least 21 favorite, although the effects on the environment of the 22 western route are so pronounced that I think that that 23 should be rejected altogether, also.
EF-5	24 However, I was thinking in the Draft EIS it is 25 mentioned that the power line will not produce fields higher

Comment No. EF-2

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. EF-3

The study referenced by the commentor is a comprehensive review of existing EMF impact studies that was completed on behalf of the California Public Utilities Commission. The conclusions of this study are included in Appendix B of the EIS, which is referenced as part of the summary of existing information on EMFs in Section 3.10, Human Health and Environment.

Comment No. EF-4

The Federal agencies note the commentor's opposition to the Western and Central Corridors.

Comment No. EF-5

The calculated maximum EMF strengths listed in Table 4.10-2 are based on the minimum conductor clearance of 32 ft (9.8 m) above the ground surface that is specified in the *National Electrical Code* (NFPA 2004). TEP is required to design their project such that this ground clearance is maintained regardless of the topography of the land in the vicinity of the transmission line. Thus, the maximum magnetic field that would occur directly underneath the proposed 345-kV transmission line is calculated to be approximately 71.867 mG, as listed in Table 4.10-2. Comparing this number to the range of 1.2 to 18 mG for a vacuum cleaner (see Table 3.10-1), the maximum magnetic field beneath the transmission line is a factor of approximately 4 to 60 times higher. Also note that the magnetic field exposure from crossing under the transmission line on a road is a short-term exposure, compared to the longer durations typically associated with household appliance use.

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EF-5
cont. 1 than, say, some type of appliance, typical appliance within
2 10 feet or something like that and but 100 feet from the
3 power line, something like that.
4 But if you imagine having to drive underneath the
5 power lines at least twice a day, by my estimate knowing the
6 inverse square law for magnetic fields you could be exposed
7 to fields 100 times greater than what is given there
8 depending on the topography how close you actually come to
9 the lines. This would be for a few seconds. But it would
10 be 100 times more than if you are running your vacuum
11 cleaner for a few hours.

EF-6 12 So I think this is not really a complete and
13 appropriate study of health effects. With that I think I
14 will leave it to others to express their opinions.
15 MR. ANTHONY COMO: I don't mean to retake the
16 podium here, but Dr. Falco mentioned something I thought I
17 need to sort of maybe correct you and other people who are
18 maybe operating under a misunderstanding.
19 This is not a DOE hearing to decide to build the
20 line or not, the implication being that DEO was trying to
21 decide before the other Federal agencies.
22 This is a hearing. We are calling it a hearing.
23 It's more of a meeting. This is a hearing to hopefully come
24 up with a good and better Environmental Impact Statement, a
25 single Environmental Impact Statement that all of the

Comment No. EF-6

As stated in Section 3.10, Human Health and Environment, NEPA-
implementing regulations (see 40 CFR 1502.22) require a summary of the
existing credible scientific evidence relevant to evaluating potential impacts
where there is uncertainty (for example, in evaluating potential EMF health
effects). The Federal agencies believe that they have fulfilled this
requirement through the information in Sections 3.10 and 4.10, Human
Health and Environment, and Appendix B, Electric and Magnetic Fields
Background Information.

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	1 Federal agencies could use in making their own decisions.
	2 It's theoretically possible that the three
	3 agencies come up with three entirely different decisions,
	4 but it would be based all of the information in this single
	5 document. So that we are here in advance of all of our
	6 decisions, not only the other agencies.
EF-7	7 DR. EMILIO FALCO: That's not what I meant. What
	8 I meant was why can't we have everything together rather
	9 than having to go maybe to more hearings or ad infinitum?
	10 MR. ANTHONY COMO: This will be the last section
	11 of meetings on this document.
	12 Jack Foster?
	13 MR. JACK FOSTER: My name is Jack Foster. I am
	14 with the Sierra Club. And I have come to second what people
	15 from Caterpillar said about power lines impinging on their
	16 turf.
	17 The Sierra Club's turf encompasses at the very
	18 least the entire Coronado National Forest. And that, as you
	19 can see, is in red over here on this chart.
JF-1	20 I would like to make that statement and one more,
	21 which I've read in the Draft EIS, indications that what they
	22 call the footprint of each one of these towers consists of
	23 the area beneath the tower. And this is very misleading
	24 because the footprint of any such construction includes not
	25 only the messes made during the construction and potential

Comment No. EF-7

As required by NEPA-implementing regulations, the Federal agencies must invite input from the public during the scoping process and following issuance of a Draft EIS (40 CFR 1501.7 and 1503.1). Accordingly, the Federal agencies held a series of public scoping meetings for this EIS in July 2001, to receive public input on the scope of the EIS. Following this, the Federal agencies prepared the Draft EIS, and held a series of public hearings to receive public comments on the Draft EIS. A series of meetings for each purpose was held in order to provide adequate coverage of the geographic area potentially affected by the proposed project, and in order to provide several meeting date and time options. Any public hearings or meetings conducted on the proposed project by the ACC or other agencies are separate from the Federal NEPA process.

Comment No. JF-1

Section 4.1.1, Land Use, of the Final EIS has been revised to clarify that although the Federal agencies use the term "footprint" to describe the area beneath each tower, there would be additional temporary and permanent land disturbance associated with the proposed project. Section 4.1.1 states that the area to be disturbed by access roads (both temporary roads for construction, and permanent roads for maintenance), transmission line tensioning and pulling sites, fiber-optic splicing sites, and laydown yards is addressed in Section 4.12, Transportation, and is not reflected in the structure site disturbance estimates in Table 4.1-1.

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JF-1 cont.	<p>1 cleaning up after but also the maintenance roads that are</p> <p>2 going to be required to take care of each and every one of</p> <p>3 those towers.</p> <p>4 That's all I have to say. Thank you.</p> <p>5 MR. ANTHONY COMO: Thank you, Mr. Foster.</p> <p>6 Jim Webb?</p> <p>7 MR. JIM WEBB: My name is Jim Webb. I am</p> <p>8 representing the Marley Cattle Company. The Marley Cattle</p> <p>9 Company is a family ranch owned by the family for over</p> <p>10 50 years. It lays just west of Green Valley, just south of</p> <p>11 the Caterpillar proving ground, south to the Arivaca Road</p> <p>12 and west to the Altar Valley. It covers about roughly</p> <p>13 100 sections.</p> <p>14 The Marley Cattle Company has about 25,000 acres</p> <p>15 of deeded land, and both the central and the western</p> <p>16 corridor crosses the Marley Cattle Company deeded land.</p>
JW-1	<p>17 The power line route, although generally described</p> <p>18 on these maps, is impossible to locate on the ground and how</p> <p>19 it will affect us exactly. We think that it comes through</p> <p>20 our headquarters area, but we cannot tell from the</p> <p>21 information that's available in the EIS.</p>
JW-2	<p>22 Power lines like this in Arizona provide another</p> <p>23 avenue for illegal immigrants. It's a very difficult</p> <p>24 situation on our ranch at this point. And if this power</p> <p>25 line will provide a corridor, that will probably make it</p>

Comment No. JW-1

The maps in the EIS show the 0.25-mi (0.40-km)-wide study corridors within which the 125-ft (38-m) ROW would be sited if an action alternative is selected, based on input from resource specialists in order to mitigate potential environmental impacts. The precise siting of the ROW would occur after each agency has issued a ROD, as stated in Section 3.1.1. Thus, the maps in the EIS cannot include a precise location for the ROW, as the location has not yet been determined.

Comment No. JW-2

Section 4.12, Transportation, of the Final EIS has been revised to include the commentor's statement that illegal immigrants leave trash and waste behind as they pass through an area. The transmission line ROW and access roads would not provide a single continuous pathway from the U.S.-Mexico border (also see the response to the Sky Island Alliance, Comment 14).

The potential impacts from the proposed project on Marley Cattle Company's operations are outside the scope of the EIS. Section 4.5, Socioeconomic Impacts, evaluate factors on a regional scale such as employment, income, population, housing, and community services, and potential impacts to these factors, rather than evaluating specific impacts on a company-by-company basis.

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JW-2 cont.	1 impossible.
	2 The waste and trash that is left is significant,
	3 and the disruption to our operation is magnificent in its
	4 scope.
JW-3	5 Also, since both of these corridors cross the
	6 ranch it seems to me that the ranch should have been
	7 contacted for the scoping process on the corridor. The
	8 ranch has never been contacted. So I assume that the
JW-4	9 current EIS documents did not focus on the 15 miles from
	10 Caterpillar to the Arivaca Road since they have never asked
	11 us for permission to look at it, and we would appreciate
	12 that.
JW-5	13 The corridor that we found originally was about
	14 two miles wide. We see in the scoping process it was
	15 narrowed to one-half mile. We think that is an
	16 exceptionally narrow corridor and does not provide for
JW-6	17 enough latitude in siting the power line if, in fact, it has
	18 to be in one of these areas.
	19 And I understand that part of the NEPA process is
	20 an economic impact. I see no economic impact in this EIS as
	21 it affects our operation, the value of our land, and we are
	22 opposed to the central corridor, and we are just as opposed
	23 to the western corridor.
	24 Thank you.
	25 MR. ANTHONY COMO: Thank you, Mr. Webb.

Comment No. JW-3

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process (including public review and comment on the Draft EIS), per CEQ requirements. The law firm representing Marley Cattle Company (Ryley, Carlock, and Applewhite, represented by subsequent speaker Michele Lorenzen), was included on DOE's interested party mailing list, scoping comments to DOE, and was sent a copy of the Draft EIS. Marley Cattle Company did not indicate to DOE their interest in receiving information directly on the proposed project.

The EIS analyzes potential environmental impacts for the entire length of each of the proposed corridors. Where appropriate, that analysis included field visits and groundtruthing. In other situations, literature and maps provided information for the analysis.

Comment No. JW-4

The Federal agencies refined the study corridor width to 0.25 mi (0.40 km) during the analysis process in order to balance the need to provide adequate latitude in siting the proposed project with the need for an EIS that provides specific environmental information. The study corridor width of 0.25 mi (0.40 km) allows for thorough field surveys (such as biological surveys), preparation of representative photo simulation of the proposed project in the landscape, and specific descriptions of the potentially affected environment and potential environmental impacts.

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ML-1	1	Michelle Lorenzen?
	2	MS. MICHELE LORENZEN: My name is Michele
	3	Lorenzen. I am with the law firm of Ryley, Carlock and
	4	Applewhite. And I am also speaking on behalf of Marley
	5	Ranch.
	6	I just wanted to add some technical comments to
	7	Mr. Webb's comments, the first of which there is a serious
	8	deficiency in the Draft EIS in the purpose and needs
	9	statement. The only need that has really been cited in that
	10	section is a need to provide 150 kilovolts to the Nogales
	11	area. Yet they have proposed to have two-thirds of the
	12	capacity of the new line cross the border into Mexico.
	13	There is no explanation at all for why this is valuable or
	14	necessary or even what the purpose of the extra transmission
	15	capacity will be.
ML-2	16	The Draft EIS does not contain a reasonable
	17	forecast of the effects of the additional capacity.
	18	I've identified a few questions that need to be
ML-2	19	answered in the Draft EIS, and I will be providing more
	20	details on those questions in writing, but I just wanted to
	21	explain a few of them.
ML-2 cont.	22	The government needs to consider what is the
	23	purpose of and need for the extra capacity and crossing the
	24	border which is the purpose of this permit?
	25	Is there any existing generation capacity that

Comment No. JW-5

An assessment of potential economic impacts on Marley Cattle Company's operation is outside the scope of an EIS (refer to the response to Comment JW-2 above).

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

Comment No. JW-6

The Federal agencies note the commentor's opposition to the Central and Western Corridors.

Comment No. ML-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, of the Final EIS that explains the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." See further discussion of purpose and need in Section 1.2.

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ML-2 cont.	1 will be used to provide electricity on the line or will
	2 there be an increase in the generation capacity?
ML-3	3 Where will the power come from?
	4 Where will the power go?
ML-4	5 What sorts of construction impacts will there be
	6 that haven't been identified by TEP?
ML-2 cont.	7 Has the DOE considered the plans of the Maestros
	8 Group? And those are outlined in an article on
ML-5	9 www.maestrosgroup.com.
	10 If there will be a power plant across the border
ML-2 cont.	11 or in the United States, then that should be included as a
	12 reasonable alternative and the scoping should be changed to
ML-2 cont.	13 include it.
	14 If there will be any additional construction
ML-2 cont.	15 caused by this extra transmission capacity, what are the
	16 environmental and economic impacts of that extra capacity?
ML-2 cont.	17 What other companies will be using the line? And
	18 what are their plans for providing electricity across
ML-2 cont.	19 through the line?
	20 These questions have not yet been addressed.
ML-5	21 Further, NEPA requires a detailed statement of the
	22 relationship between local short-term uses of man's
ML-5	23 environment and the maintenance and enhancement of a
	24 long-term productivity.
ML-5	25 That's in Section 42 USC 4332(C)(4).

Comment No. ML-2

Regarding the transmission capacity that will be available across the U.S.-Mexico border, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico. Section 1.1.1, The Proposed Action, has been revised in the Final EIS to clarify that the 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. No specific information is available on the potential use of capacity across the U.S.-Mexico border.

Section 3.11.1, Infrastructure, of the Final EIS has been revised to clarify that the proposed project does not include either the development of new or expansion of existing power generation facilities. Refer to the response to Comment ML-1 above regarding the connecting transmission line in Mexico. The specific routing of the connecting transmission line between the U.S.-Mexico border and the existing Santa Ana Substation has not yet been determined. Evaluation of potential environmental impacts in Mexico is not within the scope of the EIS.

The potential indirect effects of the redundant and additional transmission capacity (see Section 1.5, TEP's Proposed Project Capacity and Usage) that would be provided by the proposed project are speculative, and thus, are not included in the EIS. The EIS addresses the known direct and indirect environmental impacts of TEP's proposed 345-kV and 115-kV transmission lines.

The potential actions of other companies and use of the proposed transmission line by other companies is speculative and beyond the scope of the EIS.

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ML-5 cont.	<p>1 They must describe in the EIS the relationship</p> <p>2 between the impacts that have been identified and the</p> <p>3 project's merits so that the public can understand they are</p> <p>4 giving up important environmental values for some worth.</p>
	<p>5 In that line there should be some response to the</p> <p>6 questions what is the benefit of providing extra capacity to</p> <p>7 Mexico? Who benefits? Who is impacted? And what are the</p> <p>8 impacts on the air, water, economics and culture of the</p> <p>9 area? How do these results compare to each other?</p>
ML-6	<p>10 And I just add one more comment to Mr. Webb's</p> <p>11 comments on the scoping process. In the original TEP</p> <p>12 application either two mile wide corridors or one mile wide</p> <p>13 corridors were identified. And I have gone through the</p> <p>14 official record because we didn't have notice sufficient to</p> <p>15 participate in the scoping process, but there is no</p> <p>16 explanation anyway how that decreased to a one-quarter mile</p> <p>17 wide corridor.</p>
	<p>18 And we think that's a serious misrepresentation of</p> <p>19 the actual impact that this line is going to cause. You can</p> <p>20 certainly see it from farther than a quarter mile away if</p> <p>21 you put it on one side of the corridor and you were standing</p> <p>22 on the other.</p>
	<p>23 So that needs to be changed. The scoping needs to</p> <p>24 reoccur. They need to make bigger corridors. They need to</p> <p>25 study the corridors, and then they need to provide a better</p>

Comment No. ML-3

The Federal agencies have reviewed the information provided by TEP regarding potential construction activities, and made an independent, thorough assessment of the potential environmental impacts that could result from TEP's proposed construction and operation activities associated with the proposed project, as reflected in Chapter 4, Environmental Effects.

Comment No. ML-4

On May 10, 2001, DOE received an application for a Presidential Permit from the Maestros Group to construct a transmission line across the U.S.-Mexico border from a proposed power plant to be built in the Nogales, Arizona area. To date, Maestros Group has provided no additional information for DOE to continue processing their Presidential Permit application. Nonetheless, as more fully discussed in Section 2.1.5, a power plant in the Nogales area does not obviate TEP's purpose and need for this project, and therefore, is not a viable alternative to the proposed project (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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ML-6 cont.	1 statement of the impacts. 2 I think that's all I have. 3 MR. ANTHONY COMO: Thank you, Ms. Lorenzen. 4 Volney Morin? 5 MR. VOLNEY MORIN: My name is Volney Morin. It's 6 a French derivation, not necessarily popular these days. 7 To follow Phil Gray and this illustrious lawyer 8 will seem like the pale echo of a mighty intellectual 9 shower. So I will keep mine to a minimum.
VM-1	10 I suggest only that the government officials keep 11 in mind that with respect to residents, and I am a resident 12 of Green Valley, and I am speaking on behalf of myself 13 alone, but to the extent that the towers or the cables or 14 whatever they are doing has a visual impact upon the 15 residents, to that degree the power company is gaining an 16 advantage because they will be more profitable. So on the 17 one hand we are using a government agency to diminish the 18 value of the home of a resident in Green Valley. 19 Talk to any real estate man, any person, and you 20 will know that that visual impact has a dollar translatable 21 to 20 percent, 25 percent. 22 And on the other hand, as they progress with more 23 effective, more efficient ways, that will impact the 24 shareholders and the officers and the directors of the 25 utility in hand and presumably make more money for them. So

Comment No. ML-5

A description of the short-term use of man's environment and the maintenance and enhancement of long-term productivity as it relates to the proposed project is provided in Chapter 8, which has been revised in the Final EIS to more specifically address long-term productivity related to air, water, economic, and cultural resources.

The Federal agencies agree that it is the purview of the state to determine the best way to provide for the energy needs within the state. Chapter 8, Short-Term Use and Long-Term Productivity, has been revised in the Final EIS to discuss the potential benefit to southern Arizona and the improved reliability of transmission of electrical power into southern Arizona. Regarding the benefits of electricity trade between the U.S. and Mexico, refer to the response to Comment ML-2 above.

This EIS evaluates the proposed project's potential environmental impacts, which under CEQ NEPA-implementing regulations encompass the natural and physical environment, as well as the relationship of people with that environment (40 CFR Part 1508.1). Any analysis of the beneficiary (or beneficiaries) of the proposed project beyond NEPA's definition of environmental impacts is outside the scope of the EIS.

Comment No. ML-6

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

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VM-1 | 1 we have the government helping one party make money as
cont. | 2 opposed to another.
3 I just thought I would mention that. I was going
4 by anyway.
5 MR. ANTHONY COMO: Thank you, Mr. Morin.
6 Mr. Magruder?
7 MR. MARSHALL MAGRUDER: Good afternoon, Mr. Como,
8 and the rest of the crowd here. My name is Marshall
9 Magruder.
10 Some of you have seen me before at these hearings,
11 and as you are probably aware, I have got a lot of comments.
12 I am going to limit it to just one primary subject during
13 each of these four meetings. And today I am going to talk
14 about South Substation. This evening I am going to talk
15 about visibility.
16 Tomorrow I intend to talk about reliability and
17 need. And then I will talk a little about costs and
18 financial impacts. So I will separate them out. But in
19 those discussions I will bring up some more information.
20 Your Federal Register Notice of 10, July, 2001,
21 provided the EIS requirements, and it stated in this process
22 that there would be a floodplain analysis. Appendix C
23 contains that analysis along with the wetlands analysis.
24 Let's look at some of those pages. On Page C-10
25 and during the Siting Committee testimony TEP freely

Comment No. ML-6 (continued)

The Federal agencies refined the study corridor width to 0.25 mi (0.40 km) during the analysis process in order to balance the need to provide adequate latitude in siting the proposed project with the need for an EIS that provides specific environmental information. The study corridor width does not limit the area for which potential environmental impacts are assessed; potential environmental impacts are assessed in this EIS beyond the 0.25-mi (0.40-km) study corridors. For example, Section 4.2, Visual Resources, contains photo simulations of the proposed project at viewing distances of up to 3.6 mi (5.8 km). By narrowing the study corridors, the Federal agencies have reduced the potentially affected land area and the extent of potential effects, and therefore, scoping does not need to reoccur.

Comment No. VM-1

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

The potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

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MM-1 1 acknowledged that this facility was inside the 100-year
2 floodplain. It further gives requirements that have to be
3 met for the 100-year floodplain.

4 The proposed TEP capacity on this transmission
5 system is 1,000 megawatts per circuit or 2,000 megawatts for
6 the system. It is initially only going to be operated at
7 500 megawatts because TEP then can charge us 20 percent of
8 that and make that amount of money on the people in
9 Santa Cruz County, but that I will talk about when we do
10 numbers tomorrow.

11 The 2,000 megawatts is a large number. The City
12 of Tucson peaked at 2,060 on the 12th of August of this year
13 with the highest amount of power that city has ever
14 required. This is the capacity of the City of Tucson going
15 on those lines.

16 It invalidates the 500 megawatt electromagnetic
17 frequency data that's provided in a different portion of the
18 same document, the Draft EIS. It makes it so that the
19 widths of the right-of-ways have to be significantly wider.
20 It means that Tucson Electric will have to spend more money.
21 In fact, it's gone from \$70 to \$87-1/2 million the cost has
22 grown on this project so far.

MM-2 23 Just that I am sure everybody in the Department
24 from Energy knows every cent they spend on this it may be
25 reimbursable as long as it's an approved expenditure. So

Comment No. MM-1

The maximum EMF levels listed in Table 4.10-2 were calculated based correctly on operation of the proposed 345-kV transmission line at the 500 MW level, because 500 MW is the maximum level at which the proposed 345-kV transmission line would be operated. If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA. The proposed ROW width of 125 ft (38 m) is appropriate for operation of the line regardless of the operating level. That is, the right of way would not have to be wider for a 1,000 MW line.

Comment No. MM-2

After a regulated utility such as TEP constructs a project in Arizona, the ACC determines whether, or to what degree, an investment by a utility is recoverable through consumer electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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MM-2 | 1 they are going to get paid for this whole project, and it's
cont. | 2 going to come out of our pockets.
3 | 3 The floodplain analysis is important because this
4 | 4 substation, the one that's on West Pima Mine Road, the one
5 | 5 that you have to see the signs that say warning, don't drive
6 | 6 in the area ahead when it's flooded, that is the problem.
7 | 7 That facility is less than 300, 400 feet from the Santa Cruz
8 | 8 River. In 1989 the bridge was over -- the water overflowed
9 | 9 the bridge.
10 | 10 During the Line Siting Committee one of the people
11 | 11 from TEP testified, oh, we have a 100-year flood every
12 | 12 10 years. No. You have a 10-year flood every 10 years.
13 | 13 And we did have the I-19 bridge washed out in the flood.
14 | 14 That's a pretty substantial bridge.
15 | 15 Let's talk about that facility. It is a large
16 | 16 facility. I am going to get back and follow my notes here.
17 | 17 The analysis should, therefore, classify this as
18 | 18 called a critical facility. A critical facility requires a
19 | 19 500-year floodplain. So the 100-year floodplain analysis is
MM-3 | 20 erroneous, and Appendix C has to be redone.
21 | 21 It is a critical facility. If the lights go out
22 | 22 in Tucson, which is a lot bigger than the people who are
23 | 23 sort of worried about the lights in Nogales, it is a
24 | 24 critical facility.
25 | 25 The reason they haven't had -- some other things I

Comment No. MM-3

The Federal agencies concur that the proposed project should be treated as a critical facility, and have revised the Floodplain/Wetlands Assessment in Appendix C to identify and evaluate impacts to the 500-year floodplain. The Floodplain/Wetlands Assessment includes evaluation of the same alternatives evaluated in detail in the EIS (Western, Central, and Crossover Corridors, and the No Action Alternative). Specific alternatives (i.e., mitigation measures) for addressing floodplain/wetland impacts would be developed upon final siting and engineering of the transmission line.

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MM-3
cont.

1 I would like to talk about, Appendix C, Page C-1, I will read
2 you a quote, "Because the final siting and engineering of
3 the transmission line has not been completed, alternatives
4 that specifically address the floodplain/wetland impacts
5 have not been developed."

6 They are required to have floodplain analysis to
7 develop alternatives. Alternatives have to be presented.
8 Alternatives -- not just about this little substation. This
9 is the north end of the transmission line. They have to
10 develop alternatives for it.

11 In fact, personally I think they should condemn
12 the station, but that's another issue. Strike that. I
13 didn't mean to say that.

14 They also said that measures will be taken to
15 minimize impacts -- this is a quote now -- cannot be -- will
16 only be discussed in general terms.

MM-4

17 These people have been working for this since
18 August 17th, 2001. We are now 2003. Why don't they have
19 those concerns? Why don't they know where the siting is?
20 Why haven't they talked to the people on the ranch and the
21 people at the Caterpillar Corporation? Why haven't those
22 agreements been made? Why aren't the memorandums of
23 understanding included as appendices in this document?

24 Because TEP hasn't done its homework. They told
25 us in the Line Siting Committee it was going to take them

Comment No. MM-4

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements. In addition, TEP has independently conducted public outreach activities such as informational meetings with various stakeholder groups within the project area, and informational newsletter mailings to zip codes in the area.

TEP has developed preliminary engineering designs for the proposed project, based on which the project description and impact analysis in the EIS was prepared. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed, and input from land owners to mitigate environmental and visual impacts on each land owner's property. TEP would prepare the final engineering and construction plans for the selected corridor during precise siting of the ROW. TEP would not enter into memorandums of understanding with property owners until a corridor has been selected and TEP can begin the process of specific ROW acquisition.

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1 three months to complete the engineering and design. They

2 should do that and fix it and do it again and fix it again.

3 That's how engineers get things to work. I am an engineer.

4 You try. You don't always do it right the first time, but

5 you fix it. And they haven't fixed it. They haven't

6 designed it yet. And they haven't had the consultations

7 with the people that are required.

8 On the 5th of August this summer TEP filed, and I

9 will read another quote, "Some agencies involved in the

10 environmental impact process have said they will not comment

11 on the specifics of the project until they are provided with

12 a final location by either the DOE or the Forest Service."

13 This has been said in the Siting Committee. The

14 word site, what does that word mean? Site, specify,

15 determine the position of.

16 They still don't know where they are. So we

MM-4
cont. 17 shouldn't have the people from the Marley Ranch say we don't

18 know what the corridor width is and where is it?

19 They should have negotiated with you two years ago

20 before they ever came here.

21 In fact, the plan of action that was approved by

MM-5 22 the Arizona Corporation Commission said they would do the

23 Environmental Impact Statement first and then they would go

24 to the Arizona Corporation Commission.

25 They deliberately violated ACC Order Number 62011

Comment No. MM-5

As background information on the proposed project, Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, of the Final EIS includes an explanation of the relevant ACC decisions and the relation to TEP's proposed project, including the timing of this EIS and the application for a Certificate of Environmental Compatibility. TEP and UniSource Energy (the successor to Citizens) are in compliance with all ACC Orders regarding the project, as evidenced by the most recent hearing before the ACC (ACC 2003). However, TEP's actions with regard to ACC orders are not part of the environmental evaluation that is the focus of the EIS.

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MM-5 cont.	1 that said that follow the plan of action and do the 2 environmental statement first and then get your application 3 and your permit. They are doing it in the wrong order.
MM-4 cont.	4 So we still don't know where the poles are going 5 to be sited. And how can people make decisions? That's 6 only going to occur after negotiations and you know where 7 those poles are. 8 Without siting we don't have an analysis. You 9 don't have anything to analyze. 10 Let me show you some other examples of the siting, 11 and I just have a book here. 12 This is only one of four books required for a 13 sewer line. Okay. It takes four of these. And I will just 14 show these people at the table here some of the pictures. 15 And the pictures show not only the sewer line, but you can 16 see that there is some detail in these pictures. These are 17 engineering drawings. These are signed by registered, 18 certified professional engineers. 19 When you look at the Environmental Impact 20 Statement, they have hired some nice people from Disney to MM-4 cont. 21 draw comics or landscape architects, nice people, but this 22 is an engineering project. It has not yet been engineered. 23 In fact, this particular project is a sewer line 24 that crosses the border. And it has every manhole cover in 25 Mexico covered.

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- | | |
|---------------|--|
| MM-6 | 1 When we look at the Environmental Impact
2 Statement, where is the lines that go to Mexico going?
3 Where are their manhole covers? Where is their siting?
4 In fact, they have got 345 kilovolts crossing the
5 border, and there is no 345 kilovolts in Sonora. So they
6 are just going to hang in midair.
7 The environment knows no border. We have to look
8 at both sides. A system is a system. It's not an American
9 half and a Mexican half. It's a system. Just like the
10 north -- the South Substation is a part of the system. It's
11 marked in the maps as approximate location. It's there. We
12 can see it. |
| MM-1
cont. | 13 And that South Substation right now only has
14 500 megawatts of voltage of power available. They are going
15 to have to add three more 500 megawatt power lines in the
16 future for your grandchildren to see for the next 50 to
17 70 years. But they won't talk to you about that because
18 they are only going to charge the system to 500 megawatts
19 today. But it's a 2,000 megawatt system, enough for the
20 whole city. |
| MM-3
cont. | 21 It says in here, this is a little comment on
22 Page C-1, "If the Department of Energy determines that there
23 is no alternative to implementing a proposed project in a
24 floodplain, a brief statement must be prepared."
25 There are alternatives. But first of all, they |

Comment No. MM-6

Section 1.1.1, The Proposed Action, has been revised in the Final EIS to clarify that the 345-kV transmission line that TEP proposes to construct would go just across the U.S.-Mexico border, where it would likely connect to another transmission line. The specific routing of the connecting transmission line between the U.S.-Mexico border and the existing Santa Ana Substation has not yet been determined.

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	1 have said, oh, the DOE is going to prepare the statement
	2 saying, oh, you are just going to double this critical
	3 facility inside the 100-year floodplain. Who is going to
	4 take the liability for that debacle when it gets flooded?
MM-7	5 Department of Energy? TEP? U.S. Army Corps of Engineers?
	6 Pima County? It's in the Town of Sahuarita. Sahuarita?
	7 Who is going to take that responsibility?
	8 In fact, there are alternatives. One of them is
	9 called the Cyprus-Sahuarita Substation, which is back behind
MM-8	10 the mines. It's definitely not in the floodplain. Or a new
	11 substation. Come up with a new place. But this one is not
	12 very good.
	13 And where are those alternatives?
	14 Floodplain analysis requires public hearings. Has
	15 anybody heard about any public hearings to do the floodplain
MM-9	16 analysis for this major expansion? There should be public
	17 notices. We should all get invited. They should use the
	18 same address list. I am sure it would be an exciting
	19 floodplain meeting.
	20 The Clean Water Act requires certain,
	21 Sections 401, 404, various types of studies that need to be
MM-10	22 done. They are not done.
	23 The present substation, South Station, will
	24 increase by 58,600 square feet. That's bigger than most
	25 people's houses. That's how much it's going to grow for

Comment No. MM-7

The analysis of liability for damage to the South Substation is outside the scope of the EIS.

Comment No. MM-8

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered.

The alternatives suggested by the commentor do not meet TEP's purpose and need, part of which is to connect to the existing electrical grid at the South Substation. TEP's Cyprus-Sierrita Substation cited by the commentor is on a lower voltage system and would not support the proposed transmission line.

Comment No. MM-9

The "Notice of Intent to Prepare an Environmental Impact Statement (EIS) and to Conduct Public Scoping Meetings and Notice of Floodplain and Wetlands Involvement" for the proposed project was published in the *Federal Register* (66 FR 35950) on July 10, 2001. By including the Floodplain and Wetlands Involvement in this Notice of Intent, and taking public comments on the entire Draft EIS (including the Floodplain/Wetlands Assessment in Appendix C), the Federal agencies fulfilled the requirements of DOE's regulations for "Compliance with Floodplain/Wetlands Environmental Review Requirements" (10 CFR Part 1022).

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1 this project. That's a lot of square feet.

2 But I'm sure everybody in Sahuarita really is
3 going to be pleased with this new addition in their
4 neighborhood.

5 I don't know if Mr. Sharp is here. But I'm sure
6 Mr. Sharp probably does not consider that good for the
7 economic development of his community.

8 It's going to move closer to the river, 70 feet
9 closer to the river. It's already adjacent to it.

MM-11 10 It has two 500 megawatt bays. Where is the next
11 1,000 megawatt bay going to go in this thing? That's two
12 more 58,000 square foot additions.

MM-12 13 There are no technical figures. Actually, I don't
14 believe there are any technical figures in the entire
15 document signed by a registered engineer.

16 They are nice. We have art. I am an artist. I
17 am not a registered engineer. But they sign, they seal,
18 they stamp, and they validate and they approve, and they
19 will certify that it will work.

MM-13 20 Pages C-4 to C-7 are the figures. They are all
21 100-year floodplains. Where are the contours on those maps?
22 Why aren't they topos that we are all familiar with if you
23 have been in the hiking club? Why aren't they topos? They
24 are nice drawn Powerpoint diagrams.

25 MR. ANTHONY COMO: Excuse me, Mr. Magruder, if you

Comment No. MM-10

Permits or review requirements under Sections 401 and 404 of the CWA (requirements for discharge of dredge or fill material and wetland permit review) are identified in Chapter 10 as potentially applicable to the proposed project. TEP is currently in consultation with the U.S. Army Corps of Engineers (USACE) on these requirements, and would complete the required studies and obtain the required permits upon final selection of an alternative.

Comment No. MM-11

The South Substation would be expanded from a “three-breaker ring bus” to a “four-breaker ring bus” (an arrangement of circuit breakers in a substation), with a 100-ft (30-m) expansion to the existing fenceline (see Section 2.2.1, Substation Upgrades and Additions and Fiber-Optic Regeneration Site). This EIS addresses the development of the proposed project for operation at the 500-MW level, including the required substation additions and modifications. If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA.

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MM-14

1 could short of begin to make an end, we have a couple of
2 other speakers we would like to get to.

3 MR. MARSHALL MAGRUDER: Okay.

4 Towards the end there is, and this is really
5 probably one of the most important parts, they tend to
6 increase the height of the berm, the 586 by 100 feet. They
7 move the wall and move the security fence. But as they do
8 that, on the west side of the river and you raise the wall
9 and you make a dam, what happens to the east side of the
10 river? The water that's on the west side goes to the east
11 side. What is on the east side adjacent to the same river?
12 There is a large, heavy metal molybdenum processing plant,
13 heavy metal plant.

14 It took a lot of heat in this community when they
15 installed that plant. I am not trying to hurt that plant's
16 profits, their ability to do business, but if it was flooded
17 because TEP scooted the water from one side of the river to
18 that side of the river and the heavy metals went into the
19 Tohono O'odham Nation and ruined their lands, we're good at
20 that. We have been doing that for hundreds of years.

21 And when the water, when it sinks down, it ruins
22 our aquifer, and the City of Tucson has no water. It's
23 over.

24 Are we going to allow this to happen in our
25 community? The only answer, of course, two wrongs do not

Comment No. MM-12

An EIS is not a detailed engineering design document meant to certify the merits of a project's design, but rather a document that identifies and discloses potential environmental impacts. The level of project design detail required for assessment of potential environmental impacts in an EIS depends upon the degree to which project design details could affect environmental impacts. Scaled diagrams of the proposed monopole and lattice tower transmission line structures are shown in Figures S-3 and S-4 of the summary, and in Figures 1.1-1 and 1.1-2. TEP would prepare the final engineering and construction plans for the transmission line within the selected corridor after each agency has issued a ROD (refer to the response to Comment MM-4 within this transcript).

Comment No. MM-13

Due to the scale and the level of detail shown in the figures in Appendix C, topographical lines (lines showing elevation contours of the land) are not included in order to present simplified, user-friendly maps.

Comment No. MM-14

The proposed expansion of the South Substation would not be expected to: (1) raise the flood elevation in the surrounding area; (2) change flow patterns of the Santa Cruz River; nor (3) introduce significantly new hazardous material. TEP has completed a study to determine engineering measures that could be implemented to provide flood protection to the South Substation. (TEP 2002c) The results of that study indicate a variety of protective measures (ranging from reducing erosion with soil cement to building a structural concrete retaining wall) that can be implemented to better protect the South Substation from flooding. TEP would take appropriate measures to maintain the reliability of the electric transmission system.

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1 make a right.

2 If they have installed something in an area and
3 now its environment, the business environment has changed,
4 move it, put it in a different place, the north end of this
5 station.

6 Thank you.

7 MR. ANTHONY COMO: Thank you, Mr. Magruder.

8 Matt Skroch?

9 MR. MATT SKROCH: Hi there. Thank you for the
10 opportunity to be here. My name is Matt Skroch.

11 I work for the Sky Island Alliance. And these are
12 comments in part, but we will also submit comments in
13 written form.

14 The gist of what I have to say today is the
15 failure of the Draft EIS to adequately address a reasonable
16 range of alternatives.

17 And if we look at these power lines, all of them
18 are 345 kilovolts. 345 kilovolt power lines can serve
19 one million homes. There are 40,000 people living in
20 Santa Cruz County.

21 All of the lines cost about \$87 million. A
22 115 line costs about \$20 million. A power plant is
23 estimated to cost about \$20 million. Santa Cruz County
24 electrical rates went up 22 percent last month for a power
25 line whose primary purpose is not to benefit the county

MS-1

Comment No. MS-1

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Likewise, a smaller transmission line in lieu of the proposed 345-kV line (e.g., a 115-kV line) would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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MS-1	1 residents.
cont.	2 That, unfortunately, is not captured in the EIS.
	3 And the purpose and need, as others have pointed
	4 out earlier today, fails to address the real purpose and
	5 need of this power line, which instead of benefiting the
	6 residents of Santa Cruz County, as intended under ACC
	7 Order 62011, has more than changed under the Tucson Electric
	8 Power corporate business plan to buying and selling
MS-2	9 electricity for Mexico. And that is sorely lacking in the
	10 Draft Environmental Impact Statement. And I would recommend
	11 that you do a better job of analyzing the real purpose and
	12 need of the power line.
	13 If the purpose of the power line is to benefit the
	14 residents of Santa Cruz County, a 345 kilovolt power line is
	15 not the way to do it. So let's not hide behind ACC's order
	16 to provide another power line to Santa Cruz County to
	17 justify this.
	18 Roads. The Sky Island Alliance works on a lot of
	19 road issues, wilderness issues, public land management
	20 issues. TEP plans on using various amount of roads on the
	21 Coronado National Forest to build its power lines. They do
	22 not separate or distinguish whether the roads that they are
	23 going to be using are legally built roads that have gone
	24 through environmental analysis or if they are wildcat
	25 illegal roads.

Comment No. MS-2

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." Refer to the discussion of purpose and need in Section 1.2. In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

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MS-3

1 Under the Coronado National Forest plan, I have a
2 cite here, Amendment Number 8, June, 1996, replacement page
3 Number 34, Wildlife and Fish, Section 12D: "We find that
4 the Coronado National Forest limits their allowable road
5 density to one mile per square mile."

6 In the roads analysis done by URS and in the Draft
7 Environmental Impact Statement, both of which state that the
8 roads currently existing on the Coronado National Forest
9 meet that road density standard, which is wrong.

10 The Coronado National Forest plan does not
11 differentiate between system and nonsystem roads. It says
12 simply that road densities on the forest will not exceed one
13 mile per square mile. Thankfully, the roads analysis done
14 by URS has shown us that, depending on what route you look
15 at, between 54 percent and 65 percent, depending on which
16 route you look at, of the roads existing on the landscape
17 are nonsystem, illegally created roads which were not used
18 in the calculation in saying that the road density standard
19 is currently being met.

20 Now when TEP plans on closing one mile of road for
21 every mile of road they construct, technically, not
22 technically, it's illegal as given in the forest plan.

23 It will actually increase the technical road
24 density within the area because TEP will be closing
25 nonsystem roads that have never been on the forest

Comment No. MS-3

Section 3.12.1, Western Corridor, states that "USFS has indicated that current road density is estimated to be near this level [one mile of road or less per square mile]." USFS has provided clarification that road density limits set forth in the Forest Plan are for the Coronado National Forest as a whole, not for individual land units or EMAs within the Coronado National Forest. The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan.

TEP's proposal to close one mile of road for every mile of road to be used for the proposed project is not illegal. TEP's proposal would result in the addition of administratively closed special use roads or Level 2 roads to the Forest Plan (see Section 4.12.1). These roads have undergone NEPA analysis as part of TEP's proposed project.

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cont.

1 transportation network and they will be building level one
2 roads, which are called the administratively closed roads,
3 so we are actually adding miles to the Coronado National
4 Forest transportation system and saying that we're keeping
5 the status quo by closing one mile of road per square mile.

6 The roadless area, as we see on that map, the
7 preferred western route skirts what's called an inventory
8 roadless area, which was done incorrectly and in our opinion
9 legally questionably.

MS-4

10 In 1978 the Coronado National Forest, like every
11 forest in the United States, went through a process called
12 the Roadless Area Review Evaluation, Part Two. And at that
13 time they identified roadless areas across the nation that
14 had the potential for inclusion in the National Wilderness
15 Preservation System. That power line goes through the RARE
16 Two area.

17 In 2000, as TEP was just starting to bring this
18 plan to the public, the Coronado National Forest issued a
19 new roadless area map that coincidentally did not include or
20 did not abut the proposed western route.

21 The mapping system that they used to produce that
22 roadless area map is called a recreational opportunity
23 spectrum, and in no way has it ever been designed to
24 identify roadless areas on National Forest lands. And in my
25 knowledge it's never been used anywhere else to identify

Comment No. MS-4

The analysis in the Final EIS correctly relies on the IRAs defined in Volume 2 of the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* (USFS 2000) to determine potential impacts of the proposed project. The method used by the Coronado National Forest to identify the IRAs in the *Forest Service Roadless Area Conservation Final Environmental Impact Statement* is outside the scope of this EIS.

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MS-4
cont.

1 roadless areas on National Forest lands.

2 Therefore, I would recommend that the RARE Two
3 area, which is still illegally defined as the roadless area
4 in that area, be used in the analysis of the Draft
5 Environmental Impact Statement for the Final Environmental
6 Impact Statement.

MS-1
cont.

7 The existing power line that serves Santa Cruz
8 County right now has recently, well, within the last couple
9 of years been upgraded to 100 megawatts.

10 Santa Cruz County power needs have never exceeded
11 60 megawatts. And again, we get into reliability.
12 Reliability issues in Santa Cruz County have been improved
13 upon greatly in recent years. And this 345 kilovolt power
14 line, of which only a maximum of 20 percent would be used in
15 Santa Cruz County, and then only on the average of two hours
16 a year, is like swatting a fly with a shotgun.

17 That's all I have to say. Thank you.

18 MR. ANTHONY COMO: Thank you.

19 Mr. Roy Emrick?

20 MR. ROY EMRICK: Good afternoon. My name is Roy
21 Emrick. I am a member of the Sierra Club and of the Friends
22 of Buenos Aires National Wildlife Refuge, and my profession
23 I am a retired physicist.

24 All of the reasons that other people have given
25 against the western route I support. I won't repeat them.

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RE-1

1 I think Matt gave a good argument, the first
2 speaker gave a good esthetic argument.
3 The argument I want to make is a general argument
4 about projects of this sort. Building this line would
5 continue to lock us into the style of large point source
6 power plants with large transmission lines under the control
7 of large corporations.
8 For the environment what we need to do is get off
9 of that system and start using distributed systems. There
10 is nothing in here about reducing the load by conservation,
11 nothing about solar or wind generation.
12 So I think, again, the lack of alternatives was
13 mentioned, there are many other things we could do, and I
14 think we need to get off this kick of the big power plant
15 with the big transmission line and the dependence on fossil
16 fuels. Thank you.

17 MR. ANTHONY COMO: Thank you, Mr. Emrick.

18 Libby Brandt?

19 MS. LIBBY BRANDT: I am a teacher, and I live in
20 the area that we're talking about. And I have taken
21 students many times hiking in that area. And I know that
22 Arizona is known for its beauty and natural resources. And
23 I feel that we are making a giant mistake to future
24 generations to put such a thing through the natural
25 resources and the wilderness lands that we have out there.

LB-1

Comment No. RE-1

Section 1.2 explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Distributed energy resources, energy conservation, and alternative energy sources would not meet TEP's proposal.

Comment No. LB-1

Potential impacts to each of the resource areas cited by the commentor are evaluated in the EIS (see Section 4.1.2, Recreation; Section 4.2, Visual Resources; and Section 4.3, Biological Resources). The corresponding sections of Chapter 3 describe the affected environment relative to each of these resource areas.

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1 Thank you.

2 MR. ANTHONY COMO: Thank you.

3 D. G. Chilson.

4 MS. D. G. CHILSON: Thank you. My name is D. G.
5 or Gail Chilson, and I am a resident.

DC-1 6 Two of those proposed rights-of-way or lines would
7 go right behind my house, and that scares me. And it scares
8 me. I have enough voltage going behind my house right now
9 that concerns me as to its impact upon the environment. I
10 consider my property, 40-acre property, which these lines
11 would cross to be a sanctuary for the animals and the
12 wildlife. And this amount of power concerns me.

DC-2 13 And the reason I thought Mr. Emrick made a very
14 good statement, I think there are other ways to address
15 energy needs in this country, and I think that we really
16 ought to seriously look at them.

17 Thank you.

18 MR. ANTHONY COMO: Thank you, Ms. Chilson.

19 Sonja Macys?

20 MS. SONJA MACYS: Thanks. My name is Sonja Macys.
21 I am the executive director of Tucson Audubon Society. We
22 are a membership based organization of about 800 members
23 here in a three mile area.

24 I would just like to make a couple of points about
25 the Environmental Impact Statement and the proposed lines.

Comment No. DC-1

The available data have not revealed any conclusive evidence that EMF exposure from power lines poses a hazard to animal or human health (see Sections 3.10 and 4.10, Health and Human Environment). Where transmission lines are located in close proximity to each other, EMF levels can increase or decrease depending on the layout of the transmission lines and ROWs.

Comment No. DC-2

Section 2.1.5 of the EIS discusses alternatives that were considered but eliminated from detailed analysis.

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- | | |
|------|---|
| SM-1 | <p>1 The first is one that's been well expressed, and that is
2 that we have not been very creative in exploring
3 alternatives.</p> <p>4 We are faced now with two to three options, all of
5 which are unacceptable for different reasons.</p> <p>6 I think that we have been presented with the
7 western route, the central route and the crossover route as
8 if they were the only options available. And I am not an
9 engineer, I am not an energy expert, but I do believe that
10 there are other alternatives that need to be explored in the
11 Final Environmental Impact Statement.</p> |
| SM-2 | <p>12 I will keep my comments brief because we will be
13 providing written comments on the Environmental Impact
14 Statement, but I would like to say as far as the central
15 route goes, we are sympathetic to the residents who will
16 have to deal with the visual contamination of having the
17 line, and we would respectfully ask that it be considered if
18 the central route be chosen that those lines would need to
19 be buried and those costs would need to be borne by Tucson
20 Electric Power and not the residents and their property
21 taxes.</p> |
| SM-3 | <p>22 The central route also poses an additional
23 problem. There is a National Heritage Site process underway
24 for the Santa Cruz River, and that would be greatly impacted
25 by the central route.</p> |

Comment No. SM-1

Section 1.2 explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A smaller transmission line (e.g., a 115-kV line) in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal and, therefore, is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. SM-2

Because of the disadvantages and cost differential associated with burying transmission lines, this alternative is not evaluated in detail in the EIS. Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, has been revised to indicate that the option of burying transmission lines was considered but eliminated from further analysis in the EIS.

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SM-4	<p>1 So you might think that I am suggesting the</p> <p>2 western route. But that, actually, is probably the worst of</p> <p>3 all routes because of the fact that it will impact severely</p> <p>4 some of the pristine natural areas that are already being</p> <p>5 impacted in other ways in southern Arizona.</p>
SM-5	<p>6 I won't repeat the points that Matt made from Sky</p> <p>7 Island Alliance, but I would like to support his comments,</p> <p>8 and I think that the folks from Sky Island are the ones that</p> <p>9 have been working hardest on the wilderness areas that will</p> <p>10 be impacted by this proposal and also the proposed</p> <p>11 wilderness areas that we will be putting new roads into in</p> <p>12 order to service these lines.</p>
SM-1 cont.	<p>13 I don't think I need to go into the environmental</p> <p>14 impacts of roads. I think we are all familiar with rock</p> <p>15 fragmentation, introduction of exotic species, crossing of</p> <p>16 illegal immigrants, just as was mentioned by the fellow from</p> <p>17 Marley Cattle.</p> <p>18 And I guess I would just say I don't think we need</p> <p>19 more roads for a line that may be too large to adequately</p> <p>20 address what we're really looking to address here. I think</p> <p>21 we need to go back to the drawing board, be a little more</p> <p>22 creative, figure out why we are putting in a 345 when we</p> <p>23 could do with a 115. And I think that we need to really</p> <p>24 consider what we're willing to give up to address the energy</p> <p>25 needs that were stated.</p>

Comment No. SM-2 (continued)

Tables S-1 and 2.3-1 of the Final EIS state that the Central Corridor would be visible from more residences than the Western Corridor would be, and some potential views of the Central Corridor would be blocked by terrain.

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

Comment No. SM-3

The Federal agencies are aware of Congressman Grijalva's stated intent to initiate legislation that would establish an addition to the National Wilderness Preservation System in the Tumacacori Highlands portion of the Coronado National Forest. The proposal would double the existing Pajarita Wilderness south of Ruby Road from 7,529 acres (3,047 ha) to 15,931 (6,447 ha) acres and create an entirely new wilderness area of 76,171 acres (30, 825 ha) north of that road. Section 5.2.4 now includes a discussion of this potential proposal.

Comment No. SM-4

The Federal agencies note the commentor's opposition to the Western Corridor.

Comment No. SM-5

Section 2.2.3, Transmission Line Construction, states that explosives blasting may be used as needed based on local geologic conditions. Explosives blasting can result in the break-up of large rocks. Section 3.6 describes the existing geology and soils, and Section 4.6 evaluates potential impacts as a result of the proposed project.

Sections 3.3 and 4.3 describe the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential invasive (nonnative) species impacts.

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1 I don't think that many people here are willing to
2 give up their view shed or the environmental values that
3 they have moved here to enjoy and appreciate.

4 So thank you for the opportunity to speak to this
5 proposal, and we will be providing more written comments.

6 MR. ANTHONY COMO: Thank you, Ms. Macys.

7 I have run out of names, but we still have
8 25 minutes. We could just go off the record. We could give
9 the reporter a break, have a cup of coffee. In five minutes
10 or so if some of you think that after all you may want to
11 say something, we can go back on the record. We have this
12 officially until 5 o'clock, but we actually have the room
13 until later. We just want to break for supper. So we can
14 go a little after 5 o'clock if the press of the crowd is
15 necessary to get everyone's statement.

16 So why don't we just take a five minute break for
17 a cup of coffee and get a chance to regroup.

18 (Whereupon a recess was taken from 4:39 P.M. to
19 4:51 P.M.)

20 MR. ANTHONY COMO: Is there anyone else that would
21 like to say anything either over or anew?

22 That being the case I would like to close the
23 record, and I want to thank you all for attending. And in
24 case any of you are interested and have nothing else to do
25 we are going to have another version of this starting at

Comment No. SM-5 (continued)

The Federal agencies solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona*, April 29, 2002 (House 2002).

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1 7 o'clock tonight same location.
2 (Whereupon the hearing was concluded at 5:00 P.M.)
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1 STATE OF ARIZONA
2 COUNTY OF PIMA
3
4 I, RAYNBO SILVA, Certified Court Reporter in the
5 County of Pima, State of Arizona, certify:
6 That the foregoing Public Hearing was taken before
7 me at the time and place therein set forth;
8 That the foregoing 52 pages comprise a full, true
9 and accurate transcription of my notes of said Public
10 Hearing;
11 That I am not of counsel nor attorney for or
12 related to either or any of the parties in this action, nor
13 interested in the outcome thereof.
14 DATED this 10th day of October, 2003.
15
16
17
18

19 Raynbo Silva, RPR, CSR, CCR
20 Certified Court Reporter No. 50014
21
22
23
24
25

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PUBLIC COMMENT HEARING RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT
TUCSON ELECTRIC POWER COMPANY
SAHUARITA-NOGALES TRANSMISSION LINE

Green Valley, Arizona
September 25, 2003
7:00 P.M. to 9:00 P.M.

RAYNBO COURT REPORTING, LTD.
3625 West Gailey Drive
Tucson, Arizona 85741
520/744-2293

Reported by: Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

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1 PANEL:
2 ANTHONY COMO, Department of Energy
3 ELLEN RUSSELL, Department of Energy
4 BRIAN MILLS, Department of Energy
5
6
7 * * * *
8
9
10
11
12
13 The above hearing was held at the SANTA RITA
14 SPRINGS FACILITY, RECREATION DEPARTMENT, 921 Via Rio
15 Fuerta, in the City of Green Valley, County of Santa Cruz, State of
16 Arizona, before Raynbo Silva, RPR, CSR, CCR, Court Reporter
17 No. 50014, in and for the County of Pima, State of Arizona,
18 on the 25th day of September, 2003, commencing at the hour
19 of 7:06 P.M.
20
21
22
23 * * * *
24
25

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1 MR. ANTHONY COMO: My name is Tony Como. I am
2 with the U.S. Department of Energy, and we are here tonight
3 to collect some comments from you on a Draft Environmental
4 Impact Statement that we distributed a little over a month
5 ago.

6 We are here almost exclusively to listen to you,
7 but I need to give maybe an opening monologue, a short one,
8 on why we're here and what we hope to accomplish and some of
9 the protocols of the meeting.

10 First, I would just like to call your attention to
11 the fact that we have a court reporter. That is not to
12 imply that this is a legal proceeding. We just don't want
13 to lose track of anything that's said. So she is only here
14 to record information.

15 But in that regard whenever you do get up to make
16 a statement, either at the microphone in the aisle or up
17 here at the podium, if you could just indicate what your
18 name is, we have cards with your names on it, so you don't
19 need to spell it, but if you get up more than once in the
20 course of the meeting, again, just say who you are so the
21 court reporter can keep track of that.

22 Again, speak slowly and distinctly so she can pick
23 up everything that's said. And especially if you're going
24 to be using any technical terms or terms of art, it might be
25 helpful to spell it for her, also. She is getting used to

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1 us, though. She is probably not going to have too many
2 problems.

3 What has gotten us here? Well, about two and a
4 half years ago Tucson Electrical Power applied to the
5 Department of Energy for a Presidential Permit.
6 They need one because they propose to build a
7 transmission line across the U.S. International border with
8 Mexico.

9 If the transmission line were not crossing the
10 border, the Department of Energy would not be involved in
11 it.

12 So the exclusively domestic project we wouldn't
13 have any role in it whatsoever. Other Federal agencies
14 would.

15 So before DOE or any Federal agency makes a
16 decision that could involve significant environmental
17 impacts, we prepare an Environmental Impact Statement to
18 identify what those impacts are. We did that. We
19 distributed the draft sometime in August. And now we're
20 here to collect comments on the draft document that
21 hopefully you all received.

22 We're going to get your comments here today. You
23 can still submit written comments to us at various ways of
24 getting in touch with us. I think the information is out
25 there, E-mail, FAX, old snail mail. They all count the same

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1 way as anything you may choose to say here today. This is
2 just another way of collecting that information.

3 Comment period closes on October 14th. That does
4 not mean that we will not consider stuff that we receive on
5 October 15th or November 15th. It just means that after
6 that we're going to start pulling things together and
7 figuring out how we need to modify the draft document to
8 prepare a final.

9 We will always consider comments as much as
10 practicable whenever we get them and right up until the time
11 we are getting ready to publish the final, but we would
12 encourage you to get them in to us as soon as possible to
13 give us a good chance to think about them and adequately
14 address them.

15 Everything you say here, anything you send us at
16 home you will actually see photographically reproduced in
17 the final document. We will indicate who you are,
18 everything that you said word for word and all of the points
19 that you might make here and next to that how we might have
20 modified the document to address the points that you've
21 made.

22 When does that happen? Well, that's really a
23 matter of how many comments we get, the nature of them and
24 how much extra work we have to do to address them. We're
25 talking it will probably take months, three, four months at

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1 a minimum before we have a Final Environmental Impact
2 Statement distributed back on the streets for you all to get
3 a copy of. So I wouldn't even think of looking for anything
4 from us for several months anyway.

5 Let me introduce some of my colleagues here. With
6 me is Brian Mills from the Department of Energy's Office of
7 NEPA Policy and Compliance, Ellen Russell, who works with me
8 in the Fossil Energy, DOE's Environmental Attorney Rick
9 Ahern. And in the back of the room two of my colleagues,
10 Keith Moon from the Bureau of Land Management and Jerry
11 Connor from the U.S. Forest Service.

12 And our document is a joint or a collective
13 effort, I should say, among the Department of Energy, BLM,
14 the U.S. Forest Service and the International Boundary and
15 Water Commission.

16 So we all collaborated in the preparation of the
17 document because while it is DOE's action to either issue or
18 deny the permit for the border crossing, the project, also,
19 is proposed to cross some land managed by the Bureau of Land
20 Management and/or the Forest Service, and each of them have
21 separate review processes that they have to follow in
22 addition to the Department of Energy.

23 Just one last bit of housekeeping. It's a late
24 meeting. We are closing at 9 o'clock. I don't know how
25 many people are registered to sign up, but in deference to

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1 all of your friends and neighbors that are here, to give
2 everybody a chance to speak if you could limit your comments
3 initially to five minutes. If everybody has had a chance to
4 speak and we have still got plenty of time left and you want
5 to say some more, you are welcome to come up and do it
6 again. But at least the first time around if you can keep
7 it to five minutes, that will help everybody have a shot.

8 Ellen Russell is telling me if some of you here
9 don't have copies, we have three extra copies of the summary
10 of the document and a real copy of the entire document, and
11 I think the summaries also contain CD ROMS of the entire
12 document.

13 Odessa, correct me if I'm wrong, the two young
14 ladies who are taking names of people who want to speak, you
15 can also sign up to add your name to our mailing list, and
16 we will be glad to send you your very own copy when we get
17 back to Washington.

18 Our first speaker would be Peter Ragan.

19 MR. PETER RAGAN: Hello, my name is Peter Ragan,
20 and I live in Arivaca.

21 I moved there about six months ago in large part
22 because of the beautiful landscape surrounding the town and
23 including the Tumacacori EMA and the Coronado National
24 Forest. I have been to Sycamore Canyon many times with many
25 friends, some of them professional archaeologists and

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1 botanists. All of them expressed fascination and delight
2 with the beauty and diversity of the place.

3 I have visited Peck Canyon several times and hiked
4 up to Apache Pass and up to Bear Grass Tank north of the
5 pass. It is completely mystifying to me and to anyone who I
6 have talked to how anyone could contemplate running an
7 enormous power line through this area.

8 TEP's preferred western route simply guts the
9 center of the National Forest weaving and dodging it so it
10 can claim it doesn't affect any wilderness or roadless
11 areas. It's nothing less than an abomination.

PR-1 12 The crossover route adds insult to abomination by
13 trying to run through a vibrant, beautiful canyon, one that
14 has had water and abundant wildlife in it every time I
15 visited.

16 The central route, while seemingly less impactful
17 is not fundamentally better than the others. It's a
18 difference of quantity, not quality.

PR-2 19 Any of the routes would require amendments to the
20 Forest Management Plan because there is substantial negative
21 impacts to scenic integrity and remoteness in the National
22 Forest. But it is the transmission line that needs amending
23 or scrapping, not the Forest Management Plan.

PR-3 24 Of the alternatives presented in the DEIS a no
25 action alternative is the best.

Comment No. PR-1

Sections 3.1 and 4.1 describe the existing land uses on the Coronado National Forest, including wilderness and roadless areas, and analyze potential land use impacts from the proposed transmission line for each of the proposed corridors. Also refer to Sections 3.12 and 4.12, Transportation, regarding existing roadless areas and potential impacts to these areas.

Sections 3.3 and 4.3 describe the existing biological resources and potential impacts to these resources, including impacts associated with the Crossover Corridor. Section 3.7.1.3 states that Peck Canyon, which is encompassed by a portion of the Crossover Corridor, is a perennial surface water, and Section 4.7.1.3 evaluates impacts to water resources within Peck Canyon.

Comment No. PR-2

Section 3.1.1, Land Use, in the Draft EIS identified that Forest Plan amendments would be required for implementation of the proposed project, and Appendix H contains the supporting analysis for the proposed Forest Plan amendments.

Comment No. PR-3

The Federal agencies note the commentor's preference for the No Action Alternative.

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PR-4	<p>1 TEP has grafted its purpose, its desire onto the</p> <p>2 only real need here, that of increasing electrical</p> <p>3 reliability to Nogales. TEP is using Nogales' need and the</p> <p>4 ACC mandate for improvement to expedite their speculative</p> <p>5 money-making scheme.</p> <p>6 The DEIS dismisses any suggestion that what may</p> <p>7 happen in Mexico as speculative, but there is nothing more</p> <p>8 speculative in the DEIS than the concept of selling power to</p> <p>9 and from Mexico. But it's taken as a given. There is no</p> <p>10 legal or technical framework to get power across the border.</p> <p>11 This speculative business venture for which there</p> <p>12 is no present need should not be allowed to trash the</p> <p>13 National Forest pretending that it serves a legitimate need,</p> <p>14 that of Nogales.</p>
PR-5	<p>15 Many flaws and omissions occur in the DEIS.</p> <p>16 Examples are TEP dismisses alternatives out of hand, and the</p> <p>17 DOE seemingly looks the other way.</p> <p>18 A smaller line down the existing utility corridor</p> <p>19 is a viable alternative. TEP says it's too close to others</p> <p>20 and they could fall prey to the same natural catastrophe.</p> <p>21 This is not an industry standard or a construction code.</p> <p>22 This is an excuse to avoid a simple, inexpensive and</p> <p>23 efficient alternative.</p> <p>24 Consideration and analysis of a new power plant in</p> <p>25 the U.S. near the border was specifically mentioned for</p>

Comment No. PR-4

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." See further discussion of purpose and need in Section 1.2.

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Comment No. PR-5

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

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- | | |
|---------------|---|
| PR-5
cont. | 1 consideration by the DOE in the Federal Register of
2 July 10th, 2001.
3 In the DEIS this consideration is dismissed
4 summarily as not serving the purpose of TEP, which raises
5 the question: Is this a TEP document or a DOE document? |
| PR-6 | 6 No consideration is given to the impact on people
7 on the ground, hiking, backpacking, even hunting, using the
8 National Forest as it's currently intended.
9 It may come as a shock to TEP or DOE that many
10 people get out of their cars and hike in this essential area
11 and most beautiful part of the Tumacacori EMA. Between
12 Pena Blanca Lake and Ruby the area near Sycamore Canyon and
13 north is a popular place to camp. This unfamiliarity with
14 leaving the car permeates the DEIS. Time after time
15 regarding wildlife, regarding plant life, regarding cultural
16 artifacts the DEIS says no surveys were done or no specific
17 survey information is available. Nobody has gotten out and
18 walked and surveyed most of these routes.
19 Now we are supposed to take this lack of
20 information and make an important informed decision. How is
21 this possible? |
| PR-7 | 22 The maps to the routes are far too vague. The
23 routes should be plotted on USGS 7.5 minute topos at a
24 minimum. I have tried to follow them through the hilly
25 terrain, and it's just a guessing game. |

Comment No. PR-5 (continued)

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Likewise, a smaller transmission line in lieu of the proposed 345-kV line (e.g., a 115-kV line) would not meet the international interconnection aspect of TEP's proposal. Therefore, these alternatives are not evaluated in detail in this EIS (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. PR-6

Sections 3.1.2 and 4.1.2 discuss existing recreational settings and activities, and analyze potential impacts to recreation from the proposed project.

In support of preparation of the Draft EIS, field surveys were performed for a number of resource areas for each of the proposed corridors. Section 4.3.2, Vegetation and Wildlife, has been revised in the Final EIS to discuss wildlife surveys conducted in the corridors. As documented in the Biological Assessments included in Appendices D, E, and F, field surveys were conducted for biological resources. Field surveys were also conducted for the recreational and visual resource analyses (see Methodology in Sections 4.1.2 and 4.2, respectively). NEPA requires the use of the best available science and information rather than the development of new information or surveys where none exist. However, for certain resources, field surveys may be required to meet other legal or regulatory requirements concurrently with the NEPA process, such as for the resources discussed above. In such cases, the results of field surveys are included in the EIS.

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve additional field surveys by cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed.

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PR-8 1 Sycamore Canyon is a candidate for Wild and Scenic
2 River Status and, as per a recent Court decision, is
3 entitled to full protection as such. This is not considered
4 in the DEIS.

5 The negative socioeconomic impact of a large
6 transmission line on any of these routes is not considered.
7 The greatest asset of this area, of the entire region is its
8 natural beauty. It is the key to the quality of life and
9 present and future economic prosperity. This transmission
10 line is essentially a taking of a public asset for private
11 gain. It will do much more harm than good on any route.

PR-9 12 It serves only TEP's interest and seeks to serve
13 Nogales' need only as an afterthought.

14 People come to the National Forest and to the
15 community surrounding it for the beauty of its mountains and
16 canyons and not for the spectacle of its power lines.

17 I ask the Federal agencies here to do what is best
18 for the area and its people, not simply what is best for
19 TEP. We need to save our public lands and bring forward a
20 better solution to the problem.

PR-3 21 In the absence of any other reasonable
cont. 22 alternatives please choose the no action alternative.

23 Thank you.

24 I have some pictures of the areas I have spoken
25 about in here that, if I could, I would like to submit to

Comment No. PR-7

The maps in the EIS are conceptual maps designed to be simple and user friendly, with adequate detail to show the location of the 0.25 mi (0.40 km)-wide study corridors. TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25 mi (0.40 km)-wide study corridors (see response to Comment PR-6 above), and therefore the maps in the EIS cannot show the precise proposed ROW locations.

Comment No. PR-8

Figure 3.1-1, Specially Designated Areas on the Coronado National Forest, has been revised in the Final EIS to show the portion of Sycamore Creek that is preliminarily eligible for designation as a Wild and Scenic River (the segment of Sycamore Canyon from south of Ruby Road to the U.S.-Mexico border). Based on a site visit by USFS resource specialists and others, the Western Corridor is not visible from the eligible area. The topography of Sycamore Canyon is characterized by a very deep canyon, thus reducing the likelihood that a viewer standing at the creek bottom would be able to see a transmission line located outside the canyon. Thus, if Sycamore Canyon were determined to be a Wild and Scenic River, the transmission line would not be visible from the wild and scenic reach of the river.

Comment No. PR-9

Sections 3.5 and 4.5 discuss the existing socioeconomic resources and address potential socioeconomic impacts as a result of the proposed project. Section 3.5 has been revised in the Final EIS to describe existing socioeconomic aspects of tourism in the project area, and Section 4.5 has been revised to discuss potential impacts to socioeconomic aspects of tourism. Section 4.5 includes a discussion of the reasons that potential impacts to property values as a result of the proposed project are speculative and beyond the scope of the EIS. A cost-benefit analysis is beyond the scope of the EIS.

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1 the panel. I don't know if that's possible.

2 MR. ANTHONY COMO: Absolutely. You can submit
3 them for the record, and we'll bring them with us, yes.

4 Do you have more than one copy?

5 MR. PETER RAGAN: No. I only have one copy.

6 MR. ANTHONY COMO: Can we keep them or copy them
7 and give them back to you?

8 MR. PETER RAGAN: Yes.

9 MR. JIM DeVORE: My name is Jim DeVore. I am a
10 registered professional engineer, mechanical engineer. I am
11 self-employed and do consulting work in the utility
12 industry.

13 I have spent more than 35 years in the natural gas
14 and electric utility business, about 13 of those with
15 combination companies, namely Arizona Public Service Company
16 and San Diego Gas and Electric Company. And I would like to
17 speak to you from the perspective of someone who has been
18 involved professionally in the energy business.

19 I'm amazed that a simple reliability project which
20 we first heard about to bolster the electric system in
21 Nogales has turned into such a huge project as this is.

22 I would like to point out that the type of system
23 that we are talking about here, a 345,000-volt power line,
24 is the sort of thing you see coming from a power source like
25 Hoover Dam or those of you that have been in the other large

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- 1 power producing areas taking power from a production area
2 into a major load area.
- JD-1 3 Now there is no such load area in Nogales, and the
4 prospects of there ever being more than residential and a
5 small commercial load as there is right now is very remote.
6 I don't think there is any of that kind of load in Mexico.
7 Maybe there could be some in the future, but to build a line
8 now of this magnitude to serve the load that exists doesn't
9 seem feasible at all.
- JD-2 10 In terms of reliability I think most of us would
11 agree, in my profession would agree that the power plant
12 option affords the best reliability. It's completely
13 separate from the source of energy that's there now. It
14 could be fueled by natural gas. There is a natural gas line
15 already from a major source of El Paso Natural Gas Company
16 to the Nogales area. And augmentation of that line and the
17 building of a power plant would cost far less than this kind
18 of transmission line and the kind of maintenance.
- JD-3 19 These kinds of lines are not only big and take
20 great space and have a tremendous impact, and I will leave
21 it to you that the impact statement has covered that, but
22 they require a tremendous amount of maintenance by very,
23 very specialized people. It requires very large and very
24 big equipment to perform that maintenance.
25 So it isn't as though you are going to build

Comment No. JD-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

In order to meet the international connection aspect of TEP's purpose and need, a 345-kV transmission line is required. If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Comment No. JD-2

A new power plant in Nogales is not a viable alternative to a new, second transmission line. Therefore, the alternative of a new power plant (and associated augmentation of the local natural gas pipeline) is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. JD-3

The maintenance requirements of the proposed project are described in Section 2.2.4, Operation and Maintenance. More detailed information on the equipment that would be used for maintenance of the proposed project is contained in the Roads Analysis prepared for the proposed project (URS 2003a).

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JD-3 cont.	1 something simply through some of this very beautiful scenic 2 area and it will be there and no one will ever be there 3 again. To run this sort of system safely it takes a great 4 deal of maintenance by very big equipment.
JD-2 cont.	5 The alternative of augmenting a gas line, putting 6 a small compression -- I mean a small generation plant in 7 Nogales serves the purpose. It provides the reliability. 8 It is completely separate from any other system. The impact 9 of pipelines, I think most of you know, are very small. And 10 those of you that are concerned about pipelines, they are 11 very heavily regulated and very carefully controlled by the 12 Federal government by Federal regulations that are very 13 adequately imposed and regulated. 14 A lot of things would have to be done on a regular 15 basis. So I don't think there should be any concern about 16 that.
JD-4	17 So my comment is that I don't understand who is 18 going to pay for this. I'm concerned is the rate there to 19 Tucson Electric Power? I would remind you that they are now 20 in the gas business again, having acquired the facilities 21 from Citizens Utilities of the gas system that is in 22 Nogales. So it's not entirely as though they are not going 23 to be there in that business anyway. 24 I hope this will be helpful to everybody. Thank 25 you.

Comment No. JD-4

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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	1	MR. ANTHONY COMO: Mary Kasulaitis?
	2	MS. MARY KASULAITIS: My name is Mary Kasulaitis.
	3	I am a resident of Arivaca, and I grew up a few miles from
	4	Sycamore Canyon, which is going to be crossed by this power
	5	line. I made a statement of opposition to the power line
	6	two years ago, and I am prepared to make it again.
MK-1	7	I am opposed to both the western and crossover
	8	routes for this power line, and I am opposed to the need for
	9	a power line at all. But if built at all, the power line
	10	should follow the most direct path down the existing
	11	rights-of-way in the Santa Cruz Valley from Sahuarita to
	12	Nogales using the central route.
MK-2	13	The ACC told Citizens Utility that they needed an
	14	upgraded line, and this has now evolved into a massive power
	15	line that is designed to move much more electricity than
	16	what was originally directed and which will take electricity
	17	to and from Mexico.
	18	I am certain that what will happen in the future
	19	is that Mexican power plants unregulated the way they are in
	20	the United States will be built and power will be brought
	21	this way. Despite the fact that the Draft EIS says this is
	22	only speculation, I think it's very good speculation because
	23	that's what they are planning to do.
	24	Cheap Mexican power will be something that they
	25	can make money off of, and I don't think that that can be

Comment No. MK-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. MK-2

Information from the Mexican government indicates that there are no plans for any power plant construction in Mexico reliant upon, or otherwise connected to, TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been revised to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

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MK-2 cont.	1 ignored at all in this Draft EIS. And if the Draft EIS 2 ignores it, then it is inadequate and needs to be redone.
MK-3	3 This Draft EIS appears to have been written for 4 the much smaller line. It does not discuss the problems 5 inherent in the 345-kV volt line and the complicated 6 environmental questions about how United States and Mexico 7 should trade power. 8 Just because TEP and its parent company, 9 UniSource, sees a lucrative market just a few miles away 10 from its offices in Tucson does not mean that TEP is the 11 right company from the job. 12 And after reading this Draft EIS, if it is any 13 example, I would say they are not at all prepared to build 14 this line given the inadequacies of the Draft EIS itself, 15 which I will go into in a lot more detail when I send in my 16 written comments. 17 Tonight I just want to mention a few things that I 18 think are the most important points that I would like to 19 make regarding the unsuitability of the western route for 20 the power line. 21 First, the western route is longer and more 22 difficult to traverse than the central route. It will be 23 more expensive. It is more circuitous, and it follows a 24 highly scenic area. It lies in the watershed of Sycamore 25 Canyon, which is an exceptionally valuable ecological
MK-4	

Comment No. MK-3

The EIS addresses the construction, operation, and maintenance requirements of the proposed 345-kV transmission line between the South and proposed Gateway Substations and continuing to the U.S.-Mexico border.

Regarding the trade of electricity across the U.S-Mexico border, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico. Analysis of how the United States and Mexico should trade power is outside the scope of the EIS.

Comment No. MK-4

Sections 3.1 and 4.1 present analyses of the affected environment and potential impacts to land use from the Western Corridor, including impacts to the specially designated areas cited by the commentor. Sections 3.2 and 4.2 present analyses of existing and potential impacts to visual resources in the cited areas from the Western Corridor, and Sections 3.3 and 4.3 discuss the existing and potential impacts to biological resources.

Figure 3.1-1 shows that a segment of the 0.25-mi (0.40-km) wide Western Corridor within the Coronado National Forest overlaps Ruby Road. Visual Simulations 3 (referenced in Section 4.2.1) shows that the proposed transmission line in this segment overlapping Ruby Road would be on the south side of the road.

Comment No. MK-5

Section 4.12.1, Transportation, of the Final has been revised to clarify that roads to be closed on the Coronado National Forest to maintain the existing road density would be identified through the Special Use Permit process. This process would include USFS personnel who would coordinate the road closures with other multiple uses on the Coronado National Forest.

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MK-4 cont. 1 resource so that any construction for the power line will
2 inevitably cause damage to the canyon.

MK-5 3 There are very few roads there now, and the only
4 roads that are there are necessary roads. So TEP cannot
5 close some of them to build power line roads.

MK-4 cont. 6 The western route has been designed by TEP to
7 squeeze between the roadless areas and the Pajarita
8 Wilderness between the natural area and the cliffs of the
9 Atascosas. This is a travesty. It will take the scenic
10 Ruby Road and render it totally unseen. It's inaccurate in
11 the Draft EIS as to what side of the road they are even
12 going to put the power line on.

13 This is an area between that's called Bear Valley
14 in some cases and Pajarita Wilderness. This whole area is
15 in an area of incomparable natural beauty with no human
16 constructions to mar it. I can't imagine anything more
17 horrible than this immense power line cutting through it.

18 Perhaps the people who originally planned the
19 route did not realize what an exceptional place they had
20 chosen and perhaps they only thought it was suitable if it
21 had no people to complain to their congressman about the
22 power line. I'm sure the people in the Santa Cruz Valley

MK-6 23 don't want it either. No one wants it except TEP who will
24 be making a lot of money off of it.

25 And we expect the Department of Energy to take

Comment No. MK-6

The potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

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MM-1

1 appropriate steps to see that this is done correctly, and if
2 this is not correct that they withhold their permit.
3 Thank you very much.
4 MR. ANTHONY COMO: Mr. Magruder?
5 MR. MARSHALL MAGRUDER: I would like to talk to
6 you for a little while about visibility, and visibility is
7 very important on this particular case.
8 And there is some figures in the book, and I will
9 mention the numbers, Figure 4.2-3, and it shows that the
10 western route, for example, is not visible from the
11 travelway. It talks about I-19.
12 Well, the areas that it's not visible from are the
13 areas south of Green Valley in the area like near the Canoa
14 Ranch exit. What does I-19 look like in that place? We are
15 at the hill. There is a hill to the west of the interstate.
16 Of course they won't see the route because you are going to
17 look at the hill.
18 But as we all know, there is something like
19 8,000 houses planned to be built on top of those hills.
20 Every one of those houses will see that route for the next
21 50 to 70 years.
22 So the analysis when you look in that one figure
23 says, oh, there is no problem, you are not going to see them
24 from the travelway, from I-19. What really counts are the
25 people who live there all the time, the people whose

Comment No. MM-1

In Figure 4.2-3 of the EIS, the map of the Western Corridor is shaded to indicate visibility from travelways. As the Western Corridor crosses I-19 and continues southwest, residents, travelers, and recreationalists would have intermittent views of the proposed project in the foreground and middleground, with views from many areas in lower terrain obscured by the hills and mine tailings piles in the area.

While there is a potential for construction of new houses on the hills to the west of I-19 and almost anywhere in the project area, until plans are presented, new housing construction is speculative. If such housing construction were to occur, the transmission line may be visible from potential residences on the hills to the west of the interstate, depending on the terrain setting of each individual house. Information on the specific housing construction referenced by the commentor as it could relate to cumulative impacts has been added to Section 5.2, Reasonably Foreseeable Action Identification.

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

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MM-1
cont.

1 property values are going to be decreased, the builders who
2 are not going to be able to make the profit margins that
3 they thought they were going to make on selling the
4 buildings and the people working in the construction
5 industry that won't have jobs.

6 So it has a strong economic influence, visibility.

7 It was mentioned earlier in this last section, 20 to

8 25 percent loss or gain in value due to visibility.

9 And the people that live here in Green Valley and

10 Arivaca and Tubac and even Rio Rico visibility is very

11 important when you decide where you want to live. People

12 spend a long time if they are building a house where they

13 want those windows. They spend a long time deciding which

14 house to buy. It's all based on the view. And the view is

15 scenic in Arizona.

16 Our famous Arizona Highways magazine is our

17 magazine. I am getting emotional. You guys do it. I got

18 emotional last time.

19 But the Arizona Highways, it's our magazine. It's

20 a famous magazine. It shows things that are real Arizona.

21 And that I have looked and looked and looked and never seen

22 a transmission line in it. They just don't make it. And I

23 think that we shouldn't support things that involve one of,

24 if not the most important thing, that we all think about and

25 that's visibility.

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MM-2

1 I have some specifics that I have handed out, but
2 another place it shows where the route crosses Arivaca Road.
3 This says, oh, it's bad visibility when you see where it
4 crosses Arivaca Road. Everybody here knows where the
5 natural gas line crosses Arivaca Road. Is that where you
6 want to see 140-foot towers? See, the tallest structures in
7 the Santa Cruz County will start when those structures enter
8 Santa Cruz County. There will be nothing else manmade other
9 than a TV antenna or two that's that tall.

10 So why should these big towers exist and stay
11 there for such a long time?

12 The next thing is the color and the texture on
13 these towers. It's been decided, and I don't know how they
14 decided, but there is a way you can buy an automatic rusting
15 tower, and the towers will rust naturally, and they will
16 look like telephone poles. Well, there are very few
17 140-foot telephone poles around that are six feet in
18 diameter at the bottom, but that's what we are going to
19 have, 140-foot telephone poles that are six feet on the
20 bottom. That's a pretty big pole.

21 But let's look and think about what it means from
22 the visibility. We have a dark, rust colored tower, and
23 what do we see in the background in this state most of the
24 time? We see light blue sky, or sometimes we see clouds.
25 Tremendous contrast between dark red, brown, black and the

Comment No. MM-2

Section 4.2 analyzes potential impacts to visual resources. TEP, together with visual, cultural, and biological specialists, would site structures on the landscape so that viewers would see land or vegetation (such as a mountain) behind the structure rather than sky, where feasible (that is, so the structures are not skylined). Thus, the self-weathering monopoles were selected because they would blend better with the background of land or vegetation than gray or silver dulled galvanized steel would.

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MM-2
cont.

1 skylight. That contrast is what makes them look so ugly.

2 And I have made suggestions. I even made a
3 suggestion last week at a different Line Siting Committee

4 that the use of dull galvanized steel, which is that gray

5 color, would make it better. But I have tried, and TEP

6 refuses to listen to this argument. I lost during that

7 debate. I lost in that debate during the Line Siting

8 Committee hearings. They refused to have any other color

9 than black or dark brown. I am a retired Naval officer.

10 Naval officers hate rust.

11 Thank you.

12 MR. ANTHONY COMO: Next speaker. I feel

13 embarrassed not being able to pronounce his name.

14 DiGiacomo, Jim DiGiacomo?

15 MR. JIM DiGIACOMO: Hi. I am Jim DiGiacomo. I

16 live at Quiet Desert Ranches, McGee Ranch Road.

17 And I would like to thank Mr. Magruder for being

18 an intervenor at all of these meetings and keeping us all up

19 to date on this.

20 I have been to several of your meetings, even the

21 ones two and a half years ago at Rancho Resort and the

22 different places, and there has been hearings, there has

23 been correspondence, there has been e-mails, there is media

24 about this power pole project that's been going on for more

25 than two and a half years.

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- JD-1 1 Justification has yet to prove the need for this
2 project. Santa Cruz County does not want it, but yet we
3 hear it is necessary to bring power to Santa Cruz County for
4 economic reasons.
5 In supporting economics in one county you remove
6 some properties and decrease the value on others. This to
7 me is helping one but destroying many.
- JD-2 8 There continues to be discrepancies in information
9 and communication especially to those that are affected the
10 most. In the development where I reside this project will
11 displace at the least 10 homes and lower the value on
12 neighboring properties.
13 In our development you will be displacing the
14 children, grandchildren and great grandchildren of a pioneer
15 family who settled there in the late 1800's, the McGee
16 family.
17 There still continues to be a total disregard and
18 disrespect for the residents and pioneers of southern
19 Arizona.
20 The attitude, this I don't care attitude continues
21 and it is a done deal. You certainly are not winning
22 friends.
23 There exists three sets of power poles on the west
24 edge of my property, the gas line, cable, phone lines are on
25 the western edge. We don't need any more power lines on my

Comment No. JD-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. JD-2

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed. For this reason, the Final EIS cannot include information on whether or how many homes would be displaced by the proposed project. If implementation of the proposed project requires condemnation of residences or private lands, such condemnation would be subject to separate legal proceedings which provide due process for those affected. TEP would avoid condemnation wherever possible.

While the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

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1 property.

2 Recently in the news you may have read of the two
3 falling power pole incidents, the one in Tucson where the
4 people were trapped in their cars for awhile, and even more
5 recently the one in Ocotillo Ranch next to the McGee Ranch
6 where a 7,000-pound transformer fell into the road. We are
7 fortunate that the local school bus was not on the road at
8 that time.

9 In closing this statement, I want to say that
10 there are many of us, possibly hundreds, myself included,
11 men and women who have served in the armed forces to defend
12 our country and its freedom. So why are you forcing us to
13 defend our homes and our land?

JD-3 | 14 So let's put this project to rest now, save
15 embarrassment to the State of Arizona, allow your
16 grandchildren to grow up respecting the decision you make
17 being the right one. Don't let them grow up hating you for
18 making the wrong one.

19 Thank you.

20 MR. ANTHONY COMO: Richard Paige?

21 MR. RICHARD PAIGE: My name is Richard Paige.
22 I've a resident of Green Valley. I moved to Green Valley
23 about seven and a half years ago when I retired.

RP-1 | 24 Like most of the people in this room, I'm deathly
25 opposed to all of these routes going down the power lines.

Comment No. JD-3

The Federal agencies note the commentator's opposition to the proposed project.

Comment No. RP-1

Several routing alternatives were considered but eliminated from further analysis that involved part or all of a route through the Santa Cruz Valley. Refer to Section 2.1.5 in the Final EIS for an explanation of these alternatives and the reasons for elimination.

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RP-2

1 There is no reason for it. I mean this whole
2 thing is a disguise to get power down to Mexico from a large
3 corporation to make money.

4 Originally when the ACC said that they needed to
5 improve the power lines to bring additional power down to
6 Nogales a lot of those problems they were having a few years
7 ago seemed to be resolved. They have done improvements to
8 the existing power lines and stuff down there. And they
9 don't have the power outages and stuff they used to have
10 down there.

11 And reading the impact statement it seems like
12 only 20 percent of the power is actually going to be needed.
13 The rest of it is going down to Mexico. And I don't know

RP-3

14 why we have to trash one of the most pristine areas in all
15 of the southwest, not just Arizona. When you start talking
16 about going down through Atascosas and Bear Valley, I mean I
17 retired to this area. And I'm a former hike master for the
18 Green Valley Hiking Club. I am out in the mountains three
19 to four days a week. I hike down to Sycamore Canyon. I
20 hike in Hells Gate and Peck Canyon and all of these areas
21 down there and Bear Valley.

22 And it would be a travesty to sit there and see
23 140-foot power lines going through one of the most pristine
24 areas of all of the southwest.

25 It is by far one of the only places left where

Comment No. RP-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis. As discussed in section 2.1.5, improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...."

Comment No. RP-3

The EIS includes discussions of Sycamore and Peck Canyons in the affected environment sections (Chapter 3), and evaluates potential impacts to these areas (Chapter 4).

Comment No. RP-4

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. After each agency has issued a ROD, the precise siting of the ROW, and siting of the support structures within the ROW, would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed. For this reason, the Final EIS cannot include maps showing a precise location for the ROW (see Section 3.1.1 of the EIS). Also, due to the scale and the level of detail shown in the EIS figures, topographical lines (lines showing elevation contours of the land) are not included in order to present simplified, user-friendly maps.

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RP-3 cont.	1 there is no development whatsoever. It is just a gorgeous 2 place. And the environmental impact that will be had, I 3 don't think anybody can quantify it. But to think that 4 that's all going to be trashed for power to go down to 5 Mexico is beyond me. I just don't understand it. 6 And I just urge everybody that hasn't been in 7 there, and like the other gentleman said, I have been there 8 all the time, I am trying to figure out where this thing is 9 going to be run and how it's going to be run down there, and 10 you cannot tell from the diagrams that you have got. 11 They need to be mapped out on an USGS topo map and 12 be more specific in nature. 13 But even if that happened, I mean it just is 14 beyond me to think that you would actually run power lines 15 down through Sycamore Canyon and Peck Canyon. Peck Canyon 16 is just and Sycamore Canyon is just a wonder. It's a 17 treasure that we have. And you can't destroy it. And 18 putting power lines in there is going to destroy it. There 19 is no way around it. 20 So I urge everybody, I urge the Forest Service, 21 the Coronado National Forest not to amend their management 22 program and policies to allow this to happen. It just 23 can't. 24 I know there is nimbus stuff, not in my back yard, 25 and I for one don't want to be that way, but to suggest that
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Comment No. RP-5

The Federal agencies note the commentator's opposition to amending the Forest Plan.

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RP-1
cont. 1 you would run on that western route power lines down through
2 there, I would rather see them go right down through the
3 center of the Santa Cruz Valley, not that I want to see that
4 happen, but if it's going to happen, I would prefer to see
5 that happen than what the proposal is.
6 And the only reason the proposal is, well, because
7 there is no people out there. There is a lot of other
8 things out there other than people, and we ought to keep it
9 that way.
10 Thank you.
11 MR. ANTHONY COMO: John Rueb?
12 MR. JOHN RUEB: I am John Rueb, a resident of the
13 Arivaca area near the proposed western route. Thanks for
14 the opportunity to make a few comments concerning your Draft
15 EIS.
JR-1 16 I am entirely against the construction of the
17 345-kV lines in any location. I believe they are totally
18 unnecessary and complete overkill for the needs of Nogales
19 and Santa Cruz County.
JR-2 20 A 115-kilovolt line would be more than sufficient,
21 and a local power plant would be even more appropriate for
22 providing excess capacity for future energy needs.
JR-3 23 Curiously there is no comparative effects of this
24 alternative in your draft. So why are Santa Cruz County
25 residents, one of the poorer counties in the state, forced

Comment No. JR-1

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. JR-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. JR-3

Because the proposed corridor alternatives would be purposely sited away from residential areas and in sparsely populated areas in order to avoid impact on large numbers of residences, the Federal agencies conclude that no potential for disproportionately high and adverse impacts among low-income populations would be expected (see Section 4.13, Environmental Justice).

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JR-3
cont.

1 to pay for an intrusive monstrosity which will be of little
2 incremental benefit to them? They are being adversely
3 impacted financially as well as environmentally by this
4 power line.

JR-4

5 So let's get to the real reason for the lines,
6 which of course is to trade power with Mexico. Part of the
7 North American Energy Alliance, a NAFTA of sorts for energy
8 which has sprung from energy deregulation, this deregulation
9 has played a significant role in energy disasters on both
10 coasts. Apparently we need less horse racing and more
11 public regulation of energy markets.

12 We are learning the hard way that we can't rely on
13 the Ken Lays of the world to deliver power where it is
14 needed. One of the California energy swindle perpetrators
15 has gone belly up, but others are lining up to sell power to
16 the state from new plants constructed just south of the
17 border. As many as 20 such plants are in the works. Why?
18 Low construction costs, cheap labor, quick licensing and lax
19 environmental regulations.

20 So even though Arizona currently has excess
21 generating capacity, the intentions are obvious, and the
22 energy will flow through these lines from the cheapest
23 source.

24 It's not about backup power for Nogales. That's
25 just the cover story.

Comment No. JR-4

Information from the Mexican government indicates that there are no plans for any power plant construction in Mexico reliant upon, or otherwise connected to, TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS. Section 5.2.4, Power Plants in Mexico, has been added to the Final EIS to clarify that the nearest location to TEP's proposed project for existing or planned power plant construction in Mexico is in Naco, Sonora, approximately 75 mi (120 km) east of Nogales.

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JR-4
cont.

1 Unfortunately, our environment has little concern
2 for lines on a map. Our prevailing winds are from Mexico.
3 What's left of the Santa Cruz River flows from Mexico, and
4 we share the same Sonoran Desert ecosystem.

5 Your document does not address, and I quote,
6 National Environmental Policy Act Guidelines: "Cumulative
7 effects of reasonably foreseeable future actions regardless
8 of what agency or persons undertakes such other actions,
9 cumulative effects can result from individually minor but
10 collectively significant actions taking place over a period
11 of time." These effects include indirect effects which are
12 caused by the action and are later in time or farther
13 removed in distance but are still reasonably foreseeable.

14 In other words, this is the last opportunity we
15 will have to mitigate the environmental effects of the
16 foreseeable consequence of this line, poorly regulated power
17 clients at the other end operating in our ecosystem.

18 After this power line is built it's out of our
19 hands and into the arms of the multinational energy
20 corporations which will seek only to maximize shareholder
21 value. Further environmental degradation is inevitable
22 beyond that of the lines themselves.

23 In summary I urge DOE to include these reasonably
24 foreseeable future actions and indirect effects in your
25 final draft and decision.

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JR-4 cont.	1 NEPA guidelines lead you to a cumulative effects 2 analysis which considers expanded geographic and time
JR-2 cont.	3 boundaries. Also, include a comparative effects analysis of 4 a local Nogales power plant alternative. And three, settle
JR-5	5 on the no action alternative since a return to an analysis 6 of Nogales' alleged energy shortfalls will show that 7 subsequent upgrades and existing backup power may be 8 sufficient.
	9 Thank you.
	10 MR. ANTHONY COMO: For the moment at least we have 11 run out of people who have signed up, but we are committed 12 to stay here at least until 9 o'clock.
	13 Could I suggest that we will just go off the 14 record and take a break for 10 minutes if you want, get a 15 cup of coffee. Before we even do that, does anybody want to 16 speak now?
	17 AUDIENCE: I would like to ask this question. If 18 we speak at this meeting, can we speak at another meeting?
	19 MR. ANTHONY COMO: Absolutely.
	20 Ralph Shelton?
	21 MR. RALPH SHELTON: Ralph Shelton, Arivaca.
RS-1	22 I share concerns that the power is going to be 23 moving north rather than south. And I am very much 24 concerned about Sycamore Canyon as other people have said.
	25 The reason I asked to speak is I have the 23,

Comment No. JR-5

As explained in Section 2.1.5 of the EIS, local generation and/or improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

Comment No. RS-1

Information from the Mexican government indicates that there are no plans for any power plant construction in Mexico reliant upon, or otherwise connected to, TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapters 3 and 4 include discussions on potential impacts to Sycamore Canyon for a number of different resource areas.

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RS-2

1 August, 2003 issue of Science Magazine, and it says that the
2 FCC is to probe the role of towers in bird deaths. Bowing
3 to pressure from bird advocates the Federal Communications
4 Commission has launched a major inquiry into the impact that
5 the nation's 100,000 communication towers are having on bird
6 populations. The agency last week began collecting public
7 comment on everything from the quality of existing studies
8 to ideas for new research.

9 You can read this text, but it's another issue
10 concerning the environment of these towers. Thank you.

11 MR. ANTHONY COMO: Thank you.

12 Rob Kasulaitis?

13 MR. ROB KASULAITIS: I am Rob Kasulaitis from
14 Arivaca.

15 I hadn't planned on speaking tonight, but there is
16 several things I mentioned two years ago, and I still don't
17 see that they have been addressed.

18 The area where the power lines are going to run
19 through one part will create a problem with the military
20 training area which is west of the Tumacacori Mountains.

RK-1

21 They are supposed to have control of the air space from
22 100 feet to something like 35,000 feet.

23 There is pilots in there training many times. And
24 a lot of you might think, well, they would never get down
25 that low. That's not true. I have walked on mountains

Comment No. RS-2

The Federal agencies reviewed the article submitted by the commentor and concluded that the Federal Communications Commission's (FCC's) probe into the role of towers in bird deaths is not directly relevant to the proposed project. However, the issue of bird mortality from the proposed project is addressed in Section 4.3.4 of the EIS.

Comment No. RK-1

The Federal agencies and TEP initiated consultation with Davis Monthan Air Force Base regarding potential impacts of the proposed transmission line on military flight operation. In response to the consultation, a representative of Davis Monthan Air Force Base stated that they had no issues to raise with respect to any of the proposed corridors, but that the proposed Western Corridor could impact the FUZZY Military Operating Area, controlled by the 162nd Fighter Group Airspace in Tucson. Information regarding the proposed project was forwarded to the 162nd Fight Group Airspace Manager and a copy of the Draft EIS was sent for the manager's review and comment. However, no comment was received concerning the potential impact on military flight operation from the proposed project (see Chapter 10 and Appendix A of the EIS).

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RK-1
cont. 1 while I am hunting and wave at pilots below me, so I know
2 that that can be the case. These power poles extend up
3 140 feet. I would hate to lose a pilot, but it will sure
4 create a mess if someone was to pilot into one of those
5 power lines sticking up out of the desert like that.

6 Another thing I am concerned about is providing
7 another path, a substantial path to guide people north, our
8 nighttime visitors, our illegals that come across the border
9 en masse in this area.

RK-2 10 Our borders are not closed. They are not
11 controlled. It's like a wild horse drive. I mean as soon
12 as the sun goes down, they start moving and they move fast.
13 And they don't pick up after themselves. It is one pile of
14 garbage after another. And it's not that these people love
15 to trash the place, but when they are picked up, they can't
16 take anything with them. So they have to leave all of their
17 belongings behind.

18 I look at that illegal problem as a modern day
19 slave trade. And we are allowing that to happen, and by
20 building a path that they can follow north, trust me, they
21 will use it, and we will be able to spot where to pick up
22 the garbage by the power lines.

23 Thank you.

24 MR. ANTHONY COMO: Brad Knaub?

25 MR. BRAD KNAUB: My name is Bradley Knaub. I live

Comment No. RK-2

The Federal agencies solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).

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- | | |
|------|---|
| | 1 in Arivaca, and I have lived there for 22 years. |
| BK-1 | 2 And I don't even have electricity going to my
3 house, so I don't have to look at a power pole. And if I
4 have to look at them going through the National Forest, yes,
5 it would be a travesty when we already know that we don't
6 need the power lines anyways because there is plenty of
7 proof of that. We heard plenty of other people discuss
8 that. I don't need to go through that. |
| BK-2 | 9 It just seems to me for the people that do have to
10 pay for power the cost of going through that route has to be
11 tenfold of what it would be to go down through Santa Cruz
12 County where there is already roads through there. And I
13 don't think the people that have to pay for the power would
14 appreciate that very much. |
| BK-3 | 15 And of course, I don't even see how they can do
16 it. If you have ever been down through there, it's
17 impassable. And for them to put roads in to put this power
18 line in there is just going to destroy an incredibly
19 beautiful place that you can hardly get through there now on
20 a good day. |
| BK-4 | 21 And the power line is just going to destroy
22 archaeological sites that we know are there and
23 archaeological sites that we don't know are even there yet
24 because that place is so wild down there that you can hardly
25 even get into some of these canyons to find these |

Comment No. BK-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, which provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. BK-2

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

Comment No. BK-3

Sections 3.2 and 4.2 discuss the existing visual resources and potential impacts to visual resources from the proposed project.

Comment No. BK-4

Sections 3.4 and 4.4 discuss the existing cultural resources and potential impacts to cultural resources from the proposed project. The Federal agencies are developing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in

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BK-4 cont. 1 archaeological areas, petroglyphs, you know, historical
2 sites from prehistoric villages, whatever. There is all
3 kinds of stuff down there.

BK-5 4 And I think also the issue of opening up another
5 route for the illegals to come up through is also a very
6 important issue to consider on this.

BK-6 7 And definitely the power plant in Nogales I think
8 would be the most reasonable option.
9 Thank you.
10 MR. ANTHONY COMO: Thank you.
11 Bruce Schockett?
12 MR. BRUCE SCHOCKETT: Hi, I am Bruce Schockett. I
13 live in Arivaca. I have been living in Arivaca since about
14 1986.
15 I came to the Arizona area around 1973.
16 Throughout that entire time I have been hiking in that
17 general area, Sycamore Canyon, Peck Canyon, and it's not
18 only a local treasure, it is a national treasure. And to
BS-1 19 destroy and putting in power poles will definitely destroy
20 it is just a travesty. And as we get older, we think about
21 our legacy to our children, to our grandchildren, and there
22 are times when I think to myself okay, son, this is what I'm
23 responsible for.
24 I'm a professional photographer, and I show my son
25 my photos of that area. Just think. What is the legacy of

Comment No. BK-4 (continued)

consultation with all parties who are participants in the Programmatic Agreement.

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the, appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

Comment No. BK-5

The Federal agencies solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

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1 those people that build those power lines?

2 Thanks.

3 MR. ANTHONY COMO: Just for the record, this is

4 Marshall Magruder.

5 MR. MARSHALL MAGRUDER: I'm Marshall Magruder.

6 I would like to talk about a few things we

7 mentioned in the last session that didn't quite get

8 completed. One of them that's already mentioned this

9 evening and that concerned the 20 percent of the line being

10 used for the people in Santa Cruz County. That would be

11 20 percent of 500 megawatts or 100 megawatts.

12 Now the electrical engineer who was talking a

13 little while ago you know what that is? That's 20 percent.

14 But the fact is our peak load in the history of Santa Cruz

15 County is 57.8 megawatts. They want to charge us for

16 100 megawatts firm delivery.

17 When you add that up, the people in Santa Cruz

MM-3

18 County will pay \$30 more per month when they pay for the

19 capital costs of the transmission lines and the firm power

20 for backup. This is a backup power line system. It is not

21 a primary power line system. It's backup because the

22 present line is cheaper to operate.

23 So the Citizens, the old utility, said let's use

24 the old line and not the new line.

25 They made a firm contract agreement for

Comment No. BK-5 (continued)

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona, April 29, 2002* (House 2002).

Comment No. BK-6

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. BS-1

Chapters 3 and 4 discuss Sycamore and Peck Canyons and evaluate potential impacts for a number of different resource areas.

Comment No. MM-3

After a utility company such as TEP constructs a project, the ACC determines whether or to what degree an investment by a utility is recoverable through consumer electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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MM-4	<p>1 100 megawatts for this new line because we might be able to 2 sell it in Mexico and make some money on the side. 3 Well, that's a big gamble. I don't really think 4 that gamble is what the people in Santa Cruz County want. 5 However, this is two, twin, two circuits of 6 1,000 megawatts. It's really a 2,000 megawatt line. They 7 only have current available in South Station for 500, 8 actually, 350 megawatts. They don't have the 2,000 readily 9 available now, but the system is designed, the interstate 10 highway is built for 2,000 megawatts. They might only 11 operate one lane on each side of the interstate, but they 12 built the road, and that's what happens with this project. 13 With 2,000 megawatts and our normal demand being 14 below 50, that's below 2 to 3 percent of the capacity of 15 this line is all that we will get in Santa Cruz County. So 16 this line is not what we need.</p>
MM-5	<p>17 Next subject. The Caterpillar proving ground was 18 in here during the last time. The thing that's interesting 19 about the Caterpillar problem and the reason I want to 20 mention this for the record is when they testified before 21 the Arizona Corporation Commission it turns out that their 22 proving ground to get outside of it they might have to leave 23 the two-mile corridor that the Arizona Corporation 24 Commission told them they had to stay inside of. If they 25 get outside of that two-mile corridor, they violate</p>

Comment No. MM-4

The maximum level at which the proposed 345-kV transmission line would be operated is 500 MW. If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA.

Comment No. MM-5

Caterpillar's suggested re-route would be on land owned or leased by Caterpillar, but it is outside the corridor that the ACC directed TEP to use. Accordingly, ACC approval would be needed in order to re-route the line as suggested. The ACC declined to accommodate Caterpillar's request for re-routing at the January 3, 2002 hearing on the CEC. Because of this limitation and because the agencies have less information about the environmental characteristics of this route than about the corridor alternatives, the suggested reroute option is not available for selection by the agencies at this time. Therefore, as discussed in Section 2.1.5, this suggested reroute was eliminated from detailed analysis in this EIS. If, following the issuance of Federal agency RODs, TEP were to propose use of this alternative route, the Federal agencies would evaluate the need for additional NEPA review.

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." Consistent with this obligation, TEP would meet with each landowner and discuss impacts to their particular property, including any issues that a particular landowner has before finalizing the alignment of the transmission line within the corridor considered in this EIS and the location of access roads. This mitigation measure has been added to Section 2.2.6.

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MM-5 cont.	<p>1 Condition 30 in that agreement. Condition 30 says if you 2 can't carry out everything in this agreement, it's null and 3 void. So it's very important that final decision for the 4 Caterpillar Corporation.</p>
	<p>5 And that's been a year and a half, and that 6 negotiation obviously hasn't been completed, another action 7 that should be done by Tucson Electric.</p>
MM-6	<p>8 Electromagnetic force or field from 9 2,000 megawatts is much more than 500 megawatts by at least 10 a factor of four, which means you have to have a wider 11 right-of-way which needs to be taken -- so all of the 12 numbers in the entire Environmental Impact Statement on how 13 many square feet or acres they are using are all erroneous.</p>
MM-7	<p>14 There is a little comment in Chapter 9 on 15 additional studies that need to be done, and it says under 16 there in the FAA that we don't know yet if we have to put 17 balls and lights on the wires and towers. That really makes 18 it easy for the illegal aliens. It really makes it really 19 easy for them when you light them up. 20 But why don't they know? Why hasn't this been 21 decided? This is an immature proposal. It's 22 pre-engineering stage. 23 I was embarrassed when I read their application at 24 the Arizona Corporation Commission as an engineer. It was 25 an embarrassment to my profession. It still is.</p>

Comment No. MM-6

Refer to the response to Comment MM-4 within this transcript regarding operation of the transmission line at 500 MW. The maximum EMF levels listed in Table 4.10-2 were calculated based correctly on operation of the proposed 345-kV transmission line at the 500 MW level. The proposed ROW width is appropriate for operation of the 345-kV line at the 500 MW level.

Comment No. MM-7

The Federal agencies conducted consultation with the FAA (see Table 10-1, and letter in Appendix A), and the FAA indicated that the only requirement would be to adhere to State of Arizona statutes in regard to tower construction. Table 2.2-2, TEP Mitigation Practices Included in the Proposed Action, measure number 7, has been revised to reflect this requirement.

The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

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	<p>1 Next subject: The Border Patrol. Are they going 2 to approve this application? Are they involved in this 3 process?</p>
MM-8	<p>4 I have talked to Mr. Sanders, who is a deputy 5 Border Patrol manager in Tucson. He is violently against 6 this transmission line. He just thinks it's the worst thing 7 that could happen. He even asked them to put TV cameras on 8 with infrared so he could use it help pick up the people 9 because he doesn't have the patrolmen to assign them full 10 time on this new highway of human traffic.</p>
	<p>11 Another little point, in the Federal Register that 12 announces the project it talks about the three routes, and 13 the eastern route was canceled, but there was an eastern 14 route, a central route and a western route.</p>
MM-9	<p>15 It's a little technical, but Segment 9 deviated in 16 Tubac on the central route, and it went behind a little 17 mountain peak called Cerro Pelon. It went behind that and 18 then came back in. That was the same route that was in the 19 Federal Register, same route, the central route that is in 20 their application to the Arizona Corporation Commission. 21 The eastern route in that particular portion ran 22 on Segment 10, which ran continuously down the transmission 23 line. 24 The central route, therefore, as shown in the 25 present Draft EIS is erroneous in that one area. It's the</p>

Comment No. MM-8

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

Comment No. MM-9

The information on routes presented during the scoping process is intended to be preliminary in nature and is not intended to be a final determination of routing or topics that ultimately are to be analyzed in the Draft EIS. In fact, one of the stated purposes of scoping is to refine alternatives and issues to be addressed. The analysis that occurred between scoping and publication of the Draft EIS refined the actual Central Corridor to be considered for environmental effects. The Central Corridor is correctly shown in the Draft EIS.

The Federal agencies are preparing a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources if an action alternative is selected. Prior to ground-disturbing activities in any approved corridor, a complete on-the-ground inventory would be conducted by professional archaeologists in accordance with provisions of Section 106 of the National Historic Preservation Act (NHPA). Efforts to identify cultural resources would also include historical document research and continued consultation with Native American tribes regarding potential traditional cultural properties and sacred sites. Identified cultural resources would be evaluated in terms of National Register eligibility criteria and potential project effects in consultation with all parties who are participants in the Programmatic Agreement.

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MM-9 cont.	1 wrong route, and it needs to be changed.
	2 There are about 25 figures that need to be changed
	3 in the document to reflect that item.
MM-10	4 During the Line Siting Committee hearings over
	5 70 percent of the National Forest area has never been looked
	6 at from an archaeological survey viewpoint, never looked at,
	7 never catalogued, never assessed, never evaluated.
MM-11	8 The Native Americans have treasures there that
	9 they don't know are there and they want to know they are
	10 there. They don't want somebody else to take them.
	11 Also, there is the jaguar. That's our jaguar.
	12 That's our most important number one species in the mammal
	13 wildlife of this North America. The jaguar was seen and
	14 last sighted in the United States in the vicinity of the
	15 western route. It's a precious animal. We want them to
	16 come back. They will never come back if the western route
	17 is installed.
	18 Thank you.
	19 MR. ANTHONY COMO: Would anybody else like to
	20 speak now?
	21 MR. MARSHALL MAGRUDER: I have got more. I have
	22 got 60 pages more.
	23 MR. RICHARD PAIGE: My name is Richard Paige. I
	24 spoke earlier. I have a question, not so much as a -- I
	25 would like to speak again. But about two and a half years

Comment No. MM-10

Wherever possible, power poles, access roads, and any other ground-disturbing activities would be placed to avoid direct impacts to cultural resources. A professional archaeologist would assist the pole-siting crew in avoiding impacts to cultural resource sites. In cases where avoidance of sites is not feasible, a site-specific Treatment Plan and Data Recovery Plan would be developed in consultation with tribes, the, appropriate land-managing agencies, and the Arizona SHPO. These plans will include an appropriate Plan of Action to implement the Native American Graves Protection and Repatriation Act. A Discovery Plan would be developed to establish procedures to be followed in the event of discovery of unanticipated cultural resources, and a Monitoring Plan would address issues of site protection and avoidance.

Comment No. MM-11

Sections 3.3 and 4.3 describe the existing biological resources and potential impacts to these resources, including impacts to jaguar.

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1 ago the first meeting I attended was one from New Mexico
2 Power and their proposal to run a power line from Palo Verde
3 Nuclear Power Plant down through here and into New Mexico.
4 Is that still a viable thing that's going on? Or is that
5 dead? Or is that something that's going to happen, also?

6 MR. ANTHONY COMO: That's like the \$64,000
7 question. That's about the fifth or six hundredth time I
8 have had it asked. We have had no contact, information,
9 notification from Public Service of New Mexico for a year,
10 year and a half.

11 MS. ELLEN RUSSELL: A Presidential Permit cannot
12 be issued in the absence of an environmental document. We
13 are not currently working on an environmental document for
14 the Public Service Company of New Mexico project.

15 MR. ANTHONY COMO: One of my colleagues in the
16 Bureau of Land Management, I guess it's not a secret because
17 he got a letter and it should be publicly available that he
18 received a letter from PNM asking them, I think, to
19 indefinitely suspend work on their application.

20 Now the Department of Energy hasn't gotten
21 anything. But we, also, like Ellen Russell said, we haven't
22 done anything on it. We are not even close to a draft
23 environmental document like you all are here for tonight. I
24 can't go beyond that and speculate what the company might be
25 up to. I can only tell you what has happened back home at

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1 DOE, which is nothing for over a year now.

2 MS. MARY KASULAITIS: I have a question, also.

3 This is just a question to ask how they have
4 written their response to issues raised by the public.

5 In the draft areas on Page 1-12 it says: The
6 following is a summary of issues raised by the public that
7 are beyond the scope of the EIS. And all of these are
8 issues that people are bringing up and similar to the issues
9 they brought up today that apparently TEP just doesn't feel
10 like answering. And so they will just say it's beyond the
11 scope of the EIS.

12 Well, I'm sorry, that's not exactly the answer
13 that we needed to hear. I mean if TEP doesn't want to do
14 something, they just say it's beyond the scope of the EIS?
15 Is that how they do it?

16 MR. ANTHONY COMO: Well, first of all, TEP doesn't
17 say anything in the document. It's the Department of
18 Energy, BLM's and U.S. Forest Service's document.

19 All of the issues that were raised here today and
20 will be raised in tomorrow's sets of meetings we will go
21 back, look at them, in some cases relook at them, and
22 collectively with DOE, Bureau of Land Management, Forest
23 Service and International Boundary and Water Commission,
24 ultimately it will be us that will decide whether issues are
25 in scope or out, to what extent and for what reasons.

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1 There were no decisions on the content of that
2 document that were made by TEP. They were all decisions
3 made by the Federal agencies responsible for preparing the
4 document.

5 MS. MAGGIE MELINOVICH: Maggie Melinovich.

6 If I write my letter, and it's more of an
7 emotional connection to the area because of all of the years
8 of hiking and all of the rest of that and the beauty
9 destroyed, that might just be set aside because -- no?

10 MR. ANTHONY COMO: No. It won't be set aside. It
11 will be physically reproduced and contained in the final.

12 MS. MAGGIE MELINOVICH: But have no weight?

13 MR. ANTHONY COMO: I can't tell you that it has no
14 weight.

15 The document that we are into right now is just an
16 analytical document. It's not a document in which you make
17 a decision.

18 We get on all types of projects, and I'm sure our
19 other Federal agencies have the same thing, agencies always
20 get comments that generally say they are either for or
21 against a particular action. That's just the nature of what
22 this type of work is.

23 And the reason why we're here tonight is really
24 very focused on getting information that we need to use to
25 modify the document. So we're interested in your thoughts.

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1 And if what we get from you is like you
2 characterized it primarily an emotional collection of words
3 as opposed to some of the analytical points that
4 Mr. Magruder brought out, it's just as equally important.

5 It would be difficult to figure out how we would
6 modify the document, change a table, change a map or
7 something like that, but it will appear in the document
8 nonetheless.

9 Why don't we take a 10-minute break. I am sure
10 the court reporter could use a break, and we are off the
11 record for awhile.

12 (Whereupon a recess was taken from 8:13 P.M. to
13 8:35 P.M.)

14 MR. ANTHONY COMO: We are back on the record now,
15 and Lynne Skelton would like to speak.

16 MS. LYNNE SKELTON: Good evening. My name is
17 Lynne Skelton. I am a council member for the Town of
18 Sahuarita. For the record I am speaking for myself and not
19 on behalf of the Town.

20 I wanted to bring to your attention one impact
21 that has not been brought up tonight, and that is of the
22 South Substation and the modification that this would have
23 on the area.

24 There is a proposed high density residential
25 subdivision planned very, very near that South Substation

LS-1

Comment No. LS-1

While there is a potential for construction of new houses almost anywhere in the project area, until plans are presented, new housing construction is speculative. If such housing construction were to occur, the South Substation and/or proposed transmission line may be visible from potential residences nearby, depending on the terrain setting of each individual house. Information on the specific housing construction referenced by the commentor as it could relate to cumulative impacts has been added to Section 5.2, Reasonably Foreseeable Action Identification.

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LS-1 cont.	1 that would have a major, major impact if there is any 2 modifications to that substation.
LS-2	3 I also wanted to voice the same concerns that I 4 have heard from other individuals tonight in the National 5 Forest area. 6 So please take that into your consideration when 7 you are making your decision. Thank you. 8 MR. ANTHONY COMO: Thank you very much. 9 Would anyone else like to speak? 10 If you could give your name when you get to the 11 microphone for the court reporter. 12 MS. ELLEN KURTZ: Thank you. My name is Ellen 13 Kurtz. And I have some concerns, which I will put down on 14 paper. 15 But one is in the north end of this line running 16 through the McGee Ranch area I'm concerned with the EMFs 17 that would be given off because I've been concerned with 18 this subject for another reason and have been getting more 19 and more information on it and seeing that there is more 20 information coming out on the bad effects of all of the 21 electromagnetics. And I really have a concern because there 22 are a lot of children up in this area, and I just don't like 23 to see someone exposed to all of these things and 24 needlessly.
EK-2	25 We feel that this line is not necessary because

Comment No. LS-2

The potential impacts to the Coronado National Forest from the proposed project are analyzed in Chapter 4 of the EIS, under each respective resource section.

Comment No. EK-1

The available data have not revealed any conclusive evidence that EMF exposure from power lines poses a hazard to animal or human health (see Sections 3.10 and 4.10, Health and Human Environment).

Comment No. EK-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

A new power plant in Nogales is not a viable alternative to a new, second transmission line. Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

The Federal agencies do not have any information indicating that a power plant would be any more or less of a terrorism target than a transmission line. Section 4.11.1, Infrastructure, discusses terrorism concerns related to the proposed project.

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EK-2 cont.	<p>1 the alternative of building a power plant in Nogales would</p> <p>2 be much better with the problems that have come up with the</p> <p>3 grid recently and in the past.</p> <p>4 And with all the fear of terrorism I think that we</p> <p>5 would really become sitting ducks if we did not have local</p> <p>6 power, and this is overkill on bringing a 345-kilovolt line</p> <p>7 down to fulfill a 115-kilovolt need in Nogales.</p>
EK-3	<p>8 The other thing is a question that I have. In the</p> <p>9 EIS there are summaries of the various routes, and there is</p> <p>10 no photo or really any information on the route, on the</p> <p>11 western route between the Arivaca Road and the National</p> <p>12 Forest. And living right beside that I know that there is</p> <p>13 quite a bit of activity going on both biologically and in</p> <p>14 the animal world and even with a few of us humans around.</p> <p>15 So I wonder why that has not been addressed.</p> <p>16 And that is all I have to say tonight. Thank you</p> <p>17 very much.</p> <p>18 MR. ANTHONY COMO: Thank you.</p> <p>19 Anyone else like to speak?</p> <p>20 MR. PETER RAGAN: My name is Peter Ragan. I spoke</p>
PR-10	<p>21 earlier, but I wanted to bring up another point which I</p> <p>22 didn't have time to address in my statement, which is I</p> <p>23 mention on Chapter 2, Page 18, the DEIS mentions briefly</p> <p>24 that explosive blasting may be used in any of the three</p> <p>25 proposed corridors including portions of each on the</p>

Comment No. EK-3

The EIS analyzes potential environmental impacts for the entire length of each of the proposed corridors, including the portion of the Western and Central Corridors between the Arivaca Road and the Coronado National Forest, in Chapters 3 (Affected Environment) and 4 (Environmental Effects) of the EIS.

Comment No. PR-10

Sections 4.3.2, Vegetation and Wildlife, and 4.3.4, Migratory Birds and Raptors, of the Final EIS have been revised to include analysis of the potential effects of explosives blasting. In addition, a mitigation measure has been added to the EIS (see Section 2.2) stating that no blasting would occur during peak breeding times for migratory birds (April through August) to minimize the impacts to migratory birds. The effects of blasting are unlikely to lead to a downward population trend or loss of population viability for any wildlife or migratory bird populations occurring in the project area.

Specific information on where explosives blasting would be required is pending final siting of the transmission line, which would occur only after issuance of a ROD by each Federal agency (if an action alternative is selected for implementation).

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PR-10
cont.

1 Coronado National Forest as needed depending on geological
2 conditions.
3 Of course it doesn't go into any kind of
4 explanations of where that might be needed and how much
5 might need to be done. But that's a great concern to
6 anybody who is concerned about wildlife, especially birds,
7 migratory birds who are just tormented by that kind of
8 stuff.
9 If you look on the map, Chapter 4 or Chapter 3,
10 Page 64, it would appear that in the area right near the
11 mouth of Sycamore Canyon where the proposed power line would
12 cross, actually, cross the watershed Sycamore Canyon just
13 north of the proposed Wild and Scenic River Area, it appears
14 to be an area of what they call variable tertiary volcanic
15 rocks, which would seem to be a candidate for blasting.
16 Blasting holes just north of the Wild and Scenic
17 River Area with the kind of birds that canyon is famous for
18 is just completely out of the question and unacceptable.
19 And something like that would have to be studied and
20 extricated in great detail I would think before any kind of
21 activity could go on in that area.
22 And I am just wondering when that will be
23 addressed. The DEIS seems to say it will be addressed
24 pretty much after a route is chosen in there. And if
25 somebody starts picking on it and it's too hard, they can

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PR-10
cont.

1 blast it out. And that's just completely unacceptable in
2 that area or any area of the National Forest, but especially
3 in an area like that or any canyon in which there is a
4 migratory bird population.
5 Thank you.
6 MR. ANTHONY COMO: Thank you.
7 Anyone else? We are going to close the record
8 now, but we are going to stay here until 9 o'clock. So if
9 anybody walks in late or if anybody changes their mind, we
10 will be glad to reopen the record.
11 Thank you all for coming this evening and have a
12 safe trip home.
13 (Whereupon the hearing was concluded at 8:43 P.M.)
14 * * * *
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1 STATE OF ARIZONA

2 COUNTY OF PIMA

3

4 I, RAYNBO SILVA, Certified Court Reporter in the

5 County of Pima, State of Arizona, certify:

6 That the foregoing Public Hearing was taken before

7 me at the time and place therein set forth;

8 That the foregoing 46 pages comprise a full, true

9 and accurate transcription of my notes of said Public

10 Hearing;

11 That I am not of counsel nor attorney for or

12 related to either or any of the parties in this action, nor

13 interested in the outcome thereof.

14 DATED this 10th day of October, 2003.

15

16

17

18

19 Raynbo Silva, RPR, CSR, CCR

Certified Court Reporter No. 50014

20

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PUBLIC COMMENT HEARING RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT
TUCSON ELECTRIC POWER COMPANY
SAHUARITA-NOGALES TRANSMISSION LINE

Nogales, Arizona
September 26, 2003
1:00 P.M. to 3:00 P.M.

RAYNBO COURT REPORTING, LTD.
3625 West Gailey Drive
Tucson, Arizona 85741
520/744-2293

Reported by: Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

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1 PANEL:

2 ANTHONY COMO, Department of Energy

3 ELLEN RUSSELL, Department of Energy

4 BRIAN MILLS, Department of Energy

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13 The above hearing was held at the Santa Cruz
14 County Office Building, 2150 North Congress Drive, in the
15 City of Nogales, County of Santa Cruz, State of Arizona,
16 before Raynbo Silva, RPR, CSR, CCR, Court Reporter
17 No. 50014, in and for the County of Pima, State of Arizona,
18 on the 26th day of September, 2003, commencing at the hour
19 of 1:00 P.M.

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1 MR. ANTHONY COMO: Thank you, ladies and
2 gentlemen. I would like to call this hearing to order.

3 My name is Tony Como. I am with the
4 U.S. Department of Energy, the Office of Fossil Energy. We
5 are here today to hear your comments on a Draft
6 Environmental Impact Statement that was sent out a little
7 over a month ago. And I will give about just a couple of
8 minute comments to sort of set the stage of how we got to
9 this point. And then we are going to just lay back and
10 listen to you give us your comments, and I will be calling
11 you up one at a time.

12 I would like to apologize for the appearance of a
13 formal proceeding over here. This was the only room in
14 town. Normally we like to keep things looking a little bit
15 less formal.

16 In that vein I will note that we have a court
17 reporter here, and that is not to imply any higher degree of
18 formality. It's just so we can capture everything that's
19 said. So with consideration for the court reporter at least
20 the very first time that you stand up to speak we are asking
21 that you say and spell your name. And then any other times
22 that you may care to say anything, if you could just say who
23 you are. She will already have the spelling. Try to speak
24 a little slowly and clearly for her. And if you use any
25 technical terms or any terms of art, you might want to spell

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1 them for her. She will always reserve the right to raise
2 her hand and ask you to repeat something that she doesn't
3 understand.

4 And Ellen, my colleague, reminded me that we
5 unfortunately don't have a microphone out in the aisles, and
6 so we would appreciate if you could come to the podium over
7 here and use the microphone so that everyone in the room can
8 hear, although the room is small enough it may not be a
9 problem.

10 How did we get here? End of 2001, I guess, Tucson
11 Electric Power Company applied to the Department of Energy
12 for a Presidential Permit. They would need that permit
13 because they were proposing to build a transmission line
14 that crossed the U.S. International border across Mexico.

15 If the line were not crossing the border, the
16 United States Department of Energy would not be involved in
17 it. We would not have any jurisdiction over the line.

18 But there are other Federal agencies, like the
19 U.S. Forest Service and the Bureau of Land Management that
20 do have something to say and a role in portions of the line
21 that go through Federal lands managed by those two agencies.

22 So we all collectively, Forest Service, BLM and
23 the Department of Energy, decided to prepare an
24 Environmental Impact Statement.

25 We published the draft about a month ago and

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1 distributed it to everyone, and now we are here today to
2 collect your comments.

3 The comment period closes on October 14th. We
4 would encourage you to try to get any additional comments
5 that you might care to make in by that time.

6 It's not a drop-dead deadline. I will not tell
7 you that if they come in on October 20th we are throwing
8 them out. That's not the case at all. It's just at some
9 point we have to sort of put our pencils down, decide what
10 we have and begin doing work on a final based on what we
11 have.

12 We will always consider comments that come in any
13 time they come in to the extent that it's reasonable and
14 practicable for us to do so. But the earlier you get us
15 comments the better chance we have of including them in our
16 preparation of the final and in giving them due
17 consideration.

18 I guess I'll introduce my colleagues over here.
19 On my right, I guess that would be your left, Ellen Russell,
20 and she works in the office with me.

21 On my left over here we have Brian Mills from the
22 Department of Energy's Office of NEPA Compliance, Policy and
23 Compliance.

24 And way, way in the back cleverly disguised as a
25 mild mannered Federal employee is Rick Ahern. He is our

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1 attorney on the environmental side of our house over here.

2 Also, in the room we have Jerry Connor from the
3 U.S. Forest Service, and Bob Suedkamp, you don't have an
4 actual role in this thing. And I don't see anyone from BLM
5 here. Jerry, did you see --

6 MR. JERRY CONNOR: No. But Keith said he was
7 coming today.

8 MR. ANTHONY COMO: Well, possibly later on in the
9 day Keith Moon from the Bureau of Land Management may join
10 us. If he does, I will introduce him to the rest of you.

11 I would ask although we do have some time, we have
12 the room until 3 o'clock, and right now we don't have a
13 whole lot of people to speak, but that may change, as we go
14 through the process, people may change their minds and ask
15 to speak, so just to anticipate or to prevent us from
16 running out of time, we wouldn't want to have anybody not
17 have an opportunity to speak, I am asking that at least the
18 first time you get up if you could limit your comments to
19 about five minutes, that will assure that everybody would
20 have a chance to say something at least once.

21 Also, in that regard there are a variety of ways
22 to get your comments introduced to us and on the record.
23 This is just one of them. It isn't even the most important
24 or the most significant way. An e-mail back home, a FAX, a
25 snail mail, any other way you choose to get us comments are

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1 handled equally. A letter that we get at home or an e-mail
2 that we get in Washington saying what you want to say will
3 be handled in the same way and given the same weight as
4 anything you may say at one of these hearings over here.

5 What are we going to do with your comments? Well,
6 everything that you say or give to us in any form whatsoever
7 will be photographically reproduced and appear in the Final
8 EIS. The transcripts of the four hearings out here will
9 appear verbatim in the final EIS, any letters that you send
10 us, any e-mails that you say. And what we will do is we'll
11 Xerox them, stick them in the document and bracket various
12 points that you make in your comments to us, and next to
13 each one of the points that you make we will indicate our
14 response to that.

15 And if we need to modify the document in order to
16 address your points, we will indicate how the document has
17 been modified to do that, so you will be able to see
18 everything when the final comes out.

19 How long will that take? It's really a matter of
20 how many comments we get, what they are like and how much
21 extra work we need to do to adequately address them. But we
22 are certainly looking at months, not weeks. Three or four
23 months is not out of the realm of likelihood before you
24 start seeing a Final Environmental Impact Statement from us.
25 I have said more than I probably should.

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1 I would like to start calling our first speakers.
2 And at the request of Mr. Magruder I am going to call the
3 first person and then indicate who is sort of in the on-deck
4 circle, if you will.

5 So our first speaker is going to be John Maynard,
6 and then Steve Duffy will be on deck. Mr. Maynard?

7 MR. JOHN MAYNARD: Thank you. Good afternoon.

8 I would like to thank you for the opportunity to
9 speak this afternoon to all of you and also to welcome you
10 to Santa Cruz County on behalf of the Board of Supervisors
11 and my colleagues, Manuel Ruiz and Robert Damon and myself,
12 John Maynard. We are honored you are here, and we
13 appreciate the fact that the Federal government occasionally
14 comes to a local entity.

15 I do like to go to Washington, D.C. It's a very
16 beautiful city, but we welcome you to Arizona as well, and I
17 hope you will enjoy our sunshine while you are here.
18 Hopefully you are going to stay the weekend.

19 MR. ANTHONY COMO: We will have to see about that.

20 MR. JOHN MAYNARD: I want to speak a little bit
21 about this subject as a government official, elected
22 representative but, also, as an individual and a taxpayer.
23 So all I do want to say, and then I believe our County
24 Attorney is going to follow up on that with some more depth
25 is that the Santa Cruz County Board of Supervisors passed or

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1 voted on the issue of a western line preferred route of
2 115-kV, and I believe that that decision and that vote was
3 unanimous.

4 I would like to go back, though, and talk about a
5 few other things that have occurred in our County, not only
6 since that decision but prior to it. And that is that the
7 ACC had required a second transmission line in 1999. And
8 that was, I believe, a result of a number of residents in
9 the County as well as the City of Nogales simply saying that
10 we needed reliable energy, not only in Nogales but in
11 Santa Cruz County.

12 And I also believe that since then the repair work
13 that Citizens Utility did at the time, they installed well
14 over a thousand poles that we had heard, a few new
15 substations, and there was also some fiberoptic
16 communications that were included in the repairs, that the
17 service in this County has really improved.

18 And I not only thank Citizens Utility for that,
19 but I am also looking forward to UniSource continuing that.
20 There still is a need for improvements.

21 At the time that the Siting Committee hearings
22 were held in the spring of 2002 we also had an Energy
23 Commission that had been jointly appointed by the City of
24 Nogales as well as Santa Cruz County. And they studied this
25 for several months, and they had reported to our board that

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1 we only had about 60 megawatts on one transmission line and
2 that was near peak load.

3 I believe at that time it was estimated it was
4 somewhere around 52 or so megawatts and that another source,
5 reliable source of electricity was needed.

6 Now our board, as I said, confirmed and passed a
7 resolution for the need of a second 115-kV line.

8 Anyway we all concurred, I believe, that a second
9 line at that point in time would definitely improve
10 reliability in this County.

JM-1 11 But the other thing that was discussed by the
12 commission that I felt was very interesting was the idea of
13 building a local generational facility. That issue was
14 discussed, and there were obviously people that favored the
15 idea and people that did not. But I think it's an idea that
16 is well worth merit, and it's something that I'm hoping will
17 be relooked at again.

18 I would like to look at where we are with today's
19 situation, which I believe is somewhat different than '99.

JM-2 20 As I said, after the ACC issued the certificate of
21 environmental compatibility, Citizens did upgrade that
22 115-kV line to 100 megawatts, and that I believe alleviated
23 the need for or at least solved the need for the additional
24 power.

JM-1 cont. 25 The second line, which I believe is the main

Comment No. JM-1

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Section 1.2.2, Federal Agencies' Purpose and Need Statements, explains why an EIS is required for evaluation of the proposed project.

Comment No. JM-2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

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JM-1
cont. 1 reason for the requirement of now obviously a Department of
2 Energy Environmental Impact Statement, that EIS, I believe,
3 is required to assess and show all of the decision makers in
4 this process some objective comparisons of all of the
5 alternatives. And I have been told that the alternative of
6 a local power plant in Nogales should be included as one of
7 those alternatives.

8 I am not familiar with the structure of the EIS.
9 I have never written one. I have read a few, and I have
10 also read parts of many others. But I do think that that's
11 something that should be looked at in this Environmental
12 Impact Study.

13 As I said, that comparison, which I think is a
14 very viable one, was omitted, and a number of people have
15 wondered why and have questioned that and have asked me.
16 And I don't have an answer to that. I don't.

JM-3 17 Also, I think our County is concerned about cost.
18 We have a very high unemployment rate. We also have a high
19 poverty rate. Neither of those factors is anything that
20 we're proud of, but it's here, and it's a reality of life on
21 the border, not only in Santa Cruz County but with our
22 brethren in California, New Mexico and Texas as well.

JM-4 23 We have recently had to deal with a 22 percent
24 increase in electricity and I have also heard an over
25 20 percent increase in natural gas. I don't personally have

Comment No. JM-2 (continued)

As discussed in Section 2.1.5, improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

Comment No. JM-3

Section 3.13 discusses minority and low-income populations in the vicinity of the proposed project, and Section 4.14 discusses potential environmental justice impacts to minority and low-income populations. Also, Section 3.5.2 discusses employment in the vicinity of the proposed project, and Section 4.5 discusses potential impacts on employment.

Comment No. JM-4

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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JM -4
cont. 1 natural gas that I am utilizing, but I do have electricity,
2 and my bill has gone up. It's not only gone up at home, but
3 I know it's gone up here at the County and the City is
4 struggling with the same issue.
5 The other side of the coin is that the purchase by
6 UniSource of Citizens Utilities was at about somewhere
7 around 45 or 50 percent of what we believe is the true value
8 of that system. And we anticipate that there will be a
9 reduction in the valuation of those assets, which means a
10 reduction in tax revenues that will be coming forth next
11 year or the year after, not only to Santa Cruz County but to
JM -5 12 the school districts and the fire districts.
13 So the impacts are going to be double. It's a
14 double whammy for lack of a better term. These entities are
15 going to see less revenue through taxation, and their costs
16 to operate are going to increase.
17 We have often thought that that issue in itself in
18 an interesting way is more critical to the survival of the
19 schools, the fire districts, the County and the City
20 governments than whether or not we get a second line at this
21 point.
JM -6 22 I don't believe that the transmission line if it
23 is built will provide any long-term jobs in Santa Cruz
24 County, but I do feel that there will be a reduction. My
25 understanding is that already UniSource has laid off about

Comment No. JM-5

The potential reduction in tax revenues into Santa Cruz County from Citizens Utilities' purchase of UniSource is outside the scope of the EIS.

Comment No. JM-6

An average of 30 direct jobs and approximately 31 indirect jobs would be created by the construction phase of the proposed project (see Section 4.5.1). The EIS only analyzes the potential environmental impacts from the proposed project; the potential socioeconomic impacts from the purchase of Citizens are outside the scope of the EIS.

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1 10 to 15 percent of the former Citizens staff.

2 The City of Nogales did look at and discussed and
3 put it to a vote of residents of the City of Nogales about
4 the discussion of municipalization, in other words,
5 purchasing the assets and running it as a municipal
6 corporation, utility company, excuse me, and that was voted
7 down in September of this year.

8 We are looking for other, as a County entity and I
9 believe the schools and the fire districts, are looking for
10 other ways or other measures to take to reduce energy costs.

JM-1
cont.

11 One of the things that we would like to see
12 considered, and I am hoping that it will come out in the
13 Final Environmental Impact Statement, is the alternative of
14 a local generational facility. I think it needs to be
15 addressed. I think it's a real alternative. I believe it's
16 something that ought to be considered, and I think it's
17 very, very important when you compare all of the
18 alternatives that we're going to be looking at.

19 I don't really have anything else that I would
20 like to add today other than I do again want to thank you
21 for coming to our County. I hope you will enjoy your visit
22 while you are here, and I look forward to hopefully
23 discussing this with you again in the near future.

24 Thanks a lot.

25 MR. ANTHONY COMO: Thank you, Mr. Maynard.

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1 We have Steve Duffy followed by George Bell.
2 MR. STEVE DUFFY: Thank you. I'm Steve Duffy. I
3 represent the Santa Cruz Valley Citizens Council, which is a
4 group of property owners in and around the Tubac area.

5 We participated in the earlier round that you all
6 had, the scoping rounds a couple of years ago. We were also
7 participants in the proceedings before the Line Siting
8 Committee and the Corporation Commission.

9 We will be filing some more detailed comments, and
10 so I am just going to kind of do a high level approach here
11 today, and I will point out a few highlights or some
12 concerns that we have.

13 First, we understand the requirement that you
14 consider alternatives to the preferred approach that the
15 applicants have here. We understand that. What is
16 concerning is that one of those alternatives remains the
17 central route.

SD-1 18 In the course of putting together the Draft EIS
19 the Department had no problem removing as a possibility the
20 eastern corridor. We don't have any quibble with that. I
21 don't care to revisit that issue.

22 But in the same way that that corridor was removed
23 initially, preliminarily, the central route should have been
24 removed. Some of the same issues exist over there. And in
25 addition to that, the central route was specifically

Comment No. SD-1

The Eastern Corridor was eliminated from further consideration in this EIS because of the reasons given by TEP in a letter to DOE (TEP 2002a) that rendered it infeasible (see Section 2.1.5 for further discussion of elimination of the Eastern Corridor), regardless of the actions of the ACC. The Central Corridor, however, remains a viable alternative for selection by the Federal decisionmakers. However, implementation of the proposed project in the Central Corridor could not occur until TEP meets all regulatory requirements, including obtaining the necessary approval from the ACC.

The specific concerns cited by the commentor of visual and cultural impacts from the Central Corridor are addressed in Sections 4.2 and 4.4, respectively. The visual analysis includes a Visual Sensitivity Map (Figure 4.2-4) based on residential density and topography, which shows that portions of the Central Corridor are closer to more densely populated areas than the Western and Crossover Corridors. Section 4.4.1.2 addresses the visual impacts on the Tumacacori and Tubac historic sites. Additionally, a report in Appendix I has been added to the EIS to include a specific evaluation of visual impacts on the Tumacacori and Tubac historic sites. The conclusion of that report is as follows: "Although the Central Corridor is very visible from many other locations, it is unlikely that the line would be visible from the Tumacacori and Tubac historic sites."

There are a number of schools between Sahuarita and Nogales, Arizona, but none are located within any of the study corridors or their immediate vicinity.

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SD-1 cont.	<p>1 rejected by the Corporation Commission.</p> <p>2 It is not a matter of the Corporation Commission</p> <p>3 said we're going to approve the western route but maybe the</p> <p>4 central route would be okay some day. That's not how it</p> <p>5 happened. Both the Line Siting Committee and the</p> <p>6 Corporation Commission specifically rejected the central</p> <p>7 route. That's not an appropriate route. And for that</p> <p>8 reason that route is simply not a reasonable alternative for</p> <p>9 you to consider.</p>
SD-2	<p>10 Mr. Maynard makes a lot of sense on a number of</p> <p>11 issues. Everything he said I agree with, one of them being</p> <p>12 the possibility of either local generation or no action</p> <p>13 alternative, which results in local generation by someone</p> <p>14 else perhaps.</p>
SD-1 cont.	<p>15 But consideration, continued consideration of the</p> <p>16 central route just flies in the face of every jurisdiction</p> <p>17 that's looked at this so far. Every local jurisdiction</p> <p>18 that's looked at this, the Corporation Commission, the Line</p> <p>19 Siting Committee, the County of Santa Cruz County, every</p> <p>20 other local jurisdiction along the line, everybody else</p> <p>21 rejects the central route. So we just think that that is an</p> <p>22 alternative that you shouldn't even bother with. You should</p> <p>23 be throwing that out now.</p>
SD-3	<p>24 Again, because of that it may be that the most</p> <p>25 likely or logical thing is a no action alternative. And I</p>

Comment No. SD-2

The Federal agencies are not aware of any evidence indicating it is reasonably foreseeable that selection of the No Action Alternative by any of the Federal agencies would result in the construction of local generation facilities (refer also to Section 5.2, Reasonably Foreseeable Action Identification, New or Expanded Power Plants in Southern Arizona, in the Final EIS). A new power plant in Nogales is not a viable alternative to a new, second transmission line. Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. SD-3

Section 1.4 describes the preferred alternative(s) of each Federal agency, based on the alternatives evaluated in detail in the EIS. Section 1.6.6 states that the decisions of each Federal agency will be explained in their respective RODs.

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SD-3
cont.

1 I think that's your decision. Your decision from our
2 perspective is you have the western route or you have a no
3 action alternative and nothing else. Is the western route
4 appropriate? And you have, as I understand it, an
5 alternative piece to the western route is the crossover.
6 We understand that that should be your decision
7 should you go one of those two things, either the western
8 route with or without the crossover and the no action
9 alternative. And again, we'll be filing some more detailed
10 comments on this.

11 The other thing I would like to point out, though,
12 and this is just, I hope you don't see this as a quibble
13 with the draft, it is almost as if people issues are
14 insignificant.

15 There are statements in there with respect to
16 visual impact and scenic views and those kinds of things.
17 And yet when they talk about the central corridor, they talk
18 about, oh, it's just too bad if the effect of using the
19 central corridor is to ruin the property values of some
20 people. It's just odd. In this society for whatever reason
21 we tend to count things. That's how we keep score sometime
22 is through the value of things.

SD-4

23 And to me for the Draft EIS to essentially say,
24 well, that's just too darn bad if some people are affected
25 in their property values if the central route is selected.

Comment No. SD-4

The Federal agencies believe that the resource areas evaluated in the EIS comply with CEQ NEPA-implementing regulations that require an EIS to "inform the decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment" (40 CFR Part 1502.1).

Any decrease in property values from the proposed transmission lines would be perception-based impact, that is, an impact that does not depend on actual physical environmental impacts resulting directly from the proposed project, but rather upon the subjective perceptions of prospective purchasers in the real estate market at any given time. Any connection between public perception of a risk to property values and future behavior would be uncertain or speculative at best, and therefore would not inform decisionmaking. Section 4.5 references a discussion of past studies of the impact of transmission lines and property values in other geographic areas. The studies conclude that other factors, such as general location, size of property, and supply and demand factors, are far more important criteria than the proximity of a transmission line in determining the value of residential real estate. Accordingly, while the Federal agencies recognize that a given property owner's value could be affected (positively or negatively) by the project, the Federal agencies have not attempted to quantify theoretical public perceptions of property values should the proposed project be built.

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SD-4 cont.	1 That just seems inconsistent with concerns about visual 2 impact because that's why property values would drop is 3 because of the effect on visual impact. It just happens to 4 be a measurable thing. In fact, it's a lot more measurable 5 than a lot of the other approaches that are used.
SD-3 cont.	6 In any event, the central route should simply not 7 be part of the calculus here. It should be relegated to the 8 western route and the no action alternative. And again, we 9 will be filing some additional, more detailed comments 10 sometime before the 14th.
	11 And thank you very much for the opportunity.
	12 MR. ANTHONY COMO: Thank you, Mr. Duffy.
	13 George Bell?
	14 And he will be followed by Marshall Magruder.
	15 MR. GEORGE BELL: My name is George Bell, and 16 thank you very much for letting me speak today.
	17 I am going to move this map a little. My concern 18 is not really a big concern, but it's got to do with the 19 western route in that we are local ranchers. I am with the 20 ZZ Cattle Corporation and Bear Valley Ranch. And the line 21 comes into the ranch here and goes all the way to over here. 22 So basically there is one other ranch besides us that is 23 right in here. It's the Clark Ranch. So basically this 24 western route once it enters here goes through two families.
	25 So I would guess we don't have much of a vote

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1 against Tubac, but that's really no concern.

2 I just wanted to let you know that my one concern
3 is right here. If you will look at your Picture 4-35, and
4 it's got to do with the Thumb, they call it Thumb Picnic
5 Area at Pena Blanca. Well, basically it's right here is
6 what we call Monkey Mountain or Castle Rock. And the way
7 they took these pictures it's a little deceiving because it
8 shows Castle Rock, and it shows where there is supposedly a
9 power pole, but from where it's taken the picture you can't

GB-1 10 see it because it's screened by the topography.

11 But the problem is the Ruby Road goes right in
12 front of Castle Rock, and that's where the line is. So
13 obviously you are going to be able to see it because it goes
14 right over your head.

15 And the only reason I bring that up is it's a
16 pretty well used area. People from really from all over the
17 world do come and photograph it because it's unique. And I
18 was just wondering if it does go there, really what they
19 should do is put it behind it, either put it behind it or
20 put it this way but to get it out.

21 In other words, you are going to have the power
22 poles and Thumb view right there. They call it what?
23 Castle Rock. And that's one comment there.

GB-2 24 The other thing that I want to bring up they
25 mentioned that TEP would be taking out so many wildcat road

Comment No. GB-1

The viewing location for Visual Simulation 1 was selected to show the view from Upper Thumb Picnic Area looking towards the proposed project and Castle Rock, and accurately depicts this view. The transmission line route behind Castle Rock that was suggested by the commentor would be outside of the 0.25-mi (0.4-km) study corridor. TEP consulted with USFS on the re-route suggested by the commentor, and USFS did not express preference for the suggested re-route over the study corridor route in the Draft EIS. Therefore, TEP is not pursuing the suggested re-route.

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. GB-2

Section 4.12.1, Transportation, of the Final EIS has been revised to clarify that roads to be closed on the Coronado National Forest to maintain the existing road density would be identified through the authorization process, following issuance of a ROD by USFS (see Section 1.4.2.2, USFS Purpose and Need). The authorization process would include USFS personnel who would coordinate the road closures with other multiple uses, such as grazing permits, on the Coronado National Forest.

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GB-2
cont.

1 for every road that they make.

2 Well, I want to know which roads they are going to
3 take out because to us they are not wildcat roads. We use
4 them. I mean that's how we get our salt out to the cattle.
5 In most cases we have to pack it on a horse or a burrow, but
6 a lot of it we actually use the roads. So if they start
7 taking out roads, well, that's not going to work either. So
8 that's really all I have.

9 Bear Valley Ranch is basically right here, and
10 ZZ Cattle is right here. And of course it's almost all
11 National Forest. I want to add that.

12 MR. ANTHONY COMO: Now we have Marshall Magruder
13 followed by Holly Hawn.

14 MR. MARSHALL MAGRUDER: Thank you, Mr. Como.

15 My name is Marshall Magruder. I am a resident of
16 Tubac.

17 I want to talk today about reliability, and I have
18 a copy of this handout for you. I forgot to give it to you.
19 There are many areas that we can talk about on this subject,
20 but I am going to focus in on reliability this afternoon.
21 And a particular part of this is from an article that was in
22 today's Nogales International. I wrote the article, so I
23 have expanded a little bit.

24 I'm sorry, but I have to use a few scientific
25 terms and a couple of numbers, but that sort of happens when

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1 you get into this sort of stuff.

2 And I am trying to explain what the headline was
3 in last Tuesday's paper that said, "Mandated power line to
4 increase reliability."

5 Our electrical system constantly is changing.
6 What we had in 1999 is not what we have today. The term
7 reliability, though, as defined by the National Electric
8 Reliability Council has a very long, nontechnical
9 definition. But to be implemented it means that electricity
10 supply lines are available for customers. Electricity
11 supply or power availability is measured in watts.
12 Reliability engineers, which I have worked with for years,
13 refer to the percent of the time that this system is
14 available or operable. Outage is the time that it is not
15 available.

16 In this case it's easy for us then to convert
17 the percent available to the total outage time per year.

18 Reliability requires both you have to have watts
19 and you have to have line, the time that there is no
20 outages, in other words, supply and wires are required for
21 or this system is unreliable. Let's talk about supply for a
22 few minutes.

MM-1 23 Until mid 2000 Santa Cruz County had two supply
24 sources. It had a 115 kilovolt line with 60 megawatts that
25 came in from the north. We had 48 megawatts, our second

Comment No. MM-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Section 2.1.5 of the EIS describes why improvements to the local (formerly Citizens) distribution system do not eliminate the need for the proposed second transmission line. The Federal agencies agree that it is the purview of the state to determine the need for and effectiveness of transmission lines within its boundaries.

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MM-1
cont.

1 source, downtown and local generation. Add them together we
2 have got 108 megawatts, which we really needed.

3 The one downtown was backup, not our primary
4 source, and we'd go on spinning reserves when we had a storm
5 and was the backup.

6 But we had at least 60, or when we needed it we
7 could go above 60. We actually had 108. We only had one
8 source, those two sources. That's all we had.

9 On June 4th, 2002, we hit our maximum peak of
10 58.7 megawatts. That was only the sixth time we had ever
11 exceeded 50 megawatts in this County, and we might have
12 exceeded it since then. I just don't know.

13 So then our local generators, what we have
14 downtown, our 48 megawatts, would meet our capacity, our
15 backup capacity 99.6 percent of the time. And I used 20
16 hours of outage on that year. So 99.6 percent of the time
17 we had at that time enough backup.

18 Second subject: Outage. Remember you have to
19 have supply, you have to have lines, wires.

20 We had 17 transmission line outages over the five
21 years that we had poor reliability on our present
22 115 kilovolt line, a total of a little over 10 hours of
23 outage, average of 2.05 hours of outage per year.

24 The most significant of that 10 hours was 7 hours
25 because the battery was dead that started the electric motor

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MM-1
cont.

1 that started the generator. And when you don't have
2 electricity and the battery is dead, you can't start the
3 starter that starts the generator.

4 And they went out and bought a bunch -- is Ernesto
5 here? He told me the story. They went out and bought a
6 bunch of batteries at the local garage and brought them in,
7 and they finally got it started. But that was most of the
8 time.

9 But that precipitated a \$5.5 million class action
10 lawsuit. That precipitated the City of Nogales filing a
11 formal objection with the Arizona Corporation Commission.

12 Of those 17 outages eight of them were human
13 caused, people not switching the switch right, people
14 thinking that the circuit breaker is open and it's closed or
15 it's closed and it's open. But there were 17 outages.

16 During that same five year period -- let me put it
17 another way. A new transmission line will not solve the
18 other 2,304 outages that occurred in those same five years.
19 Those are from the substations to the users.

20 Those are between the subscribers, and the
21 subscribers, the users don't know and have no way to find
22 out why the electricity isn't making it to their plug
23 because it's off. So 2,304 times there were outages in this
24 County that the power line that we're talking about today
25 will have no impact on.

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1 We're only talking about those that were 17, well,
2 eight of those were manual, we're only talking nine outages
3 over five years. That's what the Arizona Corporation
4 Commission tried to help.

5 In 1999 we were described politely as a basket
6 case. We had terrible distribution, and we had terrible
7 transmission problems, and we were getting marginal on our
8 source, supply. We were in bad shape.

9 And then we went through a whole bunch of changes
10 that were mentioned a little while ago by Mr. Maynard. And
11 we have had significant improvement since '99.

12 But on the subject of transmission reliability we
13 now have four substations we didn't have before. So between
14 Tucson and Nogales we have different breakers, if you want
15 to call them that, that we can split and segregate our
16 system, which we didn't have before, so people in the north
17 of the County can receive electricity from Tucson and those
18 in Nogales can receive it from the local generators.

19 We really didn't have that capability earlier,
20 which then means that we had almost some redundancy just
21 from some local changes. It's redundancy that's the key to
22 reliability.

23 Citizens' plan of action that they submitted to
24 the Corporation Commission called for a 115 kilovolt line
25 between Tucson and Nogales. They provided a detailed

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1 schedule that showed that all environmental impacts would be
2 resolved including an Environmental Impact Statement
3 completed prior to filing with the Corporation Commission to
4 receive their certification of environmental compatibility.

5 That's what the Arizona Corporation Commission
6 approved. They considered that as a requirement for our
7 backup. It's supposed to be operational at the end of this
8 year.

9 Then the line wars with Mexico started. Just a
10 little earlier the PNM from New Mexico filed an application
11 to go to Mexico.

12 TEP has a very negative and a very public negative
13 position with respect to the PNM from the New Mexico Power
14 Company. TEP does not want PNM in its own backyard. They
15 don't get along, and they really -- it was public there in
16 the Siting Committee some of the disagreements between the
17 two companies.

18 In June of 2000 TEP approached Citizens and had
19 open discussions concerning their participation in the power
20 line and a backup power line.

21 On 17 of August, 2000, a Presidential Permit was
22 submitted to set up this present program that's caused this
23 Environmental Impact Statement to happen.

24 In 1, March of 2001 they filed in with the
25 Corporation Commission. During the Siting Hearings the

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1 115 line, the supply line for this County, our extension
2 core was rated at 60 megawatts.

3 This was obviously a concern, and the Corporation
4 Commission felt that we had a demand reliability problem, a
5 supply reliability problem at that time.

6 First it was circuits. That got fixed. Now we
7 don't have the supply. We are on the other side of the word
8 reliability. And therefore, they approved, the Corporation
9 Commission, they approved this application.

10 Shortly thereafter Citizens finally completed the
11 last three miles of upgrade on that 115 transmission line
12 and it's now rated 100 megawatts. The supply issue went
13 away. There is no one -- and George Bell was on the same
14 committee. We have always agreed 100 megawatts is the most
15 that this County as its normal demand.

16 Guess what we're going to get on this wire that
17 goes from here to here? A 115 kilovolt line with
18 100 megawatts. The 345 kilovolt line bypasses Nogales. It
19 goes to Mexico. It really doesn't come here. It never
20 services the people in this County. It is not for us.

21 And the 1,900 megawatts of power that's on that
22 line are not for us. We only will receive 100 megawatts,
23 period.

24 So the Arizona Corporation Commission agreed on
25 the second line. When they mandated, they never mandated a

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1 voltage. They never mandated that 12 lines had to go to
2 Mexico. They never mandated that the lines had to go
3 through some of the most primitive wilderness areas in our
4 National Forest system in southern Arizona that people
5 talked about extensively last night. They did not approve
6 or mandate lines that would cost every ratepayer in this
7 County \$30 per month, which is an exorbitant amount of money
8 for two hours of power per year. They did not mandate
9 140-foot tall towers.

10 They thought when they mandated in 1999 they were
11 mandating 60-foot H-frames and a 115 kilovolt line. That's
12 what they thought they were mandating. TEP is the one who
13 put all of those add-ons on.

14 Redundancy improves the reliability. It's not
15 voltage. It's not the height of the tower. And it's not
16 the company. It's redundancy.

17 The present transmission line I talked about for
18 the five bad years had 2.05 hours of outage. That's 99.977
19 reliable. Most people would think that's pretty good. We
20 complained, and we actually got paid the \$5.5 million.

21 Two lines, and this could be any second line,
22 using that same terrible reliability number will have us
23 have 1.72 seconds of outage per year. That's pretty
24 reliable. In fact, it's 99.999945 percent reliable.

25 A local power plant that people talked about is

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MM-2

1 required by the Arizona Corporation Commission to meet their
2 N minus 1 rule, which means they have to have two
3 interconnections to substations in the local area that will
4 give us three transmission lines at 100 megawatts or so each
5 in this County. Three transmission lines will change the
6 reliability to 0.000404 seconds of outage per year. Now
7 that's reliability. That's 99 point 10 more 9's followed
8 by 7 percent reliability. That's what a local power plant
9 will do.

10 ACC mandated a backup line, but it never said it
11 had to come from Tucson. A three-mile backup line has a lot
12 better reliability -- I don't care who you are -- than a
13 60-mile power line.

14 A local power plant to serve the target area is a
15 requirement to be evaluated in an Environmental Impact
16 Statement. TEP said it was not in their business plan to
17 evaluate a power plant in this County.

18 The people have spoken. The people spoke last
19 night. They have already spoken today. They want an
20 assessment. And we were very happy when we read the Federal
21 Register that said you were going to do that assessment. It
22 is not there.

23 In addition, it's not just an assessment and the
24 comparisons in adding another one of those vertical columns
25 in the local power plant. We are required to have a

Comment No. MM-2

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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MM-3 1 cumulative effects analysis, which some people have already
2 talked about. I know others will later. That means look at
3 all alternatives, past, present and future impacts, both
4 side of the border, air pollution. What does it do if we
5 have a power plant here versus 2,000 megawatts of power
6 plants in Mexico? What will that do to this County with the
7 prevailing wind from the south and no natural gas in Sonora
8 in the area near us? That means coal powered power plants.
9 UniSource means one source. The source that
10 UniSource uses for its power in Tucson 94 percent of the
11 time is coal.
MM-4 12 The Draft EIS must be rewritten. It must include
13 the required analyses so the decision makers can be informed
14 so that this decision that lasts for generations is made
15 correctly and not incorrectly as the path we have been
16 moving down.
MM-5 17 I have included copies of my computations, and I
18 am using standard reliability engineering and probability
19 stuff that's not found in the electrical business because of
20 the crummy definition that they use for the reliability term
21 which was mentioned as a result of the blackouts in the near
22 east because reliability is not defined in the electrical
23 industry in quantitative terms because TEP has never
24 provided us in any place a reliability analysis or any
25 numbers whatsoever other than that their towers are more

Comment No. MM-3

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), associated emissions, and potential fuel sources, noting that natural gas (rather than coal) is the most likely fuel source for new power plants in Mexico.

Comment No. MM-4

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

Comment No. MM-5

Outside of the EIS, DOE will assess the impact of TEP's proposed project on the reliability of the U.S. electric power supply system as part of its decisionmaking process (see Section 1.2.2.1, DOE Purpose and Need).

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1 robust, they are more robust. And that's all I have ever
2 heard.

3 And I have been through this same analysis in the
4 Line Siting Committee, so it's not new to them. They missed
5 the critical point. It's not robustness, it's redundancy
6 that gives you the reliability.

7 Thank you.

8 MR. ANTHONY COMO: Thank you, Mr. Magruder.

9 Next Holly Hawn, followed by Earl Wilson.

10 MS. HOLLY HAWN: Thank you, Mr. Como. My name is
11 Holly Hawn. And I am here appearing on behalf of the
12 Santa Cruz County Board of Supervisors as a board.

13 One of the interesting things about the Board of
14 Supervisors, of course, is the fact that they represent the
15 entire populace of the County. So it's not only the
16 constituency of the City of Nogales or the Town of
17 Patagonia, they also represent the unincorporated area of
18 the County as well.

19 At the time that the ACC was considering this
20 transmission line, the Board of Supervisors of course was
21 very interested in what that might hold for the County.

22 And one of the things that they did was seek input
23 from the community as a whole regarding the possibility of a
24 second transmission line. And of course, the Board was well
25 aware of the fact of the ACC mandate for some type of second

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HH-1

1 line.

2 The Board was concerned enough to actually
3 intervene in the proceedings. And I noticed a lot of the
4 people here today are folks that I saw and heard at the
5 proceedings regarding the line siting and before the ACC.

6 After listening to the community, and that was
7 composed of people who lived in the outlying areas, people
8 in the city, business and community leaders, the Board
9 decided to take a specific action and to make a specific
10 recommendation before that Line Siting Committee.

11 And so they met on May 2nd of 2001. And after
12 input, additional input from the community and discussion
13 the Board did reach a recommendation and a position.

14 And basically what the Santa Cruz County Board of
15 Supervisors recommended was that if there was to be a second
16 line, as it appeared was going to result from the ACC order,
17 that first of all, that the best interests of the County
18 would be served by placing it along the westernmost
19 corridor.

20 I think that was an issue Mr. Duffy raised. And
21 yes, in fact, the Santa Cruz County Board of Supervisors was
22 an entity that supported that westernmost placement.

23 The Board was also aware that any line in any
24 placement was going to have some type of impact wherever it
25 was placed.

Comment No. HH-1

A smaller transmission line (e.g., 115-kV line) in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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1 They felt that the 115-kV line was most suitable
2 in terms of meeting the reliability issue for the County and
3 then balancing some of the environmental impact that was
4 going to come wherever that line was placed. And they were
5 extremely concerned about the central alternative, of
6 course, because of its high value in terms of cultural and
7 historical kinds of impact.

8 And as well I will have to say, also, in following
9 up on Mr. Duffy's comments I think that the Board also did
10 take into account the possible impact it would have on the
11 residents along the central corridor in terms of property
12 values, and that was something that they also took into
13 account.

14 In addition to taking a position regarding the
15 westernmost line and the 115-kV line, the Board included two
16 other conditions. And one of them was that all of the types
17 of environmental impacts be looked at in the process of the
18 ACC. They were concerned about the variety of environmental
19 impacts that might result and had recommended to the ACC
20 that they delve into that very, very carefully.

21 They also required, I guess you might say, that if
22 this line was to be placed, that it be done in a manner with
23 all of the modern technology that would be available in
24 order to lessen the impacts as this line was placed.

25 And so those were basically the four prongs you

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1 might say of the Board of Supervisors' actions.

2 At the time that they were doing this they also
3 gave my office, the County Attorney's Office, some leeway in
4 terms of dealing with the recommendations regarding this
5 line because there was an attempt before the ACC and the
6 Line Siting Committee to be able to address environmental
7 impacts and historical issues as they came up. So when we
8 were at the ACC hearings, we made a number of suggestions
9 about how these resources could be protected.

10 At the time all of this occurred I know the Board
11 was very concerned about the placement of a line, where it
12 was placed, how it was placed and the size because they
HH-1 13 truly believed after everything that they heard during their
cont. 14 inquiries that the 115-kV line was going to have a much less
15 detrimental impact on this County and this State and yet it
16 was going to satisfy the need for that reliability.

17 They remain concerned to this day about all of
18 those issues. And their commitment, I think, has remained
19 the same to the 115-kV line along the western corridor only.

20 MR. ANTHONY COMO: Thank you.

21 Earl Wilson followed by John Rogers.

22 MR. EARL WILSON: My name is Earl Wilson. I am a
23 resident of Tubac, and I was kind of hoping you would call
24 me before Marshall. He is one heck of an act to follow.

25 That guy has forgotten more than I know.

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EW-1

1 Anyway I am not only a resident of Tubac, but I
2 have been chairing a group who have been working on forming
3 a rural electric co-op and for good reason. There has been
4 a mess in a way around here and it's going to be worse yet,
5 this red line going right down here. We put it on hold for
6 awhile when the City of Nogales started working on
7 condemnation proceedings to see if they could do that and
8 take over the utility down here, which really was a
9 distribution network because that's where the problems were.

10 Marshall was very eloquent in pointing out there
11 was only 17 transmission line outages and eight were human
12 based in the five years versus 2,304 in this network that
13 existed around here. That's the real problem.

14 The Arizona Corporation Commission apparently
15 didn't understand what the problem really was when they
16 recommended the second line. The second line is a good
17 idea. Marshall says so, too, but I would rather see a
18 second line from here to here instead of Springerville down
19 to here. It makes sense in so many ways.

20 There is over a 15 percent line loss between
21 Springerville and Nogales, so we're paying for electricity
22 we don't get. We are paying for 15 percent of the
23 electricity that never gets here. It gets lost on the way
24 down.

25 People in Nogales that voted the other day don't

Comment No. EW-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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1 really understand. Most of them don't understand what this
2 is all about, and they unfortunately voted no. So that kind
3 of killed it.

4 Our group is going to be back in action now
5 because we will form an electrical cooperative because it's
6 the right thing for us to do to put a power station down
7 here. There is a lot of ways to do it. Incidentally what I
8 am talking about is not the Maestros Group. It's a separate
9 group that has been investigating the same thing for a long
10 time.

11 In fact, I think very likely our group and the
12 Maestros Group will start talking and working together
13 because it would make sense. It can be gas fired, which is
14 clean, environmentally much better than coal fire or it can
15 be fuel cell or both.

EW-1
cont.

16 We could put a power station down here with like
17 three miles of line for roughly \$25 million versus spending
18 they say 75 million on that transmission line. It's got to
19 be more like 87 million.

20 It makes economic sense from a capital point of
21 view to put a power station here. And most people don't
22 understand that power can go either direction on a line. It
23 doesn't have to always go one way. A power line is not a
24 one-way street. It's a two-way street.

25 TEP was saying, well, you guys, if you did that,

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1 you would have more power than you can use and that's not
2 really good on the station. We ship it out. We sell it.
3 This is legally, not only legally possible, it's done all
4 the time. If you have excess power, you sell it to somebody
5 else. So your generating station is busy. It's run the way
6 it should be run all the time. And that would be whether
7 it's a fuel cell station or a gas fired station, either way.
8 But when it comes to environmental impact, and I
EW-1 9 have been involved in a lot of environmental things along
cont. 10 the way, the three-mile transmission line makes a lot more
11 sense than a 60-mile transmission line.
12 This line is for the sole purpose of selling power
EW-2 13 to Mexico. And that's going to take a constitutional
14 amendment in Mexico. And they said Fox is working on it,
15 but right now he is not very popular, and he is not getting
16 everything he wants. So I wouldn't bank on it. But we're
EW-3 17 going to pay for it. We're going to pay for it if they do
18 it.
19 So from an environmental point of view I think
20 three miles makes a hell of a lot more sense than 60 miles.
21 From an economic point of view losing over 15 percent of the
22 power on the way down here, does that make sense? That
23 makes no sense to me, none whatsoever.
24 And lastly, and this is something else that nobody
25 has got around to talking about, even our Federal

Comment No. EW-2

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...."

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Comment No. EW-3

After a utility company such as TEP constructs a project, the ACC determines whether, or to what degree, an investment by a utility is recoverable through retail (consumer) electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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1 government, the big guys back there, I am not talking about
2 you all here, from a national security point of view which
3 makes more sense? A lot of smaller stations or one giant
4 station?

5 Now we have two very tall buildings on
6 September 10th a couple of years ago and they don't exist
7 anymore. They were prime targets. They were big enough
8 even a guy who had just recently learned how to fly an
9 airplane could hit. And we talked a lot about hitting
10 atomic stations. What if they hit Springerville? All of
11 our power comes down. That hurts. That hurts everybody.
12 We have produce people here that have got to have power. If
13 we have our own power station here, if they hit
14 Springerville, we will have our own power.

15 Just economically, whether it's environmental,
16 just this makes no sense. A local station down here makes a
17 great deal of sense in every way. I am just sorry that the
18 City voted the way it did. It was a shame. They don't
19 understand all the numbers.

20 I thank you very much.

21 MR. ANTHONY COMO: Thank you.

22 John Rogers to be followed by Jennifer Wolfsong.

23 MR. JOHN ROGERS: John Rogers from Tubac. I'm a
24 retired power engineer and businessman. I want to follow up
25 on what my friends have said so far which makes great sense

Comment No. EW-4

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders).

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JR-1

1 to me.

2 Two questions that I have are business questions.

3 Why would a Presidential Permit be issued when we
4 have no contract between TEP and Mexico? It makes no sense.

5 The second question is why would TEP invest all of
6 that money into a very expensive power line coming down here
7 when they don't have a contract with Mexico?

8 It doesn't make any sense to me. Something else
9 is going on. I don't understand it.

10 But going back to the Presidential Permit, it
11 should not be issued unless there is a contract. Thank you.

12 MR. ANTHONY COMO: Thank you very much.
13 Jennifer Wolfson followed by Bruce Pheneger.

14 MS. JENNIFER WOLFSON: My name is Jennifer
15 Wolfson, and I am speaking today on behalf of Sky Island
16 Alliance.

17 I would just like to talk today briefly on the
18 cumulative effects analysis in the DEIS. The Council on
19 Environmental Quality pursuant to the National Environmental
20 Policy Act not only requires that cumulative impacts be
21 analyzed but also used in determining the appropriate
22 actions to pursue. Cumulative impacts are defined in CEQ
23 regulations as the impacts on the environment which results
24 from the incremental impact of the action when added to
25 other past, present and reasonably foreseeable future

Comment No. JR-1

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. There is no requirement that a contract for sale of power be in place before DOE can issue a Presidential Permit. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

A background on TEP's business plan relative to the proposed project is provided in Section 1.1.2 of the Final EIS; analysis of the business decisions of TEP is outside the scope of the EIS.

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1 actions regardless of what agency or person undertakes such
2 actions.

3 Furthermore the CEQ has acknowledged the fact that
4 the human environment continues to change in unintended and
5 unwanted ways in spite of improved Federal decision making
6 resulting from the implementation of NEPA is largely
7 attributable to cumulative impacts.

8 Unfortunately, the Draft EIS here fails to
9 adequately address cumulative impacts overall or to assess
10 these impacts for each separate alternative, which is
11 required by NEPA and CEQ.

12 According to the CEQ's guidelines for assessing
13 cumulative impacts it is critical to incorporate cumulative
14 effects analysis into the development of alternatives for an
15 EIS.

16 This is because CEQ recognizes that only by
JW-1 17 reevaluating and modifying alternatives in light of the
18 projected cumulative effects can adverse consequences be
19 effectively avoided or minimized.

20 Furthermore, as the guidelines state, the results
21 of cumulative effects analysis can and should contribute to
22 refining alternatives and designing mitigation.

23 Finally CEQ states that by definition cumulative
24 effects must be evaluated for each individual alternative.

25 Here the document has failed in two ways to follow

Comment No. JW-1

Chapter 5 of the EIS presents an analysis of cumulative impacts, as required under NEPA, which could occur as a result of the potential impacts of TEP's proposed project when added to impacts from other past, present, and reasonably foreseeable future actions. Where specific information was available on past, present, and reasonably foreseeable future actions, it was included in the EIS; relevant information received from the public during the Draft EIS public comment period was also added to the Final EIS (e.g., information on planned residential developments was added to Section 5.2.4). Section 5.1, Cumulative Impacts Methodology, in the Final EIS has been revised to clarify that the analysis identifies where cumulative impacts may differ among alternatives, and Section 5.3, Cumulative Impact Analysis, has been revised in the Final EIS to more completely assess the potential cumulative impacts.

In addition, Table 5.4-1 has been added to the Final EIS to provide a summary comparison of the cumulative impacts by resource area, and identify any differences in cumulative impacts for the Western, Central, and Crossover Corridors. For example, for the actions described as reasonably foreseeable actions in the area of Nogales, Arizona, the cumulative impacts would not differ among TEP's alternatives because the Western, Central, and Crossover Corridors are identical in the vicinity of Nogales.

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1 this guideline. First, none of the eliminated alternatives
2 received cumulative effects analysis prior to being
3 eliminated and, second, TEP failed to consider cumulative
4 effects with respect to each of the surviving alternatives.

5 Both of these flaws significantly hamper the
6 ability of the public and the decision maker to have a clear
7 basis for choice among options, and it also renders the EIS
8 severely inadequate under NEPA.

9 This document fails to address cumulative impacts
10 within the context of resource, ecosystem and human
11 community thresholds.

JW-1
cont.

12 According to the guidelines thresholds are defined
13 as levels of stress beyond which the desired condition
14 degrades. It is impossible to determine the impact of
15 cumulative effects if no consideration is made to the
16 threshold of any given environment.

17 As CEQ states, the magnitude and extent of the
18 effect on a resource depends on whether that cumulative
19 effects exceed the capacity of the resource to sustain
20 itself.

21 Here the document has not even addressed such
22 thresholds, let alone analyzed how the cumulative effects
23 would impact the environment with respect to these.

24 For example, the Forest Service has specified that
25 the Coronado National Forest has a threshold road density of

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1 one mile of road per square mile of forest. Although the
2 document pretends that the road density in this region does
3 not exceed this threshold, it has failed to consider wildcat
4 roads in its analysis even though it acknowledges that
5 wildcat roads equal more than 50 percent of all of the roads
6 within the proposed areas for action.

7 This important omission in turn produces a fatal
8 flaw in the document's cumulative impact analysis. It fails
9 to acknowledge both that the forest is already well above
10 its threshold for roads and that the proposed project will
11 only increase the stress and degradation in the given areas.

JW-1
cont.

12 Subsequently there is no discussion addressing
13 mitigation measures that will reverse this trend of
14 increasing degradation.

15 As the CEQ states, the most effective cumulative
16 effects analysis focuses on what is needed to ensure
17 long-term productivity or sustainability of the resource.

18 In addition, CEQ and NEPA require more than just a
19 laundry list of possible cumulative effects as illustrated
20 in the CEQ guidelines.

21 The cumulative effects analysis is fatally
22 deficient because it is a mere laundry list of possible
23 negative impacts from the proposed project in light of other
24 possible uses and projects. It does not meaningfully
25 analyze these effects using appropriate science or

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1 technology and fails to completely provide data that would
2 allow a clear basis for choice or meaningful analysis for
3 decision makers or the public.

4 The CEQ regulations require that Draft
5 Environmental Impact Statements fulfill and satisfy to the
6 fullest extent possible the requirements established for
7 final statements in Section 102(2)(C) of NEPA. Furthermore,
8 the regulations state that if a draft statement is so
9 inadequate as to preclude meaningful analysis, the agency
10 shall prepare and circulate a revised draft of the
11 appropriate portion.

JW-1
cont.

12 Here the document has failed to comply with this
13 mandatory requirement. The document's meager laundry list
14 of possible cumulative effects of the proposed project, its
15 blatant omission of cumulative effects with respect to each
16 alternative and its utter neglect to analyze cumulative
17 effects when deciding what alternatives to eliminate all
18 serve to preclude meaningful analysis such that a new
19 revised draft must be prepared.

20 Finally, the DEIS acknowledges its own
21 inadequacies in its discussion regarding visual resources.
22 It states, quote, "Further evaluation of potential
23 cumulative visual impacts is currently underway by DOE in
24 consultation with the U.S. Forest Service. The results of
25 this evaluation will be included in the Final DEIS,"

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1 unquote.

2 To not adequately address an issue as crucially
3 important to meaningful decision making as cumulative
4 effects the DEIS fails to satisfy to the fullest extent
5 possible the requirements of CEQ regulations and NEPA.

JW-1
cont.

6 And then one last comment. Cumulative effects
7 analysis is essential to determine whether substantive legal
8 requirements are satisfied. For example, without a
9 sufficient cumulative effects analysis the Forest Service is
10 unable to ensure compliance with the National Forest
11 Management Act's requirement to ensure the continued
12 diversity of plant and animal communities and the continued
13 viability of wildlife.

14 The TEP project fails to ensure the diversity and
15 viability of species within the Coronado National Forest.

16 Thank you.

17 MR. ANTHONY COMO: Thank you.

18 Bruce Pheneger. And that will be followed by
19 William Kurtz.

20 MR. BRUCE PHENEGER: Good afternoon, ladies and
21 gentlemen. Thank you.

22 My name is Bruce Pheneger. I am a resident of
23 Tubac. I am also an architect.

24 And all I can do is after listening to the other
25 speakers talk so eloquently in engineering terms and things

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BP-1 1 of that nature is to actually say this is the visual
2 stimulation that appears in the EIS document. As an
3 architect, I can tell you that no matter how you slice this
4 or dice this, this baby is stone cold ugly.
5 And as such, even the famous sculptor Christo, the
6 internationally renowned artist, who wraps all sorts of
7 manner of things, he wrapped the museum in St. Petersburg in
8 Russia among other things, he wrapped the island in the
9 Canary Island, and given his talent I don't believe that he
10 could possibly wrap this enough that it would not impact
11 visually and negatively this County.
12 And that's my statement. Thank you.
13 MR. ANTHONY COMO: Thank you, Mr. Pheneger.
14 MS. ELLEN RUSSELL: Mr. Pheneger, for the record
15 can you tell us what the picture number is that you showed
16 us?
17 MR. BRUCE PHENEGER: No. I don't believe I can,
18 Ms. Russell. I did not write down the picture number.
19 MR. ANTHONY COMO: Just for the record
20 Mr. Pheneger showed us a copy of a figure that appeared in
21 the Draft EIS of one of the transmission towers.
22 Thank you.
23 William Kurtz followed by Hugh Holub.
24 MR. WILLIAM KURTZ: My name is Bill Kurtz. I am a
25 resident of Santa Cruz County in the northwestern part of

Comment No. BP-1

Sections 3.2 and 4.2 discuss the existing visual resources, and analyze potential impacts to these resources.

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1 the County.

2 I was an intervenor in the TEP case, so I am
3 fairly familiar with what's gone on with TEP and this power
4 line.

5 First, on Page 1-6 DOE states that they have
6 selected the western route as its preferred route at this
7 time, a qualifier. And you also state you welcome comments
8 on this.

WK-1 9 And my comments and most of those you heard
10 yesterday and some, if not all, of those you have heard here
11 today and probably will tonight do not prefer the western
12 route or any route for that matter.

13 In my reading of the DEIS I can find no compelling
14 reasons for the DOE designation. All I can suggest is for
15 you to look more critically at your own data.

WK-2 16 The fact that TEP and the ACC designated the
17 western route as the preferred route is not a factor. TEP
18 has its own agenda. And I might add or I might remind you
19 that at the ACC hearings at the commission Mr. Spitzer, one
20 of the commissioners, said in effect concerning their
21 approval of the western route and all of the environmental
22 implications, well, let the feds worry about that.

23 So please answer the question with good
24 justification why the western route is the preferred route?
25 You may come to the conclusion that no action is the right

Comment No. WK-1

The Federal agencies note the commentor's opposition to all three action alternatives.

Comment No. WK-2

Section 1.4 of the Draft EIS explained why DOE selected the Western Corridor as its preferred alternative in the Draft EIS. Section 1.4 of the Final EIS has been updated to reflect any new information and identifies the preferred alternatives for all Federal agencies. Section 1.6.6 explains that there are other factors in addition to environmental considerations that may be considered in the decision of each Federal agency on the proposed project, and that the decisions of each agency will be explained in their respective RODs.

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	1 decision.
	2 If I understand correctly, the DOE is not
	3 concerned with business matters or economics. However that
	4 may be, I think we have a rather special case here.
	5 Without approvals by our friends south of the
	6 border or Mexico the 345-kV line will never be used for the
	7 reasons it is being built by TEP.
	8 TEP says with your approval they will build a
	9 345-kV line with all of its environmental impacts and use it
WK-3	10 to fulfill the ACC order to supply a second transmission
	11 line to the Citizens Utilities of Nogales.
	12 Thus we end with up with the full environmental
	13 impact of a 345-kV line only used for 115-kV. You must in
	14 this case have better proof of need before destroying the
	15 environment.
	16 I can appreciate the fact that a company may want
	17 to take a business risk. But when it has the impacts of a
	18 345-kV line, an approval agency such as yours needs to
	19 require better hard data not only of its need but the fact
	20 that it can be used as proposed.
	21 There are some very real discrepancies between
	22 what TEP testified under oath before the ACC Power Line and
WK-4	23 Line Siting Committee and the ACC compared to what appears
	24 in the DEIS.
	25 I see that some of the ACC testimony is part of

Comment No. WK-3

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

The wisdom of TEP's business decisions are outside the scope of the EIS. Refer to the response to comment WK-2 above regarding additional factors (outside of those evaluated in the EIS) that may be considered in the decision of each Federal agency on the proposed project.

Comment No. WK-4

Section 4.12.1, Transportation, states that TEP would create new access ways only where no access currently exists. This EIS evaluates the affected environment and potential environmental impacts of the proposed project and No Action Alternative based on both the most recent project design information provided by TEP (including the Roads Analysis for the proposed project [URS 2003a]) and the independent analyses of the Federal agencies. The EIS does not evaluate the consistency of the project design information with previous information, and the Federal agencies recognize that the design of a project can evolve over time. However, if TEP is granted approval for an action alternative and subsequently makes changes to their project design that would significantly alter or increase the environmental impacts, TEP's proposed project would be subject to supplemental NEPA review.

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WK-4
cont.

1 your data, though I am not sure all 2,000 pages of it are.
2 I give you one good for instance that translates
3 into a much greater environmental damage under the DEIS than
4 it does in the sworn testimony at the ACC hearings by TEP.
5 There TEP many times reiterated that for construction they
6 would use existing roads and not even have to fix up those
7 existing roads and they would even drive many miles in
8 access just to use those roads so as not to build new roads
9 except in a few minor, and I emphasize minor instances.
10 Well, in the DEIS what do we have? Just in the
11 Forest Service where the line is only 29 miles long they
12 have 20 miles of new roads. Outside the forest there is
13 another 20 miles or more of new roads. So I have two
14 questions.
15 Why doesn't the DOE hold TEP to their sworn
16 testimony to only construct a very minor amount of new roads
17 and not to upgrade the existing roads?

WK-5

18 The second, why in your analyses do you not
19 consider the impact of using helicopters to construct the
20 whole 65.7 miles of transmission line?
21 TEP has testified under oath that both monopoles
22 and lattice poles can be erected totally by helicopter, and
23 we know sky cranes can handle placing the heavy tension and
24 pulley equipment.
25 So you, DOE, say it's not your duty to study the

Comment No. WK-5

The option of constructing the entire length of the transmission line by helicopters without using roads is not feasible because construction crews would still be needed on the ground for digging and pouring foundations (see Section 2.2.3, Transmission Line Construction) even if transmission line structures are brought in by helicopter.

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WK-5 cont.	1 economics. So my question is why did you not consider 2 helicopter impact versus construction plan discussed in your 3 DEIS? This should be done before any Final EIS is produced.
WK-6	4 As pointed out by a speaker at last night's 5 meeting, your DEIS contains much more and more detailed 6 information within the Coronado National Forest than all of 7 the other 36 miles of the route. Why is this? I expect 8 this deficiency to be corrected and available for review 9 before the Final DEIS.
WK-7	10 Also brought up last night was the community 11 around the McGee Ranch. TEP should be required to site 12 their line to avoid having to condemn houses in this area. 13 From what I've seen out there with a two-mile wide corridor 14 this can be done and should be done. I would like an answer 15 to this before any Final DEIS is produced.
WK-8	16 Much discussed here today is a power plant in 17 Nogales. I draw your attention to your own statement on 18 Page 2-11 where you eliminated it from consideration 19 because, quote, "It would not fulfill TEP's purpose and need 20 of assisting Citizens in meeting ACC Order 62011 that 21 includes a requirement to build a second transmission line 22 to serve the customers in Santa Cruz County by 23 December 31st, 2003," end quote. 24 First, you know well and good that the existing 25 application before you will not meet that deadline either.

Comment No. WK-6

The information provided on the portion of the proposed corridors outside of the Coronado National Forest is appropriate for the analysis of the proposed project. USFS has additional analytical requirements (such as the ROS analysis) that require specific, and sometimes more detailed, analysis for lands within the Coronado National Forest.

Comment No. WK-7

As a condition of the Certificate of Environmental Compatibility issued by the ACC to TEP in January 2002, TEP would be obligated to "meet and confer with landowners who are within or adjacent to the Route Corridor and other interested parties in order to develop a plan for specific pole locations that will mitigate the environmental and visual impact of the Project transmission lines within the Route Corridor." If implementation of the proposed project requires condemnation of private lands (in the case that an easement agreement cannot be reached with the land owner), such condemnation would be subject to separate legal proceedings which provide due process for those affected.

Comment No. WK-8

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

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WK-8 cont.	1 And two, TEP could build a power plant in Nogales. They 2 just don't want to.
	3 Perhaps if you render a decision of no action on 4 this application, TEP, now the owners of Citizens, will 5 reconsider that. You should and I expect you will improve 6 this option in your comparative analysis.
WK-9	7 I think your reasons for eliminating some of the 8 other routes, so-called alternative routes, are very weak 9 and simply represent what TEP wants, reasons such as 10 condemning property, destruction of a line by wildfire when 11 there are no large trees and so on. These same reasons can 12 be used for the elimination of the western route.
	13 You told a speaker last night that this DEIS is 14 not a TEP document, which is only kind of the truth from my 15 viewpoint.
WK-10	16 Many exhibits are TEP's. You refer to TEP as an 17 ACC case. And some of the backup data, e-mails and letters, 18 includes work and input by TEP. I see a very strong 19 reflection of TEP's hand in all of this.
WK-1 cont.	20 I conclude based on my study of this DEIS we are 21 considering today as it now stands I believe the only action 22 justified is a decision of no action.
	23 Thank you very much.
	24 MR. ANTHONY COMO: Thank you.
	25 Hugh Holub. And he will be followed by James

Comment No. WK-8 (continued)

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Section 2.1.4, Alternatives Considered But Eliminated From Further Analysis, has been renumbered to Section 2.1.5 in the Final EIS, and revised to clarify the reasons that the power plant alternative was eliminated.

Comment No. WK-9

The reasons cited by the commenter are from a TEP letter to DOE (TEP 2002a) stating that they are not pursuing the Eastern Corridor. As stated in Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, in the Final EIS, TEP's decision not to pursue the Eastern Corridor alternative renders it infeasible, and the Federal agencies removed this alternative from further consideration for this reason. Refer also to the response to Comment WK-8 above regarding the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Section 3.10.1, Safety, states that there have been a number of fires in the project area, acknowledging that this is a concern in the project area (as referenced by TEP in their letter to DOE).

Comment No. WK-10

In all EISs that assess an applicant-proposed project (as opposed to a federally proposed project), it is necessary that the applicant provide project-specific information such as design parameters, purposes and needs for the project, etc. While this information comes initially from the applicant, because of their unique knowledge of their own project, the Federal agencies always review and evaluate the merits of this information before relying upon it in an environmental analysis.

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1 Patterson.

2 MR. HUGH HOLUB: Thank you. My name is Hugh
3 Holub, and I am here today representing the City of Nogales.
4 We have been reading in media that the proposed power line
5 has been mandated by the State of Arizona in response to a
6 claim the City filed against Citizens Utility several years
7 ago regarding electric service in our community.

8 And for the record I am the attorney that filed
9 that complaint against Citizens Utility and represented the
10 City in that proceeding.

11 We would like the record to be clear that the City
12 of Nogales never requested a transmission line be the
13 solution for the reliability in our community and that to
14 connect the State mandate to the City's complaint is
15 misleading.

HH-1

16 The State mandate, as we understand it, is just
17 for the local energy needs and does not require a 345-kV
18 transmission line to accomplish.

19 The City is concerned about the nature of the
20 State mandate in that it will inevitably result in yet
21 another rate increase, and we already have the highest
22 electric rates in the state and cannot absorb any more
23 increases. Our economic viability is at risk here.

24 As a consequence, the City is actively pursuing
25 alternative solutions to the energy needs of the City that

Comment No. HH-1

ACC Decision No. 62011 (ACC 1999) mandates the construction of a second transmission line to serve customers in Santa Cruz County, and does not reference the export of electricity to Mexico. However, TEP's stated purpose and need for the proposed project is a dual purpose and need of benefiting both southern Arizona and Mexico.

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

After a utility company such as TEP constructs a project, the ACC determines whether, or to what degree, an investment by a utility is recoverable through retail (consumer) electricity rates. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

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HH-1
cont. 1 are not dependent on a new transmission line and which will
2 not precipitate further rate increases in the magnitude that
3 the State mandated transmission solution will generate.
4 The City reserves the right to file additional
5 written comments with DOE about this matter. Thank you.
6 MR. ANTHONY COMO: Thank you.
7 James Patterson?
8 MR. JAMES PATTERSON: Mr. Como, nice to see you
9 again. Welcome back.
10 MR. ANTHONY COMO: Thank you.
11 MR. JAMES PATTERSON: My name is Jim Patterson,
12 and I'm on the board of directors of the Palo Parado
13 Property Owners Association and vice-president of the Board
14 of Directors of Tubac Center of the Arts. And I admit to
15 being a generally cranky person.
16 Here we are again. I am also one of the purported
17 beneficiaries of this transmission line, and that's where my
18 crankiness comes back. I don't feel like a beneficiary. I
19 feel like a victim.
20 And I realize this doesn't really strike the
21 rapport of the Environmental Impact Study, and I will say
22 something about that in a minute. But people here keep
JP-1 23 expressing their viewpoint that they don't want this
24 transmission line, and yet it's being sold by TEP, now
25 UniSource, in their newsletter as being for us as a backup.

Comment No. JP-1

As explained in Section 2.1.5, improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

Potential economic benefit to TEP or its shareholders from the proposed project is outside the scope of the EIS.

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JP-1
cont.

1 Most of us here, I don't think, think we need a
2 backup anymore. Our power meets our reliability. It didn't
3 used to, but it meets our reliability standards now. And
4 yet I'm supposed to be a beneficiary of this.

5 But the true beneficiaries of this in my mind are
6 really a very small group of people, and those are the
7 shareholders of the public company that want to sell excess
8 capacity from a power transmission plant and they want to
9 sell it to Mexico and they want to use our backyards or our
10 wilderness area to do that.

JP-2

11 And this is sort of where the few words about
12 environmental impact come in. If you have an area where
13 there is no transmission lines now and you drive a bunch of
14 trucks through there and you lay down cement pads and create
15 some roads to string some lines and then you have these
16 power lines where you didn't have them before, it doesn't
17 take a bunch of visits, I like seeing you, but it doesn't
18 take a lunch of visits or a 100-page EIS to know that
19 there's an impact. It destroys the environment.

20 That's all I have to say, and it was good to see
21 you again.

22 MR. ANTHONY COMO: Thank you, Mr. Patterson. Sam
23 to you.

24 Zay Hartigen to be followed by Rich Bowman.

25 MR. ZAY HARTIGEN: Zay is my first name. Hartigen

Comment No. JP-2

This EIS evaluates the affected environment and potential environmental impacts of the proposed project and No Action Alternative. Section 1.6 explains that the EIS is a source of information for Federal decisionmakers when deciding among the various alternatives for a program or project. The public participation required as part of the NEPA process is explained in Section 1.6.

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ZH-1 1 is my last name. A couple of these fellows that were up
2 earlier just gave a lot of good reasons economically and
3 sensibly why we shouldn't have these power lines going in
4 and why a local generating plant would be a better solution
5 to the problem.

ZH-2 6 I definitely am strongly for no action on this
7 proposal. If it were to go through, I would be very
8 strongly against the western route. I think that not only
9 would it be a lot less accessible than the central corridor,
10 so that's going to be more expensive to put it in, it's
11 going to be more expensive to maintain if there is problems.
12 And a lot of that country you are just not going to get into
13 when it gets wet.

14 I live out in San Rafael Valley east of Patagonia.
15 I had a power outage last month that was 20 hours. Give me
16 20 hours out of every month rather than put these power
17 lines in. And they are just not going to help. That's not
18 where the problem is. And these fellows talked about it
19 much more eloquently than I could what we really need.

ZH-3 20 And TEP is going to make a lot of money or they
21 hope to make a lot of money by putting a big pipeline
22 through when that's not what we need. It's what they want.

ZH-4 23 I don't know if you folks have ever been in Peck
24 Canyon with the crossover route. There is not a lot of
25 places in Arizona where we have clear flowing water much of

Comment No. ZH-1

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. ZH-2

The Federal agencies note the commentor's preference for the No Action Alternative and opposition to the Western Corridor.

Comment No. ZH-3

Potential economic benefit to TEP or its shareholders from the proposed project is outside the scope of the EIS.

Comment No. ZH- 4

Chapter 3, Affected Environment, includes discussions of Peck Canyon under the Crossover Corridor subsections for each resource area, and Chapter 4, Environmental Effects, evaluates potential impacts to Peck Canyon. As stated in Section 4.12.3, TEP is not proposing any road construction or improvement within the inventoried roadless area that encompasses part of Peck Canyon.

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ZH-4
cont.

1 the year. That's one of the places. There is no roads
2 through the majority of that canyon. You put that road in,
3 you put these big ugly towers in, and it's going to get
4 trashed. It's a beautiful, beautiful special spot, as is a
5 lot of this stuff on the western route, not even counting
6 that crossover. But it just saddens me very much to think
7 about that place being desecrated with these power lines
8 just to benefit TEP's shareholders.
9 That's all I have to say.
10 MR. ANTHONY COMO: Thank you.
11 Mr. Bowman?
12 MR. RICH BOWMAN: My name is Rich Bowman. I am a
13 resident of Tubac, also, vice-president of our Santa Cruz
14 Valley Citizens Council.
15 I want to be very brief. I'm going to submit some
16 written comments before October 14th.
17 Times have changed, as everyone has mentioned,
18 since 1999. Our conditions today are much different, and
19 our need for this second transmission line have changed.
20 The reliability has improved, as other speakers have said.
21 In fact, now that UniSource has purchased Citizens they
22 claim they are even going to improve that reliability.
23 I agree with everything that our County people
24 have spoken to to date, Hugh Holub. If we do need
25 additional power generation, the ideal way to do that is

RB-1

Comment No. RB- 1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, which provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line. A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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RB-1 | 1 with local power generation, not through transmission lines.
cont. | 2 Now I have a couple maybe in the form of a
3 question. One, I do realize that the Forest Department is a
4 big factor in you folks making the decision that's necessary
5 here.

6 And I don't know if Jerry and his boss have an
7 answer yet, and I don't know how long that's going to be
8 coming, but basically if they deny access through the
9 National Forest, which both of these routes go through, it
10 becomes a no action item. And I don't know how long that
RB-2 | 11 decision is going to be forthcoming, but I'm hoping that
12 would be their decision.

13 Secondly, if one of these routes is built, and I
14 agree with our attorney, Steve Duffy, that for various
15 reasons the central route should be not even considered and
16 for other reasons, including what George Bell mentioned
17 earlier and for all of the environmental reasons and the
18 cost and so on and so forth, the western route shouldn't be
19 considered either, but if it is built, we are told that this
20 proposed \$87 million cost \$20 million of that are going to
21 be put onto the ratepayers of Santa Cruz County, the City of
RB-3 | 22 Nogales and Santa Cruz County.

23 We already have had a 22 percent rate increase,
24 and I don't believe the people are going to be willing to
25 shoulder that burden of an additional \$20 million over how

Comment No. RB-2

The Federal agencies agree that if any agency (including USFS) denies permission for the proposed project, it would not be built (see Section 1.6.6 of the EIS).

Comment No. RB-3

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS (see the response to the Border Power Plant Working Group, Comment 2).

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RB-3
cont. 1 many years that's appreciated.
2 The last thing I would like to mention is that the
3 Environmental Impact Statement did not seem to address this,
4 it applies to a portion of both routes but primarily the
5 central route which follows the gas line. That gas line
6 owned by El Paso Natural Gas is a 40-foot easement. I have
7 talked to the district, the southwestern district rep out of
8 Phoenix about this particular concern, and he said no way
9 would they allow a utility company to build a power line
10 over their gas line.
11 So that brings, that raises the question, well,
12 why is it even being considered? And there is all kinds of
RB-4 13 not only environmental but dangerous reasons why you
14 wouldn't want to do that.
15 First, they would have to widen that easement from
16 40 feet to probably something in excess of 125 feet for
17 those 140-foot high towers. That's also going to require
18 eminent domain purchasing private ownership of people's
19 properties adjacent to existing homes.
20 So I know the environmental impact study is done
21 by people who have to put together somewhat of a subjective,
22 they may want to be objective, but it still comes down to a
23 subjective opinion, and it seems like we have missed a big
24 part of that whole impact with that gas line that runs all
25 the way from Sahuarita clear down to the northern part of

Comment No. RB-4

A minimum distance of 100 ft (30 m) would be maintained between any of the proposed transmission line structures and the edge of the existing EPNG pipeline ROW, in compliance with the Amended Certificate of Environmental Compatibility issued to TEP on October 29, 2001, ACC (see Section 4.10 of the Final EIS). As shown in Table 10-2 of the Final EIS, the Federal agencies consulted with EPNG regarding safety requirements, and EPNG concurred that the ACC's requirement is adequate.

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RB-4
cont.

1 Nogales.

2 So I do think there are a lot of issues that still
3 need to be addressed. And hopefully before we spend more
4 time addressing them Jerry and his good friends from the
5 Forest Department will see good reason and realize that,
6 hey, we're not going to allow access and we go to the no
7 action item. That solves your problem, and I think
8 everybody would be happy. Thank you.

9 MR. ANTHONY COMO: Let's just go off the record
10 for a second.

11 (Whereupon a discussion was held off the record.)

12 MR. ANTHONY COMO: At the moment we have sort of
13 run out of people who have signed up, but we are here until
14 3 o'clock. Could I suggest that we just shut down for a
15 couple of minutes and take a five minute rest room?

16 Yes, ma'am. Would you like to speak?

17 MS. JEAN ROGERS: I would like to say something.

18 My name is Jean Rogers, and I am married to the
19 engineer over here, and he is the one that keeps our
20 relationship on an even keel because I'm the one that has
21 the emotional big heart, compassionate person, and he is the
22 one that says no, that won't work because he is the
23 engineer.

24 But I would like to speak from my heart right now.

25 I am a native Arizonan, and I moved to Santa Cruz County

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1 10 years ago because of what has happened in the Phoenix
2 area. I wanted to be back, if possible, to an area which
3 reminded me of my youth and growing up.

4 I am with that rancher that just spoke from the
5 San Rafael Valley. As far as I'm concerned, I would rather
6 have candles lit in my house, no air conditioning, the
7 computers not working with a power outage than to have to go
8 and ruin this beautiful, pristine area that we live in and
9 that all of us if we weren't born here have chosen to live
10 in.

JR-1

11 So please do a no action. Let us go and get rid
12 of this albatross that TEP has hung around our necks and let
13 us move on with keeping our area the way it should be,
14 pristine, beautiful and a place where we all want to live.
15 That's from my heart.

16 MR. ANTHONY COMO: Thank you, Ms. Rogers.

17 After Mrs. Kurtz speaks, we are going to take a
18 five minute break.

19 MS. HELEN KURTZ: My name is Helen Kurtz. And
20 hearing all of the subjects that were covered in this EIS by
21 previous speakers and speakers that have a lot of technical
22 information there are some things that have concerned me.

HK-1

23 In this process I know that some names were eliminated from
24 receiving the notices on the Federal Register on the EIS
25 because they were told, I was told that because they lived

Comment No. JR-1

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. HK-1

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process per CEQ requirements. The Draft EIS was sent to any individual who expressed interest in receiving the document. No individuals were taken off the mailing list because of "where" they lived.

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HK-1 cont.	<p>1 outside of this area, rather, in Tucson or elsewhere that</p> <p>2 they weren't considered important to mail this to.</p> <p>3 Now whether or not that's true I don't know. But</p> <p>4 if it is, I think it is something that needs to be checked</p> <p>5 into. As Mr. Bell pointed out, there are a lot of people</p> <p>6 that come into this area from all over the world because it</p> <p>7 is such a beautiful place.</p> <p>8 And that brings up another thing. I know there is</p> <p>9 no assessment for emotion. And Mrs. Rogers spoke so well to</p> <p>10 that, that there is a great part of emotion in all of this.</p>
HK-2	<p>11 But I think that in considering the western route,</p> <p>12 even though there are not people living there or not very</p> <p>13 many, that they are not given the same voice as people</p> <p>14 living in the valley elsewhere simply because there aren't</p> <p>15 that many people, but it will have an effect economically,</p> <p>16 emotionally as much as it would to a homeowner living on the</p> <p>17 other side.</p>
HK-3	<p>18 And again, when I spoke about last night the EMF</p> <p>19 problem that I foresee in the McGee Ranch area another</p> <p>20 problem is the power lines are passing along the gas line</p> <p>21 route.</p> <p>22 Well, it came out in the ACC hearings that no one</p> <p>23 really knew who was responsible for the safety of that</p> <p>24 route. We know that El Paso Natural Gas or their company</p> <p>25 now owns that, but no one was sure who was responsible for</p>

Comment No. HK-2

The portions of the proposed corridors that are densely populated and sparsely populated are given equal evaluation in the EIS. Furthermore, the NEPA public involvement process is not a voting process that favors a larger majority over a smaller group of citizens. Rather, it gives equal consideration to each commentor's comments and concerns. Visual simulations along both the densely and sparsely populated areas along the corridors have been performed.

Comment No. HK-3

Section 4.10, Human Health and Environment, of the Final EIS has and been augmented to include a discussion of the safety considerations of locating a 345-kV transmission line in the vicinity of a natural gas pipeline.

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HK-3 cont.	1 the safety. It also came up all of the problems of 2 corrosion in the pipeline and how they are affected by the 3 EMFs given off by the power lines.
HK-4	4 Well, I have many friends in Tubac, and I 5 understand their problem there, but it's going to be even 6 more so in the McGee Ranch area because that will follow 7 right along that pipeline. 8 Also, the roads have been touched upon. We know 9 those areas, and those roads that are existing on the 10 western side certainly will not accommodate the kind of 11 equipment that's going to be necessary for TEP to bring in 12 there. And there are not very many of them.
HK-5	13 The power plant is no less speculative than TEP's 14 proposal to Mexico because there is no agreement, and Mexico 15 even lately has said that they do not want to privatize. 16 And this is going to be something that is going to become a 17 dinosaur in the desert. It's overkill. Putting in a 18 345-kilovolt line is like killing a fly with a cannon. 19 And we feel that there should be no action and 20 there should be a local generating plant. Thank you. 21 MR. ANTHONY COMO: Thank you, Mrs. Kurtz. 22 We will take about a five minute break. 23 (Whereupon a recess was taken from 2:40 P.M. to 24 3:00 P.M.) 25 MR. ANTHONY COMO: Ladies and gentlemen, you can

Comment No. HK-4

Section 4.12, Transportation, includes the preliminary identification of locations where existing roads would need to be improved for construction and/or operation of the proposed project (see Figure 3.12-1, Roads Within the Tumacacori EMA).

Comment No. HK-5

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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1 even hear me if you're standing outside there, if no one has
2 any objections or any other issues to bring, I would like to
3 close the record and adjourn until later on this evening.

4 We're going to be back here at 5:00 P.M.,
5 5 o'clock to 7 o'clock tonight, and any and all of you are
6 certainly welcome to sit in again, and we promise we will
7 have at least the same amount of refreshments this evening,
8 also.

9 So thank you for coming, and hopefully we will see
10 some of you this afternoon. Thank you.

11 (Whereupon the hearing was concluded at 3:01 P.M.)

12 * * * *

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1 STATE OF ARIZONA

2 COUNTY OF PIMA

3

4 I, RAYNBO SILVA, Certified Court Reporter in the
5 County of Pima, State of Arizona, certify:

6 That the foregoing Public Hearing was taken before
7 me at the time and place therein set forth;

8 That the foregoing 60 pages comprise a full, true
9 and accurate transcription of my notes of said Public
10 Hearing;

11 That I am not of counsel nor attorney for or
12 related to either or any of the parties in this action, nor
13 interested in the outcome thereof.

14 DATED this 10th day of October, 2003.

15

16

17

18

19

Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

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PUBLIC COMMENT HEARING RE:

DRAFT ENVIRONMENTAL IMPACT STATEMENT
TUCSON ELECTRIC POWER COMPANY
SAHUARITA-NOGALES TRANSMISSION LINE

Nogales, Arizona
September 26, 2003
5:00 P.M. to 7:00 P.M.

RAYNBO COURT REPORTING, LTD.
3625 West Gailey Drive
Tucson, Arizona 85741
520/744-2293

Reported by: Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

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1 PANEL:
2 ANTHONY COMO, Department of Energy
3 ELLEN RUSSELL, Department of Energy
4 BRIAN MILLS, Department of Energy
5
6
7 * * * *
8
9
10
11
12
13 The above hearing was held at the Santa Cruz
14 County Office Building, 2150 North Congress Drive, in the
15 City of Nogales, County of Santa Cruz, State of Arizona,
16 before Raynbo Silva, RPR, CSR, CCR, Court Reporter
17 No. 50014, in and for the County of Pima, State of Arizona,
18 on the 26th day of September, 2003, commencing at the hour
19 of 5:00 P.M.
20
21
22
23
24 * * * *
25 MR. ANTHONY COMO: Good evening ladies and

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1 gentlemen. I would like to welcome you to our public
2 hearing here tonight.
3 My name is Tony Como. I am with the
4 U.S. Department of Energy. We're here tonight to collect
5 some comments from you on the Draft Environmental Impact
6 Statement that we published just about a month ago.
7 Ellen is asking me if there were anybody sitting
8 here who hadn't heard my opening remarks before, and I
9 already recognize a few people, and I have gotten used to it
10 but yes.
11 Anyway I am going to try to be brief. How have we
12 gotten here? We have an application before us for a permit
13 to allow Tucson Electric Power Company to cross the
14 U.S. International border with a transmission line.
15 If it weren't for the border crossing, DOE would
16 not be involved. However, there are other Federal agencies
17 who if this line is ever to come to fruition would have to
18 give permission to cross Federal lands. That includes the
19 U.S. Forest Service and the Bureau of Land Management. So
20 they are joint participants with the Department of Energy in
21 the preparation of the Environmental Impact Statement.
22 We are here tonight to collect your comments.
23 What are we going to do with them? After we get your
24 comments, we are going to look at them, and every single
25 comment that we get in any form in which we get it will

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1 appear in the final document.
2 And you can submit comments to us in a variety of
3 ways. You can make a statement here or have a little speech
4 here tonight. You could send us e-mails. You could send us
5 letters. You can FAX it to us.
6 No matter how we get your comments they are
7 treated equally. Just because you are here live doesn't
8 give that any more weight than a letter that someone else
9 might submit to us later on. The official close of the
10 comment period is October 14th. We would like to get your
11 comments in as close to that time as possible.
12 It's not a legal drop-dead deadline, but from that
13 point on we're going start looking at comments and start
14 preparing the draft. So the closer you get them in to that
15 date the greater assurance you'll have that we will have the
16 opportunity and the time to consider them properly and
17 evaluate them and the like.
18 I would like to introduce my colleagues here
19 tonight. On my left is Brian Mills with the Department of
20 Energy's NEPA Policy and Compliance. On my right is Ellen
21 Russell who works with me on the Presidential Permit
22 Program. Sitting in the back is Rick Ahern from the
23 Department's Office of General Counsel, the environmental
24 portion of general counsel.
25 In the opposite back of the room is Jerry Connor

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1 and Bob Suedkakmp from the U.S. Forest Service. And I guess
2 that's about it.

3 The protocols, you will notice we have a court
4 reporter up here. That's not to imply any higher level of
5 formality. She is only here so we don't miss anything you
6 say. There is a limit on how well the three of us are going
7 to be able to take notes up here. Because we have a
8 reporter we ask that whenever you get up, especially the
9 first time you get up to speak, please spell your name for
10 her, and any subsequent things that you might want to say on
11 the record, again, indicate who you are so she doesn't have
12 to remember it.

13 Speak slowly and distinctly so she can catch
14 everything you say. If you happen to be using any technical
15 terms or any terms of art, it might be helpful to spell them
16 for her. If she doesn't understand something, she will ask
17 you. She will stop the proceeding for a second and ask you
18 a clarifying question, and that will be fine.

19 I am just going to call the first person, and I
20 will indicate who will be next to speak so you can get
21 yourself prepared.

22 So I would first like to call Greg Scott, and he
23 will be followed by Nancy Valentine.

24 MR. GREG SCOTT: Thank you very much. My name is
25 Greg Scott, Gregory Scott. I live here in Nogales. I am a

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1 third generation Arizonan, and I have lived in Santa Cruz
2 County since 1975.

3 By now you've had two days of experts providing
4 reasons this power line proposal must be scrapped. Others
5 have enumerated the facts, and I can only echo those.

GS-1 6 There have to be more creative, progressive, less
7 expensive solutions to the occasional power outage in
8 Nogales. Wouldn't it be wonderful if Nogales and Santa Cruz
9 County were known for being first in something, which is
10 21st Century and positive?

11 Our County has two valuable resources, wonderful
12 people and unsurpassed scenic beauty. Even by Arizona
13 standards Santa Cruz County is a natural gem to be
14 treasured.

GS-2 15 The lack of industry means too many of our
16 citizens are forced to leave to find employment. All of the
17 power lines in the world are not going to attract meaningful
18 industry and employment to our County. That leaves us with
19 our incomparable scenic areas. This is the resource we need
20 the most, not least to protect.

21 Does the County need yet another unsightly power
22 line crossing over our beautiful wilderness to provide power
23 for others? A power line through Green Valley may have
24 benefited Fort Huachuca, but it sure ruined one of
25 Santa Cruz County's most beautiful valleys, scene of classic

Comment No. GS-1

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. GS-2

An average of 30 direct jobs and approximately 31 indirect jobs would be created by the construction phase of the proposed project (see Section 4.5.1).

Potential impacts to cultural, recreational, and visual resources are analyzed in Sections 4.4, 4.1.2, and 4.2. Section 3.5 has been revised in the Final EIS to describe existing socioeconomic aspects of tourism in the project area, and Section 4.5 has been revised to discuss potential impacts to socioeconomic aspects of tourism.

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1 movies, history, spreads in Arizona Highways and such now
2 defaced by marching power poles.

3 Only a person who has never visited the areas west
4 of Nogales or is exceedingly greedy would suggest that Bear
5 Valley, Sycamore Canyon and the west flank of the Atascosas
6 and Tumacacoris would benefit from any sort of power line
7 there. It is our own last best place.

GS-3 8 Another question, why would an area known for
9 smuggling for well over a century need another route heading
10 north, a nice wide one going straight up the valley? I
11 don't know.

GS-2 12 If we ruin this precious resource, one we've
cont. 13 already just begun to understand, we lose any chance to
14 include its history and beauty for cultural tourism and
15 ecotourism. Too bad. We need more power for more
16 billboards, such as that.

GS-1 17 It is our history and scenic beauty which will
cont. 18 provide opportunities in the future. We have only begun to
19 realize how the market can profit from what we have right
20 here. I urge you to look to less expensive, more creative
21 solutions to our electricity needs.

22 I would like to close with something personal.
23 Every year for nearly 20 years a large group of friends,
24 mostly Arizonans, some more recently arrived, a large group
25 of friends begins each New Year's Day with a hike at the old

Comment No. GS-3

In response to public comments, the Federal agencies again solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The U.S. Border Patrol stated that although the proposed project would not create a single north-south route and roads would be closed or otherwise blocked, illegal immigrants and narcotic smugglers would be attracted to the area to use portions of the proposed access roads, resulting in a need for the U.S. Border Patrol to increase its presence in the Coronado National Forest.

For more information on the effects of illegal immigration, see *Report to the House of Representatives Committee on Appropriations on Impacts Caused by Undocumented Aliens Crossing Federal Lands in Southeast Arizona*, April 29, 2002 (House 2002).

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1 Atascosa Peak Fire Lookout, a bit of literary trivia, one of
2 the Department of Energy's great fans, Ed Abbey, was a fire
3 lookout there. There they encounter all that is best about
4 living here, unsurpassed views in every direction.

5 There they can trace the 17th Century route taken
6 by Father Kino and Father Saltera as they came into Arizona,
7 what is now Arizona, it's Santa Cruz County, for the first
8 time on their way to the village of Tumacacori.

9 Below the lookout is Bear Valley, Ruby Road,
10 Sycamore Canyon. Beyond is the Altar Valley, the
11 Baboquivaris, to the east Santa Cruz Valley, mountain ranges
12 beyond count. Even on a cold winter morning the vistas are
13 breathtaking and fill one with a sense of renewed hope.

14 These friends used to carry their children to the
15 lookout. Now their children carry their own kids to the
16 top. The decades and generations go by. The specialness of
17 this place will be forever diminished by an intrusive power
18 line below. Whatever it is that binds these families
19 together to this place on that day will be lost. The
20 benefits of this line are few. The benefits of wild places
21 is beyond measure.

22 Thank you very much.

23 MR. ANTHONY COMO: Thank you Mr. Scott.

24 Nancy Valentine to be followed by Barton Santello.

25 MS. NANCY VALENTINE: Good evening. I am Nancy

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1 Valentine. I am speaking on behalf of the Maestros Group.

2 In the Federal Register Notice dated July 10th,
3 2001, the scope of the EIS that TEP was to engage in
4 included the following passage, and I quote, "The EIS will
5 also consider alternatives to the proposed transmission line
6 including to the extent practical, one, no action
7 alternative and, two, construction of a power plant in the
8 U.S. closer to the U.S.-Mexico border with a shorter
9 transmission line extending to the border, an alternative
10 concept for supplying electric power to the target region,"
11 unquote.

12 The notice of intent also states, and I quote,
13 "DOE has determined that the issuance of the Presidential
14 Permit would constitute a major Federal action that may have
15 a significant impact upon the environment within the meaning
16 of the National Environmental Policy Act of 1969, NEPA. For
17 this reason DOE intends to prepare an EIS to address
18 reasonably foreseeable impacts from the proposed action and
19 alternatives," unquote.

20 The draft EIS under consideration fails to
21 consider the alternatives of a power plant closer to the
22 border. Why?

23 DOE acted responsibly and was wise in its original
24 decision to take a comprehensive approach when structuring
25 the scope of the EIS to afford a comparison of impacts of

NV-1

Comment No. NV-1

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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NV-1
cont.

1 the transmission lines and a power plant alternative.
2 What happened between July 10th, 2001, and today
3 to have made this opportunity for comparison omitted?
4 I have attended many of the TEP hearings, and I
5 have heard many comments from the public in support of a
6 power plant as an alternative option and no objections.
7 As a matter of fact, the alternative of
8 distributed generation is an option that two other entities
9 that we know, the City of Nogales and one initiated by a
10 gentleman by the name of Earl Wilson, have been found to be
11 worth exploring to take care of local needs.
12 We applaud these efforts for they, too, have come
13 to recognize the benefits of generation, not transmission
14 for our communities. The Maestros Group continues its
15 exploration of a power plant at the border to meet the
16 target market of Mexico which will meet strict environmental
17 and quality of life standards for the omnibus of Nogales,
18 for Santa Cruz County and Sonora.
19 Early on the Maestros Group met with the managers
20 of TEP and introduced a plan for construction of a power
21 plant at the border that had by that time become regarded as
22 a viable and feasible concept by other energy industry
23 executives and financial entities.
24 TEP did not accept an offer to continue the
25 discussion nor to review additional data, financial as well

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NV-1
cont.

1 as environmental, which would have been made available to
2 them by Maestros Group if they had chosen to explore
3 further.
4 What was the reason TEP gave for their lack of
5 interest? It wasn't that the power plant wasn't feasible.
6 Their reason was, quote, "It's not in our business plan,"
7 unquote.
8 A power plant might not have been in their
9 business plan, but so what? Neither was a no action
10 alternative.
11 It is curious that in past public hearings the
12 power plant alternative was received favorably, yet in the
13 DEIS it is not a consideration. Modification to the scope
14 of the DEIS, however it came to be, to eliminate the power
15 plant alternative is a fatal omission to this process.
16 The Federal Courts found DOE lacking in its DEIS
17 process in the Mexicali Presidential Permit scenario.
18 Has DOE taken the Mexicali road here and allowed
19 an incomplete environmental study to come forward which is
20 also subject to being knocked down in court?
21 I urge DOE to reject TEP's Draft EIS and to allow
22 for the continuation of this process to include the power
23 plant alternative as originally intended.
24 Thank you.
25 MR. ANTHONY COMO: Thank you, Ms. Valentine.

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1 Mr. Santello to be followed by Marshall.
2 MR. BARTON SANTELLO: My name is Barton Santello,
3 and I'm from Arivaca. And Arivaca is a few miles west of
4 the proposed line through the western route.

BS-1 5 Before I start I would just like to request to the
6 Department of Energy to extend the public comment period
7 15 to 30 days beyond the October 14th deadline as stated in
8 the Federal Register Notice in order that the public can
9 adequately address the magnitude of the DEIS. There is a
10 lot of information there, and we are still trying to digest
11 that information. So thank you.

BS-2 12 My general statement, as a private citizen of
13 Arivaca, Arizona, and the affected area of Tucson Electric
14 Power's proposed Sahuarita-Nogales transmission line, I urge
15 all of the cooperating U.S. Government agencies to decide
16 the no action alternative following submittal of the Final
17 Environmental Impact Statement in 2004.

BS-3 18 The applicant's original State mandate from the
19 Arizona Corporation Commission as discussed on Page S-10 of
20 the summary EIS requires only a 115-kV line be constructed.
21 TEP's expanded scope to include a 345-kV line
22 across an international boundary is a corporate decision
23 based on the economics of electrical transmission and not
24 one of the public's interest.
25 The Final EIS should also make clear for the

Comment No. BS-1

The public comment period began on August 22, 2003, and officially concluded on October 14, 2003, for a total of 53 days. An extension of the comment period was not granted because the Federal agencies deemed this comment period to be reasonable, and it exceeded the requirements set forth by CEQ Regulations (40 CFR 1506.10[c]) for a Draft EIS public comment period of at least 45 days. Although the official public comment period for comments on the Draft EIS closed on October 14, 2003, the Federal agencies continued to accept comments after the close of public comment periods, and considered them, to the extent feasible, in the preparation of the Final EIS.

Comment No. BS-2

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. BS-3

Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, of the Final EIS includes an explanation of the relevant ACC decisions and the relation to TEP's proposed project. The Federal agencies agree that ACC Decision No. 62011 (ACC 1999) does not require a 345-kV transmission line. TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." As discussed in Section 1.2, each of the Federal agencies are responding to TEP's proposal. Approval by each Federal agency would only indicate that each agency has no objection to the project, but would not mandate that the project be built.

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BS-3 cont.	<p>1 record what the proposal is not. The proposal by TEP is not</p> <p>2 the result of a Federal directive to improve or expand the</p> <p>3 nation's electrical infrastructure, and from what I know it</p> <p>4 has not been suggested that this is a national security</p> <p>5 related construction project.</p>
	<p>6 Nogales is an end node in the nation's electrical</p> <p>7 grid system, and a 115-kV line as mandated by the ACC would</p> <p>8 suffice in providing sufficient and reliable power to the</p> <p>9 Nogales area, and/or a power plant in the Nogales area would</p> <p>10 be acceptable also.</p>
BS-4	<p>11 The cooperating agencies will find based on review</p> <p>12 of the Final EIS that TEP's 345-kV transmission line</p> <p>13 proposal exceeds the mandated improvements to electrical</p> <p>14 reliability, imposes significant environmental hardship on</p> <p>15 the biologically rich and visually attractive Coronado</p> <p>16 National Forest and that TEP's purpose and need is more of a</p> <p>17 corporate self-serving purpose and need. Thus this proposal</p> <p>18 is not in the public interest or the national interest.</p> <p>19 The EIS must contain all of the essential</p> <p>20 information and facts in its final form. I believe a</p> <p>21 quality version of the EIS that includes all of the relevant</p> <p>22 public comment will reveal the damaging aspects of this</p> <p>23 proposal and that reasonable alternatives exist to the</p> <p>24 proposed lines.</p>
BS-5	<p>25 A no action decision by the cooperating agencies</p>

Comment No. BS-4

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Section 1.6.6 of the Final EIS explains that there are other factors in addition to environmental considerations that may be considered in the decision of each Federal agency on the proposed project, and that the decisions of each agency will be explained in their respective RODs.

Comment No. BS-5

The actions that TEP may take if the proposed project is not approved are speculative. Therefore, the actions suggested by the commentor are not included as part of the No Action Alternative.

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BS-5 cont.	1 would allow TEP to pursue other electrical generation and 2 distribution projects that are truly in the public interest 3 that would protect the environment and create new
	4 sustainable business opportunities for TEP.
	5 What I would like to speak about in a little bit 6 more detail today, I hope to submit further comments, 7 actually, written comments, but for today's discussion I
BS-6	8 would like to talk about what I am learning about is the 9 cumulative effects under the National Environmental Policy 10 Act and how the current draft of the DEIS does not 11 adequately address or is consistent with procedural 12 provisions of NEPA with respect to cumulative effects in my 13 opinion.
	14 Pages S-14 and S-15 of the referenced summary DEIS 15 discuss issues that are considered out of scope of the EIS.
BS-7	16 I contend that some of these issues are not out of scope and 17 further argue that matters addressed by the public in past 18 scoping meetings may actually be critical issues that would 19 assist the DOE in properly meeting the intent of NEPA.
	20 The local community is intimately familiar with 21 the environment here and the needs of the area and thus are 22 good sources of ideas and alternatives to the proposal to 23 create a win-win solution for everyone.
	24 I have written down a few of the laws here that 25 based on the Council of Environmental Quality's regulations

Comment No. BS-6

Chapter 5, Cumulative Effects, has been revised in the Final EIS in response to several commentors' concerns about the adequacy of the cumulative effects analysis in the Draft EIS.

Comment No. BS-7

Section 1.6 of the Final EIS has been modified to provide additional explanation of the NEPA process in general and the scoping process in particular. As noted, during the scoping process, the public provides comments directly to the Federal agencies. The Federal agencies consider these comments in determining the alternatives, issues, and environmental impacts to be analyzed in the EIS. Section 1.6.2, Issues Outside of the Scope of the EIS, explains the issues raised during public scoping that the Federal agencies considered to be outside the scope of the EIS. The Federal agencies responses to specific public comments on the Draft EIS on a variety of issues considered out of scope are contained within the comment responses.

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1 that make up the framework of the EIS process and NEPA and
2 should be considered in the EIS. And one of them under
3 40 CFR 1500 through 1508 in implementing the procedural
4 provisions of NEPA define cumulative impact as the impact on
5 the environment which results from incremental impact of the
6 action when added to the past, present and reasonably
7 foreseeable actions regardless of what agency, Federal or
8 non-Federal agency, or person undertakes such actions.
9 Cumulative impacts can result from individually minor but
10 collectively significant actions taking place over time.

11 The Council of Environmental Quality codifies
12 cumulative effects in relation to the EIS process by saying:
13 Only by reevaluating and modifying alternatives in the light
14 of projected cumulative effects can consequences be
15 effectively avoided and mitigated.

16 And then indirect effects under NEPA,
17 Paragraph 1508.8(b): Indirect effects which are caused by
18 the action and are later in time or further removed in
19 distance but are still reasonably foreseeable. Indirect
20 effects may include growth inducing effects and other
21 effects related to induced changes in the pattern of land
22 use, population density, growth rate and related effects on
23 air, water and other natural systems including ecosystems.

BS-8 | 24 Given this brief framework I would like to discuss
25 a couple of issues in the DEIS that I believe were

Comment No. BS-8

The Federal agencies do not have any information suggesting that any power plant construction in Mexico is reliant upon or otherwise connected to TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. There is no requirement that a contract for sale of power be in place before DOE can issue a Presidential Permit. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

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BS-8
cont.

1 classified as out of scope but I believe are significant.

2 Issue one, Mexico may build power plants. This
3 was public comment that Mexico may build power plants
4 resulting in the sale of electricity to the United States
5 and pollution, air pollution as a result.

6 The DEIS comment was the DOE is not aware of any
7 proposals by Mexico to build power plants and to sell
8 electricity to the United States in the area covered by this
9 DEIS. Thus the DOE considers this assertion to be
10 speculative.

11 I have been doing a lot of reading about Mexico.
12 And apparently I read that there is upwards of 20 power
13 plants in planning or development in northern Mexico. And I
14 know that includes probably areas that are out of the scope
15 of the DEIS. In Mexicali there is Semptra and InterGen
16 plants which are a potential for pollution in the United
17 States.

18 For the DEIS to suggest that the climate for
19 construction of new power plants in Mexico is speculative I
20 believe is misleading.

21 The DOE's own Web site has information, has an
22 information Web page heading called: Facilitating U.S.
23 trade in electricity. And the page states: U.S. trade in
24 electricity, electric energy with Canada and Mexico is
25 rising, bringing economic and reliability benefits to the

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BS-8
cont.

1 United States and its trading partners. Within the Office
2 of Fossil Energy's Coal and Power Organization an
3 electricity import/export team is responsible for
4 authorizing the export of electricity and the issuance of
5 permits for construction, connection, operation and/or
6 maintenance of electrical transmission facilities at the
7 border, international border.

8 The current administration is aggressively backing
9 exporting electricity to Mexico, and U.S. electrical
10 companies are beginning to buy stakeholding positions in
11 Mexican power plants in order to capitalize on future
12 import/export of electricity.

13 I will be submitting additional details of the
14 power plant planning and development of projects that I have
15 come across in my report to the DOE by the deadline that can
16 be incorporated and related to this DEIS.

17 The new power plants will be a major source of air
18 pollution attacking the United States and affecting health
19 and clean air many of us have moved to southern Arizona to
20 enjoy.

BS-9

21 Issue Number 2 under out-of-scope issues: The
22 public discussed alternatives that included TEP and other
23 entities building a power plant in Nogales.

24 The DEIS comment was, "These suggested
25 alternatives would not fulfill TEP's purpose and need and

Comment No. BS-9

Section 2.1.5, Alternatives Considered but Eliminated From Further Analysis, has been augmented in the Final EIS to provide a brief analysis of this alternative, and explain why it is not evaluated in detail in the EIS (see also the response to comment BS-4 above).

The ACC is vested with the state's authority to decide how it believes energy (including energy for the public) should be furnished within Arizona's borders, and DOE does not second-guess the ACC on this matter. As stated in Section 1.2.2, Federal Agencies' Purpose and Need Statements, an agency's statement of purpose and need explains what the agency is called upon to do, given its authority, and it is from this statement of purpose and need that an agency identifies the range of reasonable alternatives it will consider in the EIS. In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

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1 therefore not within the scope of this EIS."
2 My comment to this is that the DOE's own Federal
3 Register Notice FR 01-17224 dated Tuesday, July 10th, 2001,
4 states: "The EIS will consider alternatives to the proposed
5 transmission lines including to the extent practicable
6 including construction of a power plant closer to the
7 U.S.-Mexico border with a transmission line extending to the
8 border as an alternative concept to supplying power to the
9 target region."

BS-9
cont. 10 This July 10th, 2001 statement in the Federal
11 Register is in conflict with the DOE's rejection of this
12 consideration in the subject DEIS.

13 Further, the DOE states that the alternative power
14 plant does not fulfill TEP's purpose and need. This
15 statement is in conflict with Page S-11 of the subject DEIS
16 where it is stated that the DOE's mission in undertaking the
17 EIS process is to determine whether the proposed action is
18 in the public's interests, and my comment is not TEP's
19 interests.

20 Therefore, the EIS must be rewritten to address
21 reasonable alternatives as published in the said Federal
22 Register Notice.

BS-10 23 Issue 3 is the impact of Public Service of
24 New Mexico's, PNM, proposed transmission line project.

25 The DEIS comment is: "The consideration of

Comment No. BS-10

Section 5.2 has been modified to update the status of the PNM proposal with the three Federal agencies involved. As of October 2004, PNM indicated to DOE its intention to withdraw its Application for a Presidential Permit.

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BS-10
cont.

1 impacts from PNM's proposal in this EIS is limited to
2 potential cumulative impacts because TEP and PNM proposals
3 are at different stages of decision making."
4 My response to that is regardless of whether PNM's
5 proposed project is a separate EIS, it is reasonable to
6 assume that PNM will move forward with such a project and
7 will have compounding and damaging effects on the
8 environment, people, and it's plausible that PNM and TEP
9 lines some day could run parallel to each other into Mexico.
10 Why should this not be considered? Page S-14 of
11 said DEIS provided verbiage of the CEQ guidance for
12 cumulative effects, and it said: "Cumulative impacts have
13 been addressed in this EIS to the extent that future
14 projects are, one, reasonably foreseeable, and PNM's project
15 is reasonably foreseeable and, two, the potential resource
16 area impacts overlap.
17 And when reading on the DOE's Web site I came
18 across the paragraph that said: "Public Service Company of
19 New Mexico is proposing to build power lines originating at
20 the switch yard of the Palo Verde Nuclear Generating Station
21 30 miles west of Phoenix and extend south approximately
22 160 miles crossing the U.S.-Mexican border within the
23 vicinity of Nogales, Arizona.
24 So that sounds pretty close to what --
25 MR. ANTHONY COMO: Mr. Santello, do you have a lot

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1 more? I don't want to limit time too much, but I do want
2 everybody to have an opportunity.
3 MR. BARTON SANTELLO: Sure. I am just going to
4 close.
5 MR. ANTHONY COMO: Thank you.
6 MR. BARTON SANTELLO: In summary, the purpose of
7 TEP applying for the Presidential Permit is to connect with
BS-3
cont. 8 the Mexican electrical system.
9 Per Page S-11 of the Summary DEIS the purpose and
10 need for DOE action is to determine whether it is in the
11 public's interest to grant or deny a Presidential Permit.
BS-6
cont. 12 And I hope that the cumulative effects analysis is included
13 more comprehensively in the Final EIS.
14 There was also discussion about speculation. The
15 DOE -- since TEP's lines are going to connect into the
16 Mexican grid, the public should be allowed to create a
17 reasonable framework for speculation on the future effects
18 and impact of the 345-kV transmission line and have those
BS-8
cont. 19 assumptions included in the EIS.
20 The DOE is in effect allowing TEP to propose to
21 build these transmission lines with TEP speculating on
22 selling electricity to Mexico where the public is not aware
23 of any contracts that currently exist.
24 Further, the Mexican government has not even
25 committed to a level of participation in international

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BS-8 cont.	1 interconnect proposals.
	2 If the DOE does not allow the public for which
BS-7 cont.	3 interest the DOE is working to provide a reasonable input
	4 with regards to cumulative effects under NEPA then the DOE
	5 must vote no action in order not to support corporate
	6 speculation.
	7 That's it.
	8 MR. ANTHONY COMO: Thank you very much.
	9 Mr. Magruder to be followed by Paul Hathaway.
	10 MR. MARSHALL MAGRUDER: Good evening, Mr. Como,
	11 Ms. Russell and Mr. Mills. As you know, I have been here
	12 before, and I have a few more comments to make.
	13 And this section will be on the subject of cost.
	14 I want to talk about the cost of the system because the cost
	15 involves a lot of different elements in this case.
	16 We have several ways to look at cost, but in the
	17 end all prudent cost are reimbursable, thus absorbed by
	18 either the ratepayers or the shareholders.
	19 Utilities in general prefer to recover all costs
	20 from ratepayers. Why would they want to do that? So they
	21 can maximize their profits for their shareholders. It's
	22 really simple. So there is a conflict between ratepayers
	23 and shareholders, and it exists in this industry and is
	24 arbitrated in this State by the Arizona Corporation
	25 Commission.

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MM-1

1 The Department of Energy's rules are fairly clear.
2 It says: "Any imprudent cost is not reimbursable. I am
3 only going to discuss reimbursable costs because marketing
4 and taking people out to lunch are not reimbursable costs,
5 and I'm not going to worry about that.
6 First, we have transmission line capital costs.
7 This is the cost of the system which includes the
8 environmental studies that are being discussed today. And
9 it includes the costs to TEP to host this nice meeting,
10 which will come through the Department of Energy. I assume
11 they paid.
12 Oh, the government paid for this meeting? Oh.
13 You paid for the doughnuts?
14 MS. ELLEN RUSSELL: Every penny.
15 MR. MARSHALL MAGRUDER: That's good. I'm glad to
16 know my taxpayer money is going for something.
17 Well, except for this meeting Tucson Electric is
18 paying for the cost of conducting the Environmental Impact
19 Statement. Sorry. I'll change that.
20 The environmental studies are reimbursable costs.
21 Thus TEP is not losing money because they are doing prudent
22 environmental analysis. They will not have to absorb this
23 cost as it becomes a capital cost and capital costs in this
24 case is what TEP spends for its total cost for the
25 transmission line system.

Comment No. MM-1

The ACC and any associated state rules or regulations address electricity rate and cost reimbursement issues within the State of Arizona. Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is not addressed in the EIS.

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1 In most industry capital costs are shareholders'
2 responsibility because it's what the company spends money on
3 to get new business so it can grow.
4 Utility industries, however, have rate cases.
5 They argue that capital costs should be absorbed by
6 ratepayers, and consumer advocates such as in our Arizona
7 Residential Utilities Consumer Organization, RUCO, takes the
8 side for the ratepayers. So this conflict gets resolved
9 every time.
10 Ultimately this is decided but it won't be known
11 for the Santa Cruz customers, for the people in the room and
12 for the people in this County until UniSource Energy or its
13 electric subsidiary, UniSource Energy Services Company, UES,
14 or its electrical subsidiary, UNS Electricity, Inc., our new
15 electricity company files a rate case in August of 2007.
16 So the costs that are incurred by TEP are not
17 being reimbursed today, but they will be filed in 2007.
18 Mr. Pignatelli, who works for UniSource as their
19 CEO and president, was very upset at the recent ACC hearings
20 when he was told he could not file for these costs in the
21 year 2005. He also testified at the same hearing that he
22 expects Santa Cruz customers to pay \$20 million in capital
23 costs for this system. That's between \$2 and \$3 million a
24 year. That's between \$11.11 and \$16.60 per person for the
25 15,000 customers here. In addition, reimbursable costs have

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1 interest added. Thus this will be higher than the numbers I
2 just quoted, which I estimate will be \$15 a month per
3 customer per month for the capital cost of this transmission
4 system.
5 In addition to what's been testified before the
6 Federal Energy Regulatory Commission, they have authorized
7 transmission line costs to also include a maximum return on
8 investment of 12 percent, not a maximum return, a guaranteed
9 return on investment of 12 percent. This is a profit
10 incentive added to the total cost for transmission line
11 systems reimbursed by the ratepayers.
12 Initially let's look at what these costs turn out
13 to be from their application on Page 10 to the Arizona
14 Corporation Commission.
15 Substation costs and modification and changes at
16 three substations, and I will round the numbers off to make
17 it a little easier, they are in their written form:
18 \$9.9 million.
19 Transmission line costs, which includes the
20 construction and right-of-way estimates: Western route:
21 \$63,700,000; Central route: \$56,400,000; Eastern route:
22 \$59,900. These are all millions of dollars.
23 Totals: Western route: \$73.7 million; Central
24 route: \$66.4 million; Eastern route: \$70 million.
25 This is a lot of money. During the recent

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1 purchase power and TEP Citizens cases it was pointed out in
2 testimony that the TEP transmission line would now cost
3 \$87-1/2 million, which has increased at \$14 million for the
4 western route since its ACC filing.

5 TEP claims to have spent \$6 million in preliminary
6 design so far, which includes environmental studies.

7 That \$87-1/2 million does not include the
8 12 percent FERC return on investment, and thus the
9 recoverable capital costs for this project really will be
10 about \$102 million.

11 Let's look at the second cost, second option.
12 115 kilovolt line on Page 16 of the project development
13 agreement and the same ACC application I talked about a
14 minute ago in Exhibit J-5, Page 16. That alternative
15 planned by Citizens the construction costs was estimated
16 with this 115 kilovolt alternative at \$20.5 million. That's
17 about a fifth of the cost of this major system.

18 A third way to compare the numbers. On August 8th
19 during an investors' conference call Mr. Pignatelli, the CEO
20 I mentioned awhile ago, said he purchased a 70 megawatt
21 power plant in Tucson for \$20 million.

22 So these are really the three alternatives. And I
23 did this on my own. I'm sure it could have been done in the
24 EIS.

25 Which of these three options, the 345 kilovolt

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1 line, 115 kilovolt line or the local generator, which all
2 equal about \$20 million costs to the ratepayers, is the
3 best?

4 Wait. Let's wait until I talk about the next
5 thing called wheeling charges which only affects
6 transmission lines. The second cost in this system is
7 transmission line usage costs commonly called wheeling
8 charge.

9 In the ACC application the Tucson Electric project
10 development agreement between Citizens, which is now UES,
11 and TEP, which we have to remember is a separate independent
12 company, it is not related to our local electricity company,
13 it is a separate independent company under UniSource Energy,
14 Inc., Tucson Electric, UniSource Electric Services, Inc.,
15 second tier companies. They are independent, separate
16 companies, separate books. If they get their books mixed
17 up, they will never get through this. They will be in
18 trouble forever. But they are separate companies.

19 Citizens agreed, which now is UES, to purchase
20 100 megawatts of firm, which is the most expensive form of
21 electricity, on this transmission line system that's being
22 designed for backup secondary purposes only.

23 What firm means is that it's always there, 24/7.
24 It's guaranteed. They pay extra premium, and that month
25 that electricity is going to be sitting on that power line.

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1 The transmission line cost called wheeling charge for the
2 use of the Tucson Electric transmission line as testified in
3 the ACC Siting Hearings is \$2.33 per megawatt month. Most
4 people talk in terms of hours. Megawatt month. Kilowatt
5 hour month. Excuse me. Let me try it again.
6 \$2.33 per kilowatt per month, which turns out to
7 be \$233,000 per month for 100 megawatts of power for the
8 reserve backup requirements for this County.
9 This equates to \$15.33 per month per customer in
10 Santa Cruz County to pay for sitting on a power line
11 100 megawatts in case we need the electricity.
12 During the recent purchase power case I submitted
13 a data request asking -- I didn't know what a data request
14 was until I got in that case, I am not an attorney, but
15 attorneys know what they are. I submitted a data request
16 query asking why should we pay for 100 megawatts of
17 electricity when the maximum demand in this County has never
18 exceeded 60 megawatts of electricity. And their response
19 was that 60 megawatts of firm delivery might be considered.
20 This would reduce our monthly costs from \$15.33 to only
21 \$9.20 per month per customer.
22 I would like to also state that any agreement that
23 TEP has made with me in that answer would probably not be
24 decided and definitely won't be decided until August of
25 2007. And so I wouldn't bank a lot of trust on comments

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1 they made on that data request.
2 The wheeling charge is very important to TEP
3 because this is the toll booth charge that it will use to
4 make money using its transmission line.
5 And I will use a smaller case after discussion
6 yesterday. For 1,000 megawatts of continuous usage TEP will
7 receive \$2,330,000 per month in revenues with 10 percent of
8 that being paid by the UES customers in Santa Cruz County.
9 Annually times 12 this becomes \$27,960,000 in
10 wheeling or toll booth charges on this transmission line.
11 This means that the \$87-1/2 million in capital
12 costs from TEP's viewpoint is paid off in three years two
13 months, a very short time. And more importantly after that,
14 after that time all of the wheeling charges minus operations
15 and maintenance costs are profit.
16 And actually, the \$87-1/2 million they got, the
17 best part above that, they are also going to get the FERC,
18 12 percent credit from the benefit, they get that free.
19 So TEP can make \$27.9 million if it sold space on
20 this line per year. TEP testified during the Line Siting
21 Hearings it really didn't care what direction the
22 electricity goes. TEP will always collect this charge with
23 Santa Cruz County paying 10 percent of this, not to our
24 electric company, not to UES. UES will be paying it to TEP
25 but to subsidize the TEP ratepayers or shareholders in

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1 Tucson.

2 Third cost that occurs with this case. First is
3 capital. Next is the use of the line. The third cost is if
4 we use some electricity, we have electricity costs.

5 Based on statistics during our most unreliable
6 five-year time period we used about 2.05 hours of backup
7 power on this line. A new Tucson Electric agreement with
8 the Pinnacle West Capital Corporation, Arizona Public
9 Service Company, we now purchase power on a fixed price
10 contract in this County for \$58.79 per megawatt hours.

11 For 2.05 hours, say, for a 50 megawatt demand,
12 which is very high, we would then spend approximately
13 \$7,348.75 per year. This is about 4 cents per month per
14 customer in this County.

15 Let's then summarize the three costs that we pay
16 for electricity to use this transmission line. The capital
17 costs I estimate are approximately \$15 per customer per
18 month in this County. The use of the line is \$15.33 per
19 customer per month in this County. The electricity cost per
20 month 4 cents. Total cost: \$30.37.

21 Now wheeling charges are not charged per local
22 power plant. So those numbers and the cost is about the
23 same, we would pay about \$15 a month for a local power plant
24 or we will pay about \$30.37 for the use of two hours of
25 electricity on this transmission line.

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1 Why do you think the people in this County
2 consider this alternative of the TEP transmission line not
3 favorable?

4 Because our average rate was \$58 a month for
5 electricity per customer before UniSource bought Citizens on
6 the 10th of August of this year. It's now \$71 per month per
7 customer for the average load. And in 2007 it will be
8 approximately \$109 per customer per month. That is a major
9 increase in this County and has a significant impact on
10 fixed income people and the quality of life and business
11 development and economic development and the survival of
12 this County.

13 The electric rates as designed by the previous
14 electricity company required commercial businesses pay
15 40 percent more than residential rates. Nationwide
16 commercial rates are about 80 to 90 percent residential
17 rates. It was deliberately constructed, our rate structure,
18 to discourage industry in this County, also, to discourage
19 it in Mohave County so that industry would be located in
20 Tucson and Phoenix.

21 The recent rate case had a result of \$138 million
22 flowing from Santa Cruz County and Mohave County to
23 subsidize the electric company in Phoenix. This County
24 cannot afford it. We cannot afford these kind of
25 exorbitant, outrageous, and I requested an investigation in

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MM-2

1 front of the Arizona Corporation Commission on the I would
2 call it illegal charges that were disputed by everyone
3 involved, including Citizens disputed the charge. They
4 refused to file and litigate these costs.

5 Something is wrong. And I believe that the local
6 power plant will be the cheapest, best for the people in
7 this State, in this County.

8 Thank you.

9 MR. ANTHONY COMO: Paul Hathaway followed by Kurt
10 Bahti.

11 MR. PAUL HATHAWAY: Good evening. My name is Paul
12 Hathaway. I want to thank you for coming down and listening
13 to our comments, and I will keep mine short.

14 I am a board member of the Nogales Santa Cruz
15 County Economic Development Foundation, and I am also a
16 board member of the Nogales Santa Cruz County Chamber of
17 Commerce.

18 Back in 2000, the year 2000, the Chamber of
19 Commerce has a government affairs committee, and the
20 question about power, future power requirements for the
21 County came up. There was questions about reliable power.
22 And we did receive information from Citizens Utilities
23 insofar as what the future looked like insofar as power
24 delivery, and it did not look good.

25 So we, as a chamber, made a formal decision to go

Comment No. MM-2

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

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1 to the County Board of Supervisors and recommend that a
2 power study be conducted for the County, for Nogales and the
3 County to deal with these issues.

4 The supervisors took it into consideration, and
5 they agreed. And so they decided they were going to meet
6 with the City of Nogales and form a Joint Energy Commission,
7 a commission on energy.

8 And they did that. I do have an executive
9 summary, which I will give you for the record as soon as I
10 finish.

11 But basically the findings of the -- they went
12 forward to the Board of Supervisors. A study was done.
13 It's dated the 8th of June, 2001. They appointed an
14 11-person commission, several engineers on it. In fact,
15 Mr. Magruder was on it.

PH-1 16 And the bottom line they did a cost/benefit
17 analysis. And my feeling is they represented very well the
18 community down here and the needs, the produce, maquilas and
19 that sort of thing.

20 So what I have is a summary of what they did. And
21 if you would like, the complete thing is about six inches,
22 so I just have a summary.

23 The bottom line they did support the need long
24 term. The concern was that the existing power line was
25 coming to an end insofar as power service is concerned

Comment No. PH-1

The Federal agencies have reviewed the document provided by the commentor. The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

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PH-1 | 1 fairly soon, and they did strongly recommend the need for an
cont. | 2 alternate line so far. I will give you that information and
3 from the community standpoint and from this commission,
4 which I think represents the recommendations that were given
5 to the City of Nogales and the Board of Supervisors. That's
6 what they recommended.
7 That's all I have. Thank you.
8 MR. ANTHONY COMO: Thank you very much.
9 Mr. Bahti?
10 MR. KURT BAHTI: My name is Kurt Bahti. I am with
11 the Arizona Game and Fish Department and a wildlife
12 professional. So I will limit my comments, and I will try
13 and set a record for making my comments very short here.
14 And I will limit them to the mandate of the agency that I
15 work for.
16 Approximately a year ago I went on a field trip
17 with a couple of other members of our agency, the United
18 States Forest Service, quite a few other private groups that
19 TEP put on to take a look at the corridor. And we were
20 informed at the time that the ACC had directed TEP to just
21 look at the western corridor, which that actually quite
22 piqued my interest. It seemed like it was usurping a public
23 comment process if they were just telling them to look at
24 just the western corridor.
25 We heard rumors as to why. I won't even go into

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KB-1

1 those because I have no idea for sure what the reason was
2 for them to pick the western corridor.

3 I would like to state that the western route would
4 cause the greatest amount of habitat loss and degradation as
5 far as wildlife is concerned. But I believe it was the
6 first speaker, Greg, spoke about the esthetic value over
7 there, and it goes much, much beyond that.

8 Everybody else has spoken about when, if or how or
9 whatever of the power line should be built and threw around
10 a lot of numbers, and my mind is swimming in numbers,
11 probably like mired in numbers, I learned a lot tonight, but
12 if this is to be built, I strongly, strongly recommend both
13 for the agency and as a wildlife professional do not use the
14 western corridor. It certainly from the fiscal standpoint
15 is the most expensive route, and secondly, it is the most
16 damaging to the wildlife habitat. Choosing that western
17 route would be a travesty against our natural resources.

18 That's all I've got.

19 MR. ANTHONY COMO: Thank you very much.

20 Dan Bell?

21 MR. DAN BELL: As you said, my name is Dan Bell.

22 And I represent ZZ Cattle Corporation and Bear Valley Ranch.

23 And basically I'm here. I really don't have a position for

24 or against the power line. My position is against the

25 route, just as Kurt had mentioned previously. Not only will

Comment No. KB-1

Sections 3.3 and 4.3 discuss the existing biological resources, and potential impacts to biological resources from the proposed project, including mortality, interference with breeding, loss of habitat, and loss of forage plants under all of the action alternatives. None of the impacts to wildlife would result in a population decline on a regional scale.

Section 4.5 states that the cost for each alternative would be approximately \$70 million, plus or minus \$7 million.

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DB-1

1 it detract from the beauty of the area in Bear Valley, but
2 it will provide no benefit for that area.

3 Currently the ranch in the area utilizes solar
4 power and propane for its day-to-day needs, so I don't see
5 the justification for running a power line through there.
6 It's not going to benefit the area it's going through.

7 Furthermore, I have had quite a bit of experience
8 dealing with the Endangered Species Act and extremist
9 environmental groups in regard to the Endangered Species
10 Act, and undoubtedly you will have some of these groups file
11 lawsuits if they haven't already against government
12 agencies, probably the Department of Energy, the Forest
13 Service and maybe even the BLM and have an injunction
14 imposed on this.

15 And the way they will do it is through the
16 Endangered Species Act. They will most likely sue on behalf
17 of the endangered species, which will in turn cost the
18 taxpayers more money, and I don't know if Mr. Magruder has
19 included this in some of his figures, but this will be costs
20 directly related to the taxpayers because under, I am not
21 sure what the section is, it might be Section 7 or Section 9
22 of the ESA, a group or any individual can sue on behalf of
23 the endangered species and get their funds compensated for
24 them.

25 So if they win, they get paid by the taxpayers for

Comment No. DB-1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

The Western Corridor passes through the area known as Bear Valley near where the Western Corridor separates from Ruby Road and heads to the north. This EIS evaluates the affected environment and potential environmental impacts (both negative and positive) of each alternative and the No Action Alternative, including the portion of the Western Corridor in the vicinity of Bear Valley.

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DB-2

1 fighting the fight, but they are suing an agency that the
2 taxpayers have to support as well. So we're fighting both
3 ends of the fight here.

4 Some of the species that are of concern would be
5 the Sonoran chub. It's on the watershed just above. The
6 Sonoran chub, now whether it's an endangered species or not
7 is questionable just because of the boundary issue. It
8 occurs for hundreds and hundreds of miles in Mexico, and
9 it's just in a short reach of stream in the United States.

10 That's what triggered its listing. But as well as the
11 jaguar has just been photographed less than a mile, I think,
12 from where the proposed line is going through. And that's a
13 high priority species right now with a lot of environmental
14 groups as well as State agencies and wildlife service.

15 We have got Mexican spotted owl in the area,
16 lesser long-nosed bat. And then there is a proposed action
17 to release the Tarahumaran frog in the area, a frog that was
18 once in the area, and it was extricated for unknown reasons.
19 So there is going to be a trial to release some of that to
20 get it reestablished.

21 Not only is Bear Valley home for those, but it's a
22 haven for hunters from around the world. There is
23 commercial quail hunters come from all over the United
24 States and Canada to this area. There is javelina hunters.
25 There is white tail deer hunters. Mountain lion hunters

Comment No. DB-2

Sections 3.3 and 4.3 present a discussion of existing biological resources and analysis of potential impacts to biological resources, including impacts to endangered species. The Sonora chub is listed as a threatened species under the *Endangered Species Act* (ESA) of 1973.

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	<p>1 come from far and wide. There was just an article about 2 Bear Valley in Field and Stream Magazine about the mountain 3 lion country and how good it is.</p>
DB-3	<p>4 I have a question on whether in selecting that 5 route whether the power line will cause changes in wildlife 6 distribution, thus affecting some of those visitors that 7 undoubtedly come and spend money in the County, and if it 8 does have an effect on wildlife distribution, how will it 9 affect our livestock distribution as well?</p>
DB-4	<p>10 And we have got enough to deal with on that. 11 I don't know, like I said before, I don't know, I 12 don't have the time to study to see if the power line is 13 needed or if it's not needed or what. But I do know that 14 there is an existing right-of-way through the forest. And 15 it's on one of the other alternatives. There is a question 16 of whether or not that can be used. But I'm sure that can 17 be looked into a little bit closer and would probably be 18 preferred if they are going to actually go through forest, 19 there is an existing right-of-way that already goes through 20 there.</p>
DB-5	<p>21 Also, in the draft analysis they talked about road 22 closures in there. And for every, I forget what it was, but 23 for every certain amount of roads they create they are going 24 to close a certain amount of roads. 25 Well, we do rely on some of those roads, and I</p>

Comment No. DB-3

Section 4.3.2, Vegetation and Wildlife, of the Final EIS has been revised to clarify that no changes in wildlife distribution are expected to occur on a regional scale as a result of the proposed project, although small animal species (e.g., small mammals, reptiles, amphibians, etc.) may be excluded from areas that are cleared for support structures or access roads as a result of loss of habitat. Because the ROW would not be fenced or otherwise separated from surrounding lands, no changes in livestock distribution would be expected as a result of the proposed project.

Comment No. DB-4

Section 3.1.1, Land Use, addresses the overlap of each corridor alternative with the existing Forest Transportation System and Utilities Corridor. The Central Corridor is outside of the existing utility corridor for approximately 2 mi (3.2 km) on the Coronado National Forest (compared to longer distances that the Western and Crossover Corridors are outside the utility corridor on the Coronado National Forest). Refer to Appendix H on the Forest Plan amendments that would be necessary for each of the three corridor alternatives.

Comment No. DB-5

Section 4.12.1, Transportation, has been revised to clarify that roads to be closed on the Coronado National Forest to maintain the existing road density would be identified through the Special Use Permit process. This process would include USFS personnel who would coordinate the road closures with other multiple uses, such as grazing permits, on the Coronado National Forest.

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DB-5
cont.

1 didn't mention it before, but I am also a member or I am
2 actually an officer of the Arizona Cattle Growers
3 Association, and I would just like it stated here that if
4 any road closures are going to be adopted that they be gone
5 over with the ranching community, so that needed roads won't
6 be abandoned and the right roads are closed.

7 And basically that's all I have to say.

8 MR. ANTHONY COMO: Thank you very much.

9 At least for the moment we have exhausted all

10 people who have requested to speak.

11 We got the room for another hour. Do you want to
12 take a five, 10 minute break, grab something to drink, chat
13 and come on back, and maybe some of you might want to say
14 something else or some of you may want to speak for the
15 first time. We will close the record temporarily.

16 (Whereupon a recess was taken from 6:05 P.M. to
17 6:29 P.M.)

18 MR. ANTHONY COMO: Ladies and gentlemen, we're
19 going to reopen the record. We have had a request from
20 Mr. Santello to put some more information on the record. So
21 Mr. Santello, whenever you are ready would be okay.

22 MR. BARTON SANTELLO: Barton Santello from
23 Arivaca.

BS-11

24 A couple of items in the DEIS I would like to
25 bring up. One is the jaguar habitat. I felt that wasn't

Comment No. BS-11

Sections 3.3 and 4.3 describe the existing biological resources and potential impacts to these resources, including jaguar.

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BS-11
cont.

1 discussed or wasn't given too much emphasis, but I believe
2 the Coronado National Forest being up against the Mexican
3 border there will be, if not now, is being discussed as a
4 prime area for the northern range of the jaguar. And there
5 is a move afoot by some groups in this country,
6 environmental groups, to secure some areas in Mexico that
7 would be and work with the government there to provide
8 habitat. And this area here would be a prime area for the
9 southern United States for the jaguar to be, I am not saying
10 to be reintroduced but just for its range to be protected,
11 that it could still come in this area. So I thought that
12 needs some more emphasis.

13 I have a question on the quarter mile corridor
14 study area I believe it's referred to in the DEIS. A lot of
15 people don't understand what that means.

16 I know there is maybe a smaller right-of-way, but
17 if a permit is granted, is that whole quarter mile -- I
18 assume TEP wants that to be able to site their lines around
19 obstructions and things, but there is a concern that's a
20 big, wide corridor, and as we talked about earlier, I don't
21 know what their rights are with this. Can they lease this
22 corridor to other people? There is a lot of questions about
23 what this entails, and as far as cumulative impacts, and
24 could they negotiate with another utility to put more power
25 lines in the future? Once they get this permit does that

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1 encourage other development along that line? That's a
2 question.

3 MR. ANTHONY COMO: I can, not to engage in
4 discussion, but I could sort of explain what that's about.
5 This is a study corridor. Every time we do an EIS anyplace
6 for things like that, I think Mr. Magruder was very eloquent
7 last night and indicated that there aren't any engineering
8 level information, like locations of poles and stuff, and at
9 this point in any kind of application that we've ever gotten
10 it's a concept of a generalized route. So what we do is we
11 identify a swath, a corridor, and we study what the impacts
12 would be if a line were developed anyplace inside that study
13 envelope.

14 That is not a right-of-way that if a line were
15 approved for development in the western corridor that
16 everybody else could then build something. That has nothing
17 to do with right-of-way or easement. It's just a study
18 envelope of possible effects that would occur if something
19 were built anyplace inside that corridor. That's all that
20 is.

21 MR. BARTON SANTELLO: Thank you for that
22 clarification.

23 A little smaller issue, the map that is always
24 shown at these hearings I would like to just request that
25 the Town of Arivaca be put on that map. I am not sure if

BS-12

Comment No. BS-12

The Town of Arivaca has been added to figures where appropriate in the Final EIS.

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BS-12 cont.	<p>1 it's an oversight or intent, but the people in Arivaca have 2 been speaking out against this line and it affects them. 3 They will be driving to and from the Green Valley area to 4 work and Tucson, and they will be going under the poles as 5 they cross Arivaca Road.</p>
	<p>6 MS. ELLEN RUSSELL: Can you show me approximately 7 where it is?</p>
	<p>8 MR. BARTON SANTELLO: Yes. It would be just about 9 right here.</p>
BS-12 cont.	<p>10 And so it could be just an omission because of the 11 size of the map. But it may imply that maybe it doesn't 12 want to show that there is a town there and people will be 13 impacted, so I thought maybe we can include the town.</p>
	<p>14 I did have a question about the poles and whether 15 they are going to be lattice or the monopole or the lattice 16 towers or whatever you call them. Yes. That is not too</p>
BS-13	<p>17 clear in there. It just says either. It would be good to 18 know like through the National Forest area what at least in 19 sections of something where they think they would be putting 20 the lattice structures and the monopoles.</p>
BS-14	<p>21 The 20 miles of road through the National Forest 22 is a little disturbing. Huge impact there. I've heard, I 23 don't know for sure, I have been trying to get some 24 information, this area has been proposed at one time for 25 wilderness designation. So whether that is pursued in the</p>

Comment No. BS-13

The exact type of structure that would be used in each location has not been decided as it depends on a number of factors related to analysis of environmental impacts and engineering design of the project. The primary support structures to be used for the transmission line would be self-weathering monopoles, and dulled, galvanized steel lattice towers would be used in specific locations for engineering reasons or to minimize overall environmental impacts

Comment No. BS-14

Chapter 4 evaluates the environmental impacts of each of the proposed alternatives, including the temporary roads required for construction and the permanent roads required for operation.

Regarding the citizen-initiated proposal for an addition to the National Wilderness Preservation System, the Federal agencies are aware that environmental groups are interested in achieving Federal wilderness designation for a large portion of the Tumacacori EMA. Maps provided by commentors indicate that all corridor alternatives considered in this EIS cross the area suggested for wilderness designation. Presence of a transmission line would not necessarily preclude wilderness designation, as Forest Service regulations (36 CFR 293.15) provide for the establishment and subsequent maintenance of transmission lines in wilderness areas. Information about the wilderness proposal has been added to Section 5.2.4 of the FEIS as a potential future action.

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BS-14
cont.

1 future or not, that is speculation, but that just shows that
2 it is a very special place and that 20 miles of roads is not
3 something that we would like to see.

BS-15

4 It is also not clear in the DEIS about restoration
5 of sites that are disturbed areas or revegetation, to what
6 extent will TEP restore an area and who would have a say
7 whether it's acceptable how they restore something? Under
8 whose jurisdiction? Would it be Forest Service? Would
9 there be biologists involved? That sort of thing. So
10 that's not clear.

11 And then what time frame would they have to do
12 this? And would there be penalties? And that can be a
13 whole issue in itself.

BS-16

14 And the other thing, I believe it said in the DEIS
15 or I read it one time that power lines would never be
16 removed or TEP would not have to remove the lines. And in
17 an age where we potentially could move to new technologies
18 and fuel cells and things where maybe the need for lines in
19 communities and things would go away because in the future
20 the fact that the lines some day could be obsolete is
21 possible. Just have them hanging there is another reason
22 why maybe they shouldn't be built at all.

23 I feel there is a potential for decentralization
24 of power in smaller plants and things where it could be
25 locally produced and distributed rather than the long

Comment No. BS-15

TEP would restore access and construction areas not required for maintenance in accordance with agreements with landowners and managers. All construction areas not needed for normal maintenance would be graded to their original contour or to blend with adjacent landforms (see Section 2.2.3). For vegetation restoration to lands managed by Federal agencies, each Federal agency would decide (with input from any specialists deemed appropriate by the Federal agency) which mitigation measures would be appropriate for inclusion as conditions of a permit. All mitigation measures would be outlined in each agency's ROD.

Comment No. BS-16

The EIS does not address the final disposition of the proposed transmission lines. It is assumed that the transmission lines, if built, would be utilized for the reasonably foreseeable future. It would be speculative to assess what might occur beyond that.

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BS-16
cont.

1 transmission line. So the fact that the power lines would
2 never come down is disturbing in some sense.

3 So that's all I have.

4 MR. ANTHONY COMO: Thank you, Mr. Santello.

5 We seem to have lost quite a few people. Do you
6 want to go again?

7 MR. MARSHALL MAGRUDER: I have got a couple of
8 little points.

9 Ms. Russell might remember during the PNM hearings
10 and I read through the transcripts of the early 2000
11 hearings they had, the seven scoping meetings, in one of
12 them the PNM representative indicated that there were seven
13 companies looking at installing transmission lines to
14 Mexico. We have only talked about two. I don't know who
15 the other five are but --

16 MR. ANTHONY COMO: Neither do we. No one has ever
17 come to us.

18 MR. MARSHALL MAGRUDER: I know. But seven sets of
19 transmission lines would --

20 MS. ELLEN RUSSELL: I think we may have been
21 talking about the length of the border --

22 MR. MARSHALL MAGRUDER: I don't know about that.

23 MS. ELLEN RUSSELL: -- not Arizona.

24 MR. MARSHALL MAGRUDER: I thought it was seven. I
25 just think that that's what in my mind is that if I am only

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1 looking at two companies here and there is five more in the
2 wings, there is something that's going on in the cumulative
3 world that really is going to accumulate a lot of copper or
4 aluminum or something in this state hanging over us.

5 MR. ANTHONY COMO: That was everything from
6 Brownsville to San Diego.

7 MR. MARSHALL MAGRUDER: You mentioned just a
8 little while ago my eloquence last night discussing siting.
9 I really do believe we need to figure out where these things
10 are going. I'm an engineer. I site things. I know the
11 details when I write the proposal. It's common for us for
12 four or five companies to write proposals. We have the
13 engineering drawings when we submit our proposals. Only one
14 of the five companies wins. The other four loses. That's
15 the way it works in most industries.

16 This industry, unless this is the utility sloppy
17 engineering management process with rust colored poles, if
18 that's the way they do business, I get very upset at poor
19 engineering. They really should, I think, to answer the
20 questions site them. If they don't like it the first time,
21 site it again. Remove it. And that's what engineers do.
22 Magruder rule of thumb it's not any good until Rev C,
23 Revision C. Then you know you are getting into the target.
24 But you got to get the first one out there. They still
25 haven't got a good original one to work from.

MM-3

Comment No. MM-3

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km) wide study corridors because the precise siting would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed.

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MM-4

1 Another subject. Mrs. Kurtz mentioned it last
2 night about the gas line, natural gas line/electric line
3 interference problem.

4 The radiated energy from an electric line goes
5 into the ground. A gas line is made out of steel. Steel
6 will pick up the radiated electricity from the electric
7 line.

8 Therefore, the gas line gets induced electricity
9 and gets charged up with energy. There are some problems
10 with that. When somebody at their stove touches their stove
11 they are going to get a shock. And that's one set of
12 hazards, induced electricity.

13 The second hazard from the electric line to the
14 gas line is that the changes of the balance of the electric
15 field around the gas line. Gas lines corrode. Gas lines
16 are designed with a cathodic protection system to reduce
17 their erosion or rust.

18 The present gas line, there are actually two
19 lines, are 6-1/2 and 4-1/2 inch lines. They were installed
20 in the late '50's. I am not sure technology has improved,
21 but they are old gas lines.

22 They actually have a copper wire down the center
23 of each gas line with four-tenths of a volt DC impressed
24 into the gas line so it reduces the rust that occurs in the
25 gas line.

Comment No. MM-4

Information supplied by EPNG indicates that there is only one natural gas pipeline in the area, as discussed in Section 3.11, Infrastructure, and that this pipeline is 6 inches (15 cm) in diameter. EPNG indicated that there are not any plans for expansion of this gas pipeline in the project vicinity or across the U.S.-Mexico border (EPNG 2004).

A minimum distance of 100 ft (30 m) would be maintained between any of the proposed transmission line structures and the edge of the existing EPNG pipeline ROW, in compliance with the Amended Certificate of Environmental Compatibility issued to TEP on October 29, 2001, ACC (see Section 4.10 of the Final EIS). As shown in Table 10-2 of the Final EIS, the Federal agencies consulted with EPNG regarding safety requirements, and EPNG concurred that the ACC's requirement is adequate.

Section 4.10, Human Health and Environment, of the Final EIS has been augmented to include a discussion of the safety considerations of locating a 345-kV transmission line in the vicinity of a natural gas pipeline. This discussion states that the natural gas would not carry electricity or otherwise present a shock hazard to residential gas users. Liability concerns and potential impacts from operating automobiles near gas vents are outside the scope of the EIS.

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MM-4
cont.

1 The parallel construction of gas line and electric
2 lines and the safe separation between the two is very poorly
3 understood. At the Corporation Commission there was no
4 standard that could be found for safely distancing high
5 voltage electric lines from gas lines.

6 There is another thing about the electric line.
7 When lightning hits it, it gets grounded someplace.
8 Wherever it gets grounded and if it's next to the gas line
9 that's another set of unique charges into the gas line.

10 This gas line operates at 809 pounds per square
11 inch. That's a lot of pressure. There are substations
12 alongside the gas line that vent gasoline, I mean natural
13 gas. They vent natural gas for up to 36 hours at a time.

14 When somebody has closed a valve and it's the
15 pressure release valve, that substation is, one of them is
16 in Tubac. And the neighbor of Ms. Kincaid, who lives next
17 to it, routinely smells natural gas in her house that is
18 blown in from the gas line.

19 Natural gas concentration is between approximately
20 5 and 15 percent explosive. We have thermal inversions in
21 the State of Arizona because we obviously have hot air
22 coming in from the sun, which means that you can trap
23 natural gas and get the five to 15 percent concentration. A
24 spark, even due to an automobile driving through can cause a
25 fuel explosion of a significant magnitude.

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MM-4
cont.

1 To solve this problem I had the State of Arizona
2 gas line safety administrator at the ACC hearings spend
3 hours on my questions on this subject. They came to the
4 conclusion that the Canadian Gas Association Technical
5 Report 105 was the best way to solve the problem.

6 In it it calculates through a formula and it
7 determines the safe distance between the gas line and the
8 electric line so that if the gas line ruptures and a fire
9 goes up it will not melt the conductors on the electric
10 line.

11 To me that is the least of my concerns. It is the
12 bottom -- safety is my number one concern. They didn't
13 handle that issue, number one.

14 Number two, the Corporation Commission used the
15 formula, which they didn't give us on the original
16 distribution because they didn't Xerox a page, but when they
17 distributed a second time, they included the formula. When
18 you calculate the formula for a 6-inch line, actually, it's
19 a 6-1/2 inch line, when you calculate it for a 6-1/2 inch
20 line, it says the safe standoff distance is 138 feet.

21 That's from the conductor to the gas line
22 138 feet. That's only the 6-1/2 inch line.

23 There is a 4-1/2 inch line. That one was ignored.

24 The other challenge with this 40-foot right-of-way
25 that's owned by El Paso Natural Gas is that they have a

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MM-4
cont.

1 Presidential Permit for a 16-inch natural gas line to
2 Mexico. It is installed today. They have business plans to
3 install a 20 or so inch natural gas line down there present
4 40-foot corridor into North Mexico because there is no
5 natural gas in Sonora.

6 That would be very beneficial. I know this is not
7 a gas thing, but it has an impact. That would be very
8 beneficial for our County because we now would have natural
9 gas in a place that does not have natural gas. The people
10 don't have to use charcoal, mesquite, propane and kerosene
11 to cook their meals. They can use natural gas.

12 I teach students from maquiladoras in Sonora, and
13 the women in my class would love a natural gas stove.

14 If there is anything that's painful, take your
15 propane tank to the corner every week and think if the guy
16 is going to partially or fully fill it up, and we have
17 enough propane to make it for a week before you have to go
18 back and get ripped off again.

19 So there is a desire, at least at the consumer
20 level, also, at the factory level. Natural gas has a lot of
21 benefits compared to other types of fuel.

22 The safe distance, the Arizona Corporation
23 Commission has a condition in their CDC that says that the
24 gas line has to be at least 100 feet, excuse me, let me say
25 it again, the electrical structure has to be at least

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MM-4
cont.

1 100 feet from the edge of the natural gas line right-of-way.
2 Using the formula it's 136 feet, at least 100 feet. Well,
3 that's okay.

4 But the question is if I was El Paso Natural Gas,
5 who we could not bring to the hearings because I can't
6 subpoena anybody, but they are a party to this, I think that
7 a memorandum of understanding between El Paso Natural Gas
8 and Tucson Electric to resolve the liability concerns on a
9 natural gas/electrical interaction, which I do not see as a
10 positive event if there is ever an interaction, that that
11 liability issue is solved before a permit is given for
12 putting in this line because the liability could easily be
13 in the hundreds of millions of dollars for a major natural
14 gas explosion.

15 The second thing is on this, not only do we need a
16 memorandum, TEP has not discussed this, they do not have a
17 working relationship with El Paso Natural Gas. The next
18 thing is the proper distance should be calculated.

19 I asked at those hearings would we see resistivity
20 measurements, resistance measurements of the soil because
21 it's a function of sand is different than mud which is
22 different than rock. And those type of measurements need to
23 be calculated to make sure that there is a safe separation
24 between these two right-of-ways. That has not been done.

25 I think this is a very important issue, and it's

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MM-4 cont.	1	very important for an academic sense because the standard
	2	that should be developed really needs to be an IEEE standard
	3	or American Gas Association standard that is useful for
	4	anybody when you have parallel electrical and natural gas
	5	systems.
	6	There is also the interference of an automobile or
	7	truck going underneath the power line, it picks up the
	8	charge due to induced electricity, and there is another
	9	problem there that needs to be looked at, especially if it's
	10	near the gas line, especially if there is between 5 and
MM-5	11	approximately 15 percent air-gas, natural gas mixture in the
	12	air because it's explosive.
	13	I think that's important. And the right-of-way
	14	width cannot be determined until you know that answer. And
	15	it's a safety issue. And to me safety is paramount. And I
	16	think that has to be solved before we really can look at any
	17	of these right-of-ways.
	18	I'm sorry. That's a little off the subject.
	19	The next subject is public notification. I was
	20	appalled to know that the Marley Ranch had not been
	21	notified. I am appalled, also, that people don't get
	22	letters. I am appalled to see that we get a nice little
	23	thing in the newspaper, public notice, but other than what
	24	your office sends out and a newsletter that's late and it's
	25	erroneous and it's not very factual comes out once in awhile

Comment No. MM-5

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

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MM-5 | 1 on an as to be case from Tucson Electric is all that the
 cont. | 2 public receives.
 3 There has never been a public meeting called by
 4 Tucson Electric to discuss this transmission line. How
 5 people find out is come to these meetings. We don't hear
 6 their side. Their side has never been presented, never,
 7 other than in meetings of briefings that are 20 minute
 8 little deals. That's not what the public wants. The public
 9 needs to know the details on this system.
 10 New subject. I submitted a scoping letter. Do
 11 you remember my scoping letter?
 12 MR. ANTHONY COMO: It was one page?
 13 MR. MARSHALL MAGRUDER: No. It was 90 attachments
 14 and six inches thick. Probably a little larger letter as I
 15 think I have ever seen in my life.
 16 I'm going to complete a compliance matrix to see
 17 how well you did. So I am just giving you a little warning.
 18 That will show up in my 14th of October response to you
 19 guys.
 20 Another subject that has hardly been discussed and
 21 that's involving security. There is several levels of
 MM-6 | 22 security, Homeland Security, and power line integrity
 23 security.
 24 Homeland Security involves our National Guard and
 25 our Immigration Service in whatever name they are being

Comment No. MM-6

As documented in Table 10-2 of the Draft EIS, the U.S. Border Patrol did not respond to DOE's solicitation of comments regarding the proposed project prior to publication of the Draft EIS, and therefore, the Draft EIS addressed in a general manner the potential impacts on illegal immigration and U.S. Border Patrol operations and the resulting environmental impacts.

In response to public comments, the Federal agencies again solicited comments from the U.S Border Patrol. Based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request, the Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. Given the existing magnitude of the influx of illegal immigrants (USBP 2004), any impacts on medical facilities from incrementally increased illegal immigration associated with the proposed project is speculative and beyond the scope of the EIS. Section 4.5, Socioeconomics Environmental Effects, analyzes the potential impact of the proposed project on community services (including hospitals, as described in Section 3.5, Socioeconomics Affected Environment).

Refer to the response to Comment MM-4 above regarding pipeline safety.

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MM-6
cont.

1 called this week, our local Sheriff's Department, the City
2 of Nogales police force, and all of those interactions will
3 be involved in this transmission line system because the
4 amount of immigration that they will bring will bring with
5 it women having babies, will bring with it people breaking
6 legs, will bring with it rattlesnake bites, and that's all
7 personal damage and additional cost to the hospital system
8 in this County.
9 Our hospitals are broke, and that needs to be
10 looked at. How are our hospitals and medical facilities
11 going to be compensated for the additional traffic on this
12 new interstate moving through either the National Forest or
13 the gas line?

MM-7

14 In addition to that, there is another little
15 section back in Chapter 9 of the EIS, and it's under the FAA
16 part. It talks about we don't know yet if balls, orange
17 balls and lights are required for these transmission lines.
18 I asked that question from TEP. No. No way will we have
19 those. It's doubtful now.
20 That should be resolved because that's a visual
21 integrity issue that should be resolved because the public
22 does not like to see one meter orange balls or flashing
23 lights or strobe lights marking the human interstate going
24 north. And I don't think those lights match the
25 requirements of the National Forest.

Comment No. MM-7

The Federal agencies conducted consultation with Federal Aviation Administration (FAA) (see Table 10-1, and letter in Appendix A), and the FAA indicated that the only requirement would be to adhere to State of Arizona statutes in regard to tower construction. Table 2.2-2, TEP Mitigation Practices Included in the Proposed Action, measure number 7, has been revised to reflect this requirement. USFS agrees that visual markers on the proposed transmission line may increase impacts to visual resources, and therefore this measure is not recommended by USFS.

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MM-8

1 In addition to that, the Federal Aviation Agency
2 controls the air space. The United States Air Force
3 controls the air space. And it's being controlled through
4 the International Guard 167 fighter wing out of Tucson,
5 Arizona.
6 It's an air space called fuzzy one, military
7 operating area. It was mentioned a little while ago. It
8 goes down to 100 feet, and it runs right down the ridge
9 lines of the mountains here, the western route. It runs
10 from Arivaca Road to the border right here. So the whole
11 western route is in that air space.
12 The U.S. Air Force has very few places it can do
13 low level flying. Low level flying is a retired military
14 operation, is a very important skill that pilots have to
15 have.
16 We are now making a route that if anybody flies
17 east-west on low level pretty good chance we are going to
18 have a collision.
19 That safety issue was answered in this Draft EIS,
20 oh, we had a phone call and we're going to solve it later.
21 That requires a memorandum of understanding
22 because the Air Force has to change the flight information
23 publications, the air route mappings. The FAA has to inform
24 the air traffic control center, and a whole series of other
25 actions are required so that aircraft don't run into these

Comment No. MM-8

As presented in Chapter 10 and Appendix A of the Final EIS, the Federal agencies and TEP had initiated consultation with Davis Monthan Air Force Base regarding potential impacts of the proposed transmission line on military flight operation. In response to the consultation, the Davis Monthan Air Force Base stated no relevant issues with any of the proposed corridors. The proposed Western Corridor could impact the FUZZY Military Operating Area, controlled by the 162nd FG Airspace in Tucson. Subsequently, information regarding the proposed project has been forwarded to the 162nd FG Airspace Manager and a copy of the Draft EIS has been sent for review and comment. No comment has been received.

DOE and TEP have initiated consultation with the FAA regarding potential impacts of the proposed transmission line on flight operations. The FAA has indicated that the proposed project would not affect air traffic due to location and height of the transmission line structures. Refer to the letter from the FAA in Appendix A.

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1 power lines. And I don't think that's healthy for anyone.
2 MR. ANTHONY COMO: Mr. Magruder, we have got about
3 four minutes left before they are going to kick us out of
4 here.
5 MR. MARSHALL MAGRUDER: I am finished. Thank you
6 very much.
7 MR. ANTHONY COMO: Oh, I didn't mean to cut you
8 off cold there. I was just going to say you need to make an
9 end.
10 MR. MARSHALL MAGRUDER: I have about 60 pages of
11 other comments that I will submit. And I was just trying to
12 do a couple of loose ends, and because I think this is
13 important, and some of these things I spent a little time
14 on, but the gas line/electric line safety issue has caused
15 Mrs. Kincaid to move.
16 MR. ANTHONY COMO: Thank you.
17 Well, I guess we are going to wrap this up now. I
18 thank all of you for staying tonight and for coming out, and
19 you will be seeing our final document sometime in the
20 foreseeable future.
21 Thank you again for your patience and your
22 attention. Good night.
23 (Whereupon the hearing was concluded at 6:56 P.M.)
24 * * * *
25

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1 STATE OF ARIZONA
2 COUNTY OF PIMA
3
4 I, RAYNBO SILVA, Certified Court Reporter in the
5 County of Pima, State of Arizona, certify:
6 That the foregoing Public Hearing was taken before
7 me at the time and place therein set forth;
8 That the foregoing 54 pages comprise a full, true
9 and accurate transcription of my notes of said Public
10 Hearing;
11 That I am not of counsel nor attorney for or
12 related to either or any of the parties in this action, nor
13 interested in the outcome thereof.
14 DATED this 10th day of October, 2003.
15
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23
24
25

Raynbo Silva, RPR, CSR, CCR
Certified Court Reporter No. 50014

2.3 Individuals

Abbott, Doug
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Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 05:22 PM –

doug@intellimetrix.us
10/10/2003 10:35 AM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson
Electric Power's
proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric
Power's proposed 345-kilovolt powerline.

2 TEP's proposed "Western Route" and alternative
"Crossover Route" would carve through some of the most
remote and wild areas in Southeast Arizona, forever
scarring the beautiful and irreplaceable landscape of the
Tumacacori Highlands. This area contains several
roadless areas as well as a citizen's proposed Wilderness
area home to black bears, Mexican spotted owls, lesser-
long nosed bats and peregrine falcons as well as lesser
known species such as the Sonora chub, Mexican vine
snake, elegant trogon and the Gentry indigo bush. A
jaguar was sighted in this area only two years ago.

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 of the EIS acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 3

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." As explained in Section 1.2 of the Final EIS, where a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Abbott, Doug
Page 2 of 2

3 The important goal of providing fully reliable electrical service to the city of Nogales and Santa Cruz County must be achieved. Unfortunately,

4 instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico.

5 My personal suspicion is that this is an explicit attempt to open up a currently roadless potential wilderness area to development.

6 The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Doug Abbott
4252 N. Swan St.
Silver City, New Mexico 88061

Comment No. 4

Section 1.2.2 of the Final EIS states that the purpose and need for USFS action is to determine whether the proposed project is appropriate within the Tumacacori EMA of the Coronado National Forest, and thus whether to issue authorization.

Comment No. 5

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The agency to run the applicant's business and to change the applicant's Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 6

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Abbott, Kathi
Page 1 of 1

From: Kathi Abbott [SMTP:krabbit@osekmedia.com]
To: Pell, Jerry
Cc:

Subject: power line
Sent: 10/8/2003 10:57 PM
Importance: Normal

1 I am opposed to the western route for the proposed power line because of the great, irreversible damage to the wilderness. Sycamore Creek is home to unique animal and plant species. The scenic value of this spectacular area will be seriously degraded. There are existing power lines running up the Santa Cruz Valley. I would rather see the power lines concentrated up this corridor. It seems that it would be more efficient and less expensive to build along already developed corridors than to bulldoze undeveloped, pristine wilderness.

Kathi Abbott
Arivaca, AZ

Comment No. 1

Section 4.3.2 presents analyses of potential impacts to wildlife within the Western Corridor from the proposed project. Section 4.2.1 presents analyses of the potential impacts to visual resources within the Western Corridor from the proposed project.

Due to visual impacts through densely populated areas, and the potential impacts to cultural resources, the I-19 Corridor was eliminated from further analysis as viable action alternative (see Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, in the Final EIS).

Adamson, Bill and Marylee
Page 1 of 1

Tucson Electric Power Sahuarita-Nogales Transmission
Line Deis

From: Bill Adamson [Smtip: Billadamson@Earthlink.Net]
To: Pell, Jerry
Cc:

Subject: Tucson Electric Power Sahuarita-Nogales
Transmission Line Deis

Sent: 10/13/2003 9:51 Pm
Importance: Normal

Dr. Pell,

1 We've been reading about the proposed TEP Power Line
2 from Sahuarita - Nogales. It doesn't sound like there is even
3 a need for such a huge 345 kV line and the preferred route
4 cuts through a beautiful, pristine area. It's an area
appreciated by many people for hiking, nature study, and
getting away from signs of over development.

3 Please do not approve the permit for construction of this
4 line. Once it's done, there's no reversing it. A smaller line
elsewhere, preferably buried where feasible, would meet the
needs adequately and not destroy a beautiful area.

Respectfully,
Bill and Marylee Adamson
Green Valley AZ

Comment No. 1

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

Comment No. 2

Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project.

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project.

Comment No. 3

The Federal agencies note the commentor's opposition for the approval of permit for the construction of the proposed project.

Comment No. 4

A smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Adamson, Bill and Marylee
Page 1 of 1



Mr. & Mrs. William M. Adamson
903 W Calle Excelso
Green Valley, AZ 85614-2861

Oct. 13, 03

Dear Sue,

I've been reading about
the Tucson Electric Power Sahuarita-
Nogales Transmission line PE.15
and needed Forest Plan Amendments.
It doesn't sound like there is even
a need for such a huge 345 kV line.
And the preferred route cuts through
a beautiful, pristine area. It's an
area appreciated by many people for
hiking, nature study and getting away
from the signs of overdevelopment.
I urge you to deny the special
use permit for this preferred
route because it is not needed
and would conflict with use of this area.

Thank you. Sincerely,
Bill and Marylee Adamson

Comment No. 1

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

Comment No. 2

Sections 3.1.2 and 4.1.2 discuss the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

Sections 3.2 and 4.2 discuss the existing visual resources and analyze the potential impacts to these resources from the proposed project.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project.

Comment No. 3

Sections 3.1 and 4.1 discuss the existing land use and analyze the potential impacts to these resources from the proposed project.

Allison, Juniper
Page 1 of 2

Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 05:34 PM -----
juniperallison@hotmail.com
10/11/2003 04:16 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson
Electric Power's
proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 | Please accept the following comments in addition to those I
have sent by mail and/or email earlier today. Note that the
absence of critique of the "Central" route does NOT imply
that any environmentalist is in favor of that route--or ANY
route impacting the National Forest.

2 | I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline.

3 | TEP's proposed "Western Route" and alternative
"Crossover Route" would carve through some of the most
remote and wild areas in Southeast Arizona, forever
scarring the beautiful and irreplaceable landscape of the
Tumacacori Highlands. This area contains several roadless
areas as well as a citizen's proposed Wilderness area home
to black bears,

Comment No. 1

The Federal agencies note the commentator's opinion that the absence of critique of the Central Corridor does not imply that environmentalists are in favor of the Central Corridor or any corridor that would impact the Coronado National Forest.

Comment No. 2

The commentator's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 3

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 of the EIS acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife habitat.

Allison, Juniper
Page 2 of 2

3
cont.

Mexican spotted owls, lesser-long nosed bats and peregrine falcons as well as lesser known species such as the Sonora chub, Mexican vine snake, elegant trogon and the Gentry indigo bush. A jaguar was sighted in this area only two years ago.

4

The important goal of providing fully reliable electrical service to the city of Nogales and Santa Cruz County must be achieved. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico.

5

The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

6

The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Juniper Allison
P.O. Box 42
Arivaca, Arizona 85601

Comment No. 4

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." As explained in Section 1.2 of the Final EIS, where a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Comment No. 5

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 6

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Althiser, Kenneth
Page 1 of 2

Forwarded by Susan K Kozacek/R3/USDAFS on 10/09/2003
06:51 PM -
ken_althiser@redlands.edu
10/09/2003 04:38 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric Power's
proposed 345 kilovolt powerline.

2 TEP's proposed "Western Route" and alternative "Crossover
Route" would carve through some of the most remote and
wild areas in Southeast Arizona, forever scarring the
beautiful and irreplaceable landscape of the Tumacacori
Highlands. The wild areas of Arizona have already taken
extensive damage from overdevelopment in the state. This
area, in particular, contains several roadless areas as well as a
citizen's proposed Wilderness area, home to black bears,
Mexican spotted owls, lesser-long nosed bats and peregrine
falcons as well as lesser known species such as the Sonora
chub, Mexican vine snake, elegant trogon and the Gentry
indigo bush. A jaguar was sighted in this area only two years
ago.

3 The important goal of providing fully reliable electrical
service to the city of Nogales and Santa Cruz County must

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 of the EIS acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 3

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system..." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Althiser, Kenneth
Page 2 of 2

- 3
cont. be achieved, as is necessary in all areas of the country. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico, when there are still too many issues regarding electricity here at home.
- 4 The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.
- 5 The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I live in California, where corporate profits outweighed the need of everyone and everything else in the State of California, and who benefited? CAN YOU SAY ENRON?? And several from that corporation are doing time for their actions, but in the meantime, California continues to wallow in artificially-induced debt, which the voters have proclaimed the fault of the governor.
- 4
cont. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County. I would also encourage the region to investigate alternative power
- 6 sources - solar panels on homes don't contribute to the destruction of the surrounding wildland areas.

Sincerely,
 Kenneth Althiser
 38920 Newberry Street
 Cherry Valley, California 92223

Comment No. 4

Section 1.2 of the Final EIS explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

A smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 5

Potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

Comment No. 6

Alternative and renewable power supply methods do not meet TEP's proposal and are thus not evaluated in this EIS (see Section 2.1.5 of the EIS).

Ambrose, James E., Jr.
Page 1 of 1

841 W. District
Tucson, AZ 85714
6 October 2003

Dr. Jerry Pell
Office of Fossil Energy, FE-27
U.S. Department of Energy
Washington, D.C. 20585

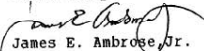
Dear Dr. Pell:

1 I am writing about the Tucson Electric Power Sahuarita-Nogales
Draft Environmental Impact Statement. I strenuously object to
the construction of the proposed line, and, even more
2 emphatically, to its proposed routing. For more than forty years
I have hiked, camped, hunted and birded in much of the area
through which the Western and Crossover Corridors are proposed,
and routinely take out-of-town visitors over the Ruby Road to
enjoy its natural beauty and vistas. After all these years, the
views which open up as one drives west of Atascosa Peak on the
way from Pena Blanca Lake to Sycamore Canyon still move my soul.
The Western Corridor would trash these viewscapes, and the
Crossover Corridor, though not as bad, would also despoil a prime
natural area dear to many Arizonans.

3 Because there is no social need for a 345 kV line, a locally run
power plant is a better answer to the needs of Santa Cruz County.
Another acceptable alternative would be a smaller line placed so
as to use existing corridors in a sensitive way.

4 Please deny the Presidential Permit to TEP's proposal. Power for
Nogales does not require such a permit, and cost savings for
power companies are not sufficient reason to allow an egregious
degradation of our country.

Yours truly,


James E. Ambrose, Jr.

Comment No. 1

The Federal agencies note the commentor's opposition to the construction of the proposed transmission line and the emphasized objection to the proposed routing.

Comment No. 2

Sections 3.2 and 4.2 discuss the existing visual resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to Atascosa Peak, Peña Blanca Lake and Sycamore Canyon.

Comment No. 3

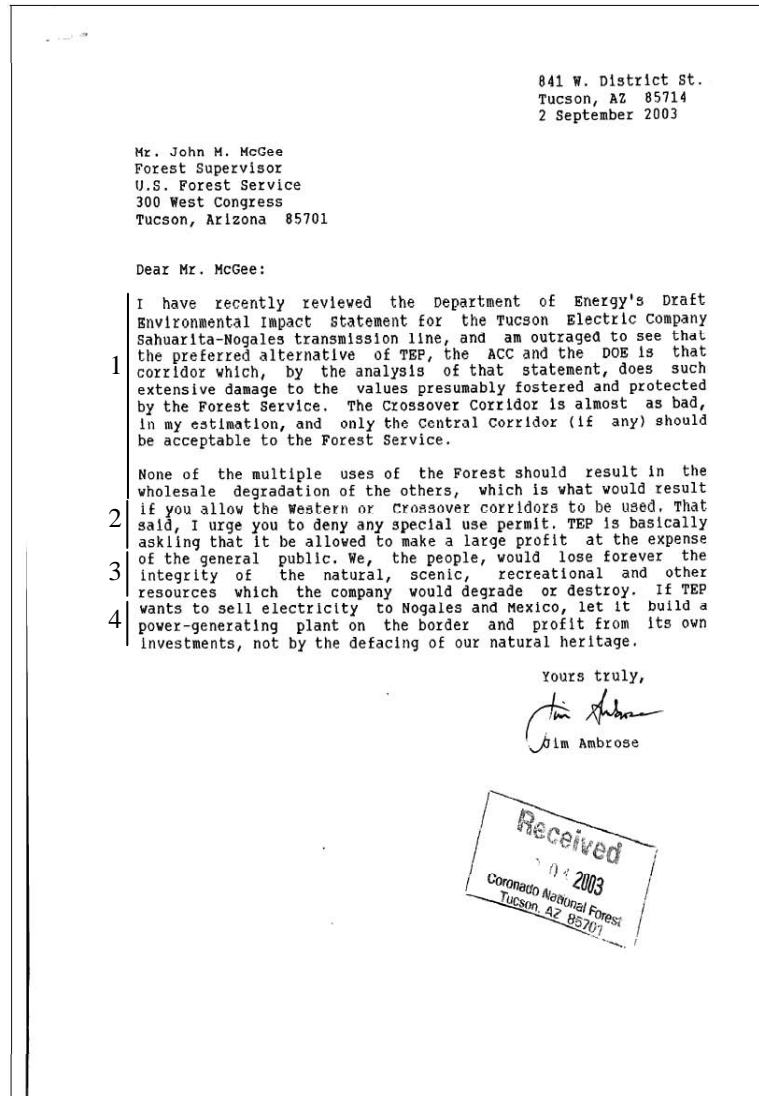
TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system..." In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 4

The commentor's opinion that DOE should deny the Presidential Permit is noted

Ambrose, Jim
Page 1 of 1



Comment No. 1

Section 1.2.2.2 explains the purpose and need of USFS in response to TEP's proposed project, and Section 3.1.1, Land Use, explains the specific direction for managing the Coronado National Forest. If approved, the authorization process would include USFS personnel who would coordinate the proposed project with other multiple uses on the Coronado National Forest.

Comment No. 2

Potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

Comment No. 3

Sections 3.1.2 and 4.1.2 discuss the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

Sections 3.2 and 4.2 discuss the existing visual resources and analyze the potential impacts to these resources from the proposed project.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project.

Comment No. 4

Section 1.2 explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the

Comment No. 4 (continued)

scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Anderson, Greta
Page 1 of 1

Name: Greta Anderson
Title: Botanist
Organization:
Email: desertwoman@sigmathree.com
Phone:
Address1: PO Box 1685
City: Bisbee
State: AZ
Zip: 85603
Country: USA

1 I am very concerned with the transmission lines proximity to Sycamore Canyon and other scenic and biologically diverse areas in the Atascosa Mountains. I wonder why TEP can't use the already significantly disturbed lands adjacent to I-19 for the transmission line. I am very concerned about the impact the transmission line will have on the area, and I am not impressed with the studies that have been done there on endangered species, etc. I think the transmission line will open a easy to follow corridor for illegal activities coming across and along the border. I
2 believe this project is ill-conceived and unnecessary, and I suggest the no action alternative.

Thanks,
Greta Anderson

Comment No. 1

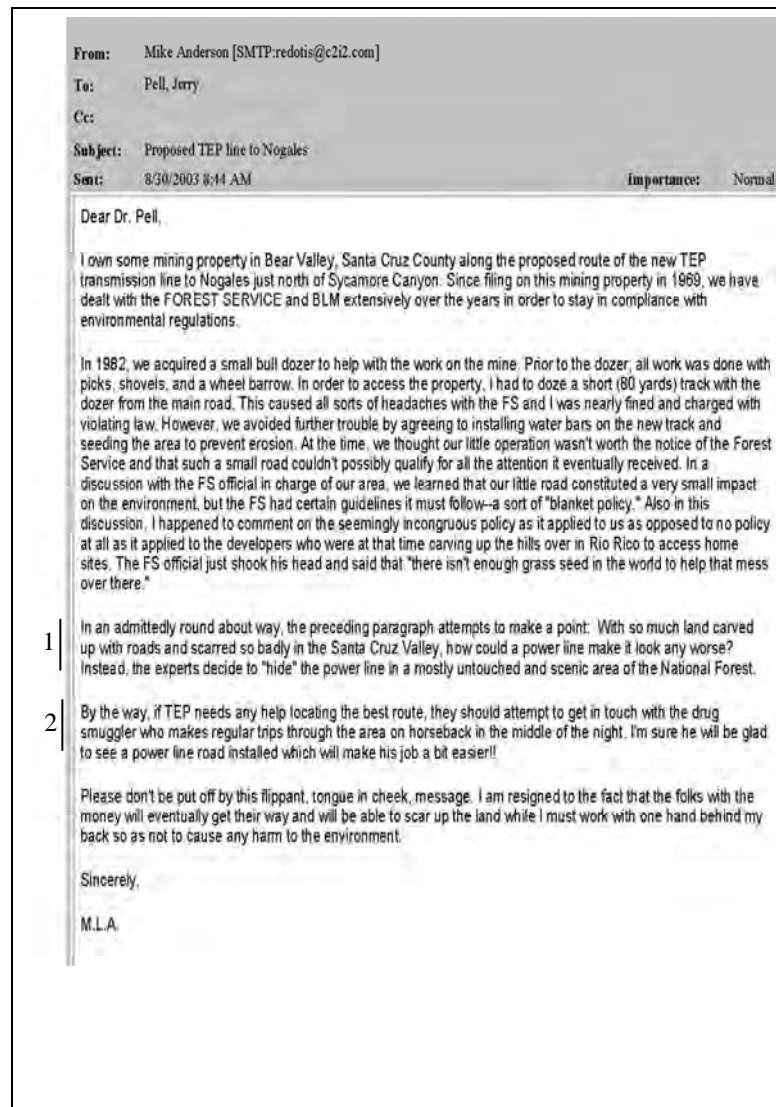
Sections 3.2 and 4.2 present a description of the existing visual resources (including the Atascosa Mountains and Sycamore Canyon) and analyze the potential impacts to these resources from the proposed project. Likewise, Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources.

Due to visual impacts through densely populated areas, and the potential impacts to cultural resources, the I-19 Corridor was eliminated from further analysis as viable action alternative (see Section 2.1.5 of the Final EIS).

Comment No. 2

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

Anderson, Mike
Page 1 of 1



Comment No. 1

Section 3.2 presents a description of the existing visual resources and Section 4.2 analyzes the potential impacts to these resources from the proposed project, including impacts to the Coronado National Forest.

Comment No. 2

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration, drug smuggling, and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

Anderson, Walt
Page 1 of 1

Walt Anderson
1964 Sherwood Drive
Prescott AZ 86303-5650
(928)445-7470
geolobo@cableone.net

October 9, 2003

Dr. Jerry Pell
Office of Fossil Energy
US Dept. of Energy
Washington DC 20585

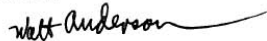
Dear Dr. Pell:

I would like to comment on the Tucson Electric Power Sahuarita-Nogales Transmission Line DEIS.

- 1 I am very opposed to the "preferred" Western or Crossover Routes, which would severely damage open space and natural values that I appreciate. I would like to see the citizens' proposed wilderness area be established in the areas concerned. I am also opposed to the large 345 kV line as proposed; I prefer a smaller 115kV line along existing corridors. I do not believe
- 2 the large line or the proposed routes through the Tumacacori Highlands would serve the needs of residents of Santa Cruz County or Arizona.
- 3 I ask that you withdraw the current draft EIS and create a new one with a smaller line along existing utility corridors or a locally run power plant.

Thank you for listening.

Sincerely,



Walt Anderson

Comment No. 1

Sections 3.1 and 4.1 present a description of land use and recreation, and analyze the potential impacts to these resources from the proposed project.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Comment No. 2

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Anderson, Walt
Page 1 of 1

Walt Anderson
1964 Sherwood Drive
Prescott AZ 86303-5650
(928)445-7470
geolobo@cableone.net

October 9, 2003

Sue Kozacek
Acting Forest Supervisor
Coronado National Forest
300 W. Congress
Tucson AZ 85701

Dear Ms. Kozacek:

I would like to comment on the **Tucson Electric Power Sahuarita-Nogales Transmission Line DEIS and Forest Plan Amendments**.

1 I am very opposed to the "preferred" Western or Crossover Routes proposed by TEP for a powerline, which would severely damage open space and natural values that I appreciate in the national forest. I would like to see the citizens' proposed wilderness area be established in the areas concerned within the Tumacacori Highlands. This is an incredible area that I value for primitive recreation, as well as for wildlife values that transcend my own desires to get out there.

2 I urge you to deny any special use permits for the Western and Crossover Routes. You need to protect the natural values of the area, and that means *no more new roads!* Road density is one of the best predictors of local extirpation of sensitive wildlife species, and the area already has too many roads. Please do not allow amendments that would weaken the forest plan and endanger the values that the forest already has.

Thank you for listening.

Sincerely,



Walt Anderson

Comment No. 1

Sections 3.1 and 4.1 present a description of land use and recreation, and analyze the potential impacts to these resources from the proposed project.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 2

As stated in Section 4.12, Transportation, TEP would close 1.0 mi (1.6 km) of existing classified road for every 1.0 mi (1.6 km) of proposed road to be used in the operation or long-term maintenance of the proposed project, such that road density on the Coronado National Forest would not be affected. The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan. Road density limits set forth in the Forest Plan are for the Coronado National Forest as a whole, not for individual land units or EMAs within the Coronado National Forest.

Analysis of the proposed amendments to the Forest Plan associated with the proposed project is contained in Appendix H.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to sensitive wildlife species.

Artley, Dick
Page 1 of 2

DEIS Comments for Tucson Electric Power's Proposed Powerline

From: dartley@camasdsl.com
[SMTP:dartley@camasdsl.com]
To: Pell, Jerry
Cc:

Subject: DEIS Comments for Tucson Electric Power's Proposed Powerline
Sent: 10/9/2003 8:06 PM
Importance: Normal

Dr. Jerry Pell
U.S. Department of Energy, Office of Fossil Energy (FE-27)
1000 Independence Avenue. SW
Washington, DC 20585
Dear Dr. Pell,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric
Power's (TEP) proposed 345 kilovolt powerline
immediatly. TEP's proposed "Western Route" and
2 alternative "Crossover Route" would forever destroy the
beautiful, scenic and irreplaceable landscape of the
Tumacacori Highlands. This area contains several roadless
areas as well as a citizen's proposed Wilderness area.

3 The DEIS is inadequate and violates the National
Environmental Policy Act, because it does not address
important alternatives to TEP's powerline which would

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Sections 3.2 and 4.2 describe existing visual resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Comment No. 3

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal, as required by NEPA. The Federal agencies do not think the Draft EIS needs to be re-issued.

Artley, Dick
Page 2 of 2

3
cont.

provide reliable service without destroying our environmental and cultural heritage. Also, the DEIS fails to adequately analyze the environmental effects of the proposed action.

Our energy policy should be based on serving the public interest (from both an energy availability and environmental standpoint), not corporate private profits. The DOE must issue a new and improved DEIS which fully and rigorously explores all available options and honestly explores the environmental impacts of each.

Sincerely,
Dick Artley
415 East North 2nd
Grangeville, Idaho 83530

Comment No. 3 (continued)

Potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

Arush, Larry
Page 1 of 1

Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 05:14 PM -----
tdmusic@earthlink.net
10/09/2003 11:03 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson
Electric Power's
proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline.

2 I urge DOE to issue a new draft EIS which fully and
rigorously explores all available options--including a local
power plant and smaller power lines which would not
serve Mexico--to meet the important public interest of
providing reliable energy service to Santa Cruz County,
while minimizing environmental impact.

Sincerely,

Larry Arush
2001 Pittman
Los Angeles, CA 90016

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Austin, Valer
Page 1 of 2

From: Dinah Wright [SMTP:dwright@elcoronadoranch.net]
To: Pell, Jerry
Cc:

Subject: Sahuarita?Nogales transmission line.
Sent: 10/13/2003 12:42 PM, Importance: High
El Coronado Ranch
12626 East Turkey Creek Road
Pearce, AZ 85625
(520) 824-3566

To: Dr. Jerry Pell
Office of Coal and Power
Washington DC
October 13, 2003

Dear Dr. Pell.

1 The Tucson electric power Sahuarita/Nogales transmission line C.E.I.S. is under consideration at this time. At present the proposed rout for the line goes through wilderness area, special approval will be needed before it is installed.

2 I am against the planned rout because I feel we are losing wilderness areas to development of one kind or another. This plan would open up the wilderness with temporary roads that would disturb wildlife, interfere with migrating birds, leave a scar on the landscape and introduce exotic weeds that would take over disturbed areas. Finally Illegal boarder crossers would find this passageway conveniently marked by huge power poles!

Comment No. 1

As explained in Section 3.1, Land Use, each of the three study corridors cross a portion of the Coronado National Forest, and each would require a Forest Plan amendment (see Appendix H). However, none of the study corridors go through a wilderness area classified as part of the National Wilderness Preservation System (Sections 3.1.1 and 4.1.1 address the nearest such area, the Pajarita Wilderness).

Comment No. 2

Sections 3.1, Land Use, and 3.12, Transportation, discuss the existing roads and IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts related to roads.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to migratory birds and impacts from invasive (exotic) species. Section 4.3.2 states that the long-term reductions in biological activity (e.g., lack of vegetation in an area due to construction traffic) tend to be more pronounced in arid areas such as the proposed project area where biological communities recover very slowly from disturbances.

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

Austin, Valer
Page 2 of 2

3 | Please find an alternative rout and leave the wilderness area in tact.

Thank You,
Valer Austin

Comment No. 3

Refer to the response to Comment 1 above regarding wilderness areas.

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Barr, Jim
Page 1 of 3

From: Jim Barr [barrjnb@hotmail.com]
Sent: Monday, September 29, 2003 6:34 PM
To: Pell, Jerry
Subject: Draft EIS (DOE/EIS-0336)

Dear Sirs:

1 As a power user in Nogales, I would like to say that I am in favor of a 345kv line.

I believe that the power will be needed and the reliability will be improved and the amount of power losses through transmission lines would be reduced.

My comments on the draft environmental statement are mainly concerned with the "NO ACTION" alternative. The "no action" alternative assumes that nothing will be done if the none of the three alternatives are selected. If none of the three alternatives are selected, I can think of some likely results:

2 1. PNM has suspended the pursuit of the 345 kv line from Palo Verde Nucluer Power Plant until the TEP line approval runs its course. With the selection of the "no action" alternative, PNM likely will continue its proposed powerline, then we will be at this same point two years later. This line being longer, would have a greater environmental impact.

2. The mandate for a line for a second transmission line would be retracted by the Corporation Commission.
2a. Santa Cruz County would exist with the limited amount of power now available.
2b. The existing distribution network and existing generators would be upgrade, at some environmental cost.
2c. A new generator would be sited, at some environmental cost.

Comment No. 1

The Federal agencies note the commentor's support for the 345-kV transmission line.

Comment No. 2

The No Action Alternative only analyzes reasonably foreseeable actions that may occur if the proposed project does not occur; none of the actions suggested by the commentor fall into this category, and thus are not analyzed under the No Action Alternative.

Federal agencies cannot speculate on the actions of the ACC, or any local actions in response to ACC orders, such as additions or upgrades to existing distribution networks or generators (or a new power plant).

As described in Chapter 5 of the EIS, the Applicant for the proposed PNM transmission line project has recently stated the intention to withdraw the Presidential Permit Application for that project. As such, that project is no longer reasonably foreseeable and is not assessed in the cumulative impact section of this TEP Final EIS.

Comment No. 3

Section 4.5.2 discusses potential socioeconomic impacts from the No Action Alternative. Refer to the response to Comment 2 above regarding the No Action Alternative.

Comment No. 4

Refer to the response to Comment 2 above regarding analysis of PNM's proposed project and a new power plant.

Barr, Jim
Page 2 of 3

Section 4.5.2 says:

4.5.2 Socioeconomic Impacts from the No Action Alternative Under the No Action Alternative, TEP would not build the proposed transmission line and associated facilities as proposed in this EIS. No changes to the existing employment levels would occur beyond the existing trends (described in Section 3.5); no new income or tax revenue would be generated beyond existing trends; and no additional demands would be placed on community services in the ROI beyond existing trends as a result of the proposed project.

3 I believe that the Socioeconomic impact of the No Action Alternative would have a greater effect on "existing trends" than any of the three specific alternative. The whole point in the Corporation Commission mandating a 2nd powerline was because of the impact of not acting would have on our community.

4 Chapter 5 discusses the Reasonable Forseeable Action of the PNM transmission main happening in "addition" to the TEP line. I see this as one or the other but not both 345kv lines, therefore the affect of only a PNM line should be under the No Action Alternative.

Also the construction of a new power plant should be address under the No Action Alternative.

5 I attended the Draft Environmental Assessment meeting at Green Valley on September 25, 2003. Several of the speakers that voiced the opposition to any of the three proposed alignment of the 345 kv line, suggested they would be in favor of a local power plant. My understanding is that this power plant would have to be connected to the power grid with a sufficient size

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. The Federal agencies agree that there are negative environmental impacts associated with construction and operation of a power plant. Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis, has been revised to describe the types of environmental impacts that could be associated with a new power generating facility.

Comment No. 6

The calculation of power loss is beyond the scope of the EIS (the EIS analyzes the potential environmental impacts resulting from the proposed project or the No Action Alternative). Refer to the response to Comment 2 above for discussion of the No Action Alternative.

Barr, Jim
Page 3 of 3

5
cont.

transmission line. The net result is the power plant option would not eliminate the power line, but instead require the new electrical transmission line plus a new gas line and a watermain.

The power plant would adversely affect the groundwater, air quality and noise.

Finally the 345 kv line would be nine times more efficient than the 115 kv line. Since: Power = Volts times Amps tripling the voltage will result in 1/3 the amps for transmitting the same amount of power and since: Power loss = Resistance times Amps squared

For a given amount of power, the higher voltage line will carry 1/3 the amperage, resulting in 1/9 the power loss.

The amount of the power loss should be quantified for each alternative and the environmental impact of the additional power generation required for the No Action alternative should be discussed.

6

I believe the Az Corporation Commission was correct in mandating a second power line, but after reading the draft Environmental Impact Statement, the No Action Alternative looked best. After thinking about it I believe No Action may be the worst alternative.

I look forward to seeing how the impact statement changes as a result of these meetings.

Thanks,

Jim Barr
1605 N. Industrial Park Dr.
Nogales, Arizona 85621
barr@hotmail.com

Barthelson, Roger
Page 1 of 1

Roger Barthelson, Ph.D.
1770 N Lone Ridge Pl
Tucson, AZ 85745
October 6, 2003

Dr. Jerry Pell
Office of Fossil Energy
U.S. Dept. of Energy
Washington, D.C. 20585

Dear Dr. Pell,

1 I am writing in reference to the Tucson Electric Power Sahuarita-Nogales
2 Transmission line DEIS. This proposed line is an exceptionally bad idea,
3 and a bad deal for the citizens of southeastern Arizona. The proposed
4 Western and Crossover Routes would needlessly damage a beautiful area
5 being studied for Wilderness designation. A smaller 115kV line along
6 existing routes would cost less and avoid damaging some of the uniquely
7 priceless wilds in the area.

8 I also disagree with the whole function of the proposed line. I suspect
9 that it's main purpose is to allow the utility to build a power plant down
10 in Mexico, in order to avoid environmental regulations, labor regulations,
11 and U.S. labor costs. This is clearly not desirable for the good of our
12 state. We need jobs here, and we share our air with northern Mexico.

13 Further, I feel that we should be encouraging distributed generation of
14 power, rather than creating more reliance on large, localized power
15 plants. Alternative energy sources, eg. sun, wind, or fuel cells, should be
16 encouraged. Distributed, small local power plants, including small gas-
17 turbine facilities provide power and jobs in the local area. At the same
18 time, many, smaller sources are less vulnerable to failure or terrorist
19 sabotage.

20 Please, protect our local environment, and our true interests. Do not
21 allow Tucson Electric to install the large line through a veritable
22 wilderness.

Sincerely,


Roger Barthelson

Comment No. 1

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources. Section 5.2.4 of the EIS acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Comment No. 2

A smaller transmission line in lieu of the proposed 345-kV line (e.g., 115-kV line) would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Likewise, distributed generation serves a different purpose than the stated purpose and need of TEP's proposal, and thus, is not evaluated as an alternative in this EIS. Furthermore, as noted in Section 2.1.5, alternative generation services (including distributed energy resources) do not eliminate the need for the proposed project.

Comment No. 3

The Federal agencies do not have any information suggesting that any power plant construction in Mexico is reliant upon or otherwise connected to TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

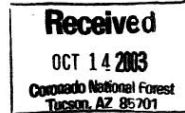
Comment No. 4

The Federal agencies note the commentor's opposition to the proposed project.

Barthelson, Roger
Page 1 of 1

Roger Barthelson, Ph.D.
1770 N Lone Ridge Pl
Tucson, AZ 85745
October 8, 2003

Sue Kozacek
Acting Forest Supervisor
Coronado National Forest
300 W. Congress
Tucson, AZ 85701



Dear Ms. Kozacek:

I am writing in reference to the Tucson Electric Power Sahuarita-Nogales Transmission line DEIS. This proposed line is an exceptionally bad idea, and a bad deal for the citizens of southeastern Arizona. The proposed Western and Crossover Routes would needlessly damage a beautiful area being studied for Wilderness designation. A smaller 115kV line along existing routes would cost less and avoid damaging some of the uniquely priceless wilds in the area.

I also disagree with the whole function of the proposed line. I suspect that it's main purpose is to allow the utility to build a power plant down in Mexico, in order to avoid environmental regulations, labor regulations, and U.S. labor costs. This is clearly not desirable for the good of our state. We need jobs here, and we share our air with northern Mexico.

1
cont. It would be tragic if this beautiful area were compromised by something as ugly as a transmission line. It would not only impair the view, but permanently damage a true wilderness area. My wife and I love to go bird watching, hiking, and taking pictures in the mountains in that area.

4 Please, protect our local environment, and our true interests. Do not allow Tucson Electric to install the large line through a veritable wilderness.

Sincerely,


Roger Barthelson

Comment No. 1

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources. Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.1 and 4.1 present a description of land use and recreation, and analyze the potential impacts to these resources from the proposed project, including impacts to wilderness areas and recreational opportunities.

Comment No. 2

A smaller transmission line in lieu of the proposed 345-kV line (e.g., 115-kV line) would not meet the international interconnection aspect of TEP's proposal and, therefore, is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment Nos. 3-4

Refer to the responses to Comments 3 and 4 in the previous submittal from Roger Barthelson.

Becker, Suzanne
Page 1 of 1

Dear Sue Kozacek,

This letter is in reference to the "Tucson Electric Power Sahuarita-Nogales Transmission line DEIS and the needed Forest Plan Amendments". The Tumacacori and Atascosa Mountains are an exceptional area for primitive recreation - the powerline is incompatible with the natural characteristics there. I enjoy bird watching, hiking, biking, and canyoneering in the area affected by the powerline and would be negatively affected by the construction of the powerline in the Western or Crossover Routes. TEP proposes to build over 20 new miles of road for the Preferred Route. The road density in the Tumacacori EMA is already above acceptable limits as set forth in the current Forest Plan. More road building, even with associated closures (often unsuccessful) would be in gross violation of the Forest Plan. A Forest Plan Amendment would only decrease the already dwindling supply of remote recreational experiences in the region and would impact many sensitive wildlife and plant species that are an important aspect of our southern Arizona natural heritage. I urge you to deny the special use permit for the Western and Crossover Routes because they are not compatible with the current uses of the affected area.

Thank you,
 Suzanne Becker
 1112 White Spar Road A
 Prescott, AZ 86303

Comment No. 1

Sections 3.1.2 and 4.1.2 discuss existing recreational settings and activities, and analyze potential impacts to recreation from the proposed project. Section 4.1.2 specifically evaluates impacts to ROS indicators such as remoteness and naturalness, both of which would have changes that are "inconsistent" with the existing ROS classes for much of the length of the Western and Crossover Corridors within the Coronado National Forest. Analysis of the proposed Forest Plan Amendments is contained in Appendix H.

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze potential impacts to these resources from the proposed project.

Comment No. 2

The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan. Road density limits set forth in the Forest Plan are for the Coronado National Forest as a whole, not for individual land units or EMAs within the Coronado National Forest.

Regarding the effectiveness of road closures, any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions to ensure road barrier effectiveness and maintenance, as appropriate. Based on these terms and conditions for ensuring the effectiveness of road closures, the proposed project is consistent with Forest Plan standards and guidelines for road density.

Comment No. 3

The Federal agencies note the commentor's opinion that USFS should deny the authorization for the Western and Crossover Corridors because of their incompatibility with the current uses of the area.

Becker, Suzanne

Page 1 of 1

Subject: TEP Sahuarita-Nogales

Sent: 10/13/2003 11:25 PM

Importance: Normal

Dear Dr. Pell,

1 This letter is in reference to the "Tucson Electric Power
Sahuarita-Nogales Transmission line DEIS". I am writing
this letter to tell you that I do not agree with these proposals.
2 The preferred Western Route is the longest, most expensive,
and most environmentally damaging of all alternatives
considered. The Crossover route is equally terrible.

3 The Western and Crossover routes slice through a citizen's
proposed Wilderness Area and would forever scar the
outstanding natural characteristics of the area. There is no
"Need" stated for a 345 kV line by either the applicant (TEP)
4 or agencies – because most of the energy transmitted on the
line would not benefit Santa Cruz County, why is the 345
kV, and not a smaller line, needed? A smaller, less obtrusive
5 power line, such as a 115 kV line was not considered for any
route. Why not? A 115 kV line is cheaper, can more easily be
buried in sensitive areas near homes, and would serve the
long-term needs of Santa Cruz County. I do not support the
1 proposed routes because they do not serve Santa Cruz
cont. County's interests, as originally intended under ACC order
62011. They are an unnecessary economic, environmental,
and culture burden on Southern Arizona. Please consider
5 withdrawing the Draft Environmental Impact Statement and
cont. issuing an assessment that properly analyzes real solutions to
power needs in Santa Cruz County that include a smaller
power line and/or locally run power plant.

Suzanne Becker
1112 White Spar Road A
Prescott, AZ 86303

Comment No. 1

ACC Decision No. 62011 (ACC 1999) mandates the construction of a second transmission line to serve customers in Santa Cruz County, and does not reference the export of electricity to Mexico. However, TEP's stated purpose and need for the proposed project has a dual purpose to benefit both southern Arizona and Mexico.

Comment No. 2

The affected environment of the Western and Crossover Corridors is described in Chapter 3, and the potential environmental impacts (including socioeconomic impacts) from these alternatives are fully evaluated in Chapter 4.

Comment No. 3

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Section 4.3.2, Vegetation and Wildlife, states that the long-term reductions in biological activity (e.g., lack of vegetation in an area due to construction traffic) tend to be more pronounced in arid areas such as the proposed project area where biological communities recover very slowly from disturbances.

Comment No. 4

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Belov, Peter and Mary Alice

Page 1 of 2

From: beltek@gorge.net
Sent: Thursday, October 09, 2003 10:28 PM
To: Pell, Jerry
Subject: Environmental Impact Statement for Tucson Electric Power's proposed 345 kilovolt powerline.

Dr. Jerry Pell
U.S. Department of Energy, Office of Fossil Energy (FE-27)
1000 Independence Avenue, SW
Washington, DC 20585

Dear Dr. Pell,

1 I am writing to urge you to withdraw the current draft Environmental Impact Statement for Tucson Electric Power's proposed 345 kilovolt powerline.

2 The important goal of providing fully reliable electrical service to the city of Nogales and Santa Cruz County must be achieved. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP is using this need as an excuse to build a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico.

We need to keep our power in our own country. We definitely do not need to destroy such a beautiful area and an economically productive area for neighboring towns for Mexico.

3 TEP's proposed "Western Route" and alternative "Crossover Route" would carve through some of the most remote and wild areas in Southeast Arizona, forever scarring the beautiful and irreplaceable landscape of the Tumacacori Highlands. This area contains several roadless areas as well as a citizen's proposed Wilderness area home to black bears, Mexican spotted owls, lesser-long nosed bats and peregrine falcons as well as lesser known species such as the Sonora chub, Mexican vine snake, elegant trogon and the Gentry indigo bush. A jaguar was sighted in this area only two years ago.

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Regarding the trade of electricity across the U.S-Mexico border, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico.

Comment No. 3

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Belov, Peter and Mary Alice
Page 2 of 2

4 The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

5 The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Peter & Mary Alice Belov
42 Memory Ln, P.O. Box 111
Underwood, Washington 98651

Comment No. 3 (continued)

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 4

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Bickel, Bettina
Page 1 of 1

Bettina Bickel
9218 N. 51st Dr.
Glendale, AZ 85302

October 2, 2003

Dr. Jerry Pell
Office of Fossil Energy
US Department of Energy
Washington, D.C. 20585

Re: Tucson Electric Power Sahuarita-Nogales Transmission Line DEIS

Dear Dr. Pell,

I oppose the Western Route as proposed in the DEIS for the following reasons:

1 The proposed power line will unnecessarily damage an ecologically significant and highly scenic environment, including a citizen proposed Wilderness Area. This area is the largest remaining unprotected roadless area in Southern Arizona, and provides habitat for ten federally listed Endangered or Threatened species and 74 special status species. The disturbance caused by the proposed power line will increase the spread of invasive species, promote access by illegal off-road drivers and smugglers, and disrupt wildlife habitat.

2 The proposed power line is unnecessarily expensive, and does not serve any "need" as intended under the Arizona Corporation Commission's original order. A smaller 115 kV line would be less expensive, could be run along existing utility corridors, and would serve the long-term needs of Santa Cruz County.

3 Please withdraw this DEIS and provide an assessment of solutions such as a smaller power line and/or a locally run power plant. These options could meet the power needs of Santa Cruz County without the excessive expense and environmental damage that would result from the proposed transmission line.

Thank you for considering my comments.

Sincerely,


Bettina Bickel

Comment No. 1

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project, including impacts to special status species and wildlife habitat and impacts related to invasive species. Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. Regarding the citizen-initiated proposal for an addition to the National Wilderness Preservation System, refer to the response to Arizona Wilderness Coalition, Comment 1.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs. Section 3.1.2 states that there is off-highway (off-road) vehicle use in the project area, and Section 4.1.2 analyzes the impacts of off-highway vehicle use as one of many recreational uses of the project area, including the Coronado National Forest.

The Federal agencies have revised Sections 3.1.1 and 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity.

Comment No. 2

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

Comment No. 2 (continued)

A smaller transmission line (e.g., 115-kV line) in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal and, therefore, is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 3

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis). Refer to the response to Comment 2 above regarding a smaller transmission line.

Bickel, Bettina
Page 1 of 1

Bettina Bickel
9218 N. 51st Dr.
Glendale, AZ 85302

October 2, 2003

Sue Kozacek
Acting Forest Supervisor
Coronado National Forest
300 W. Congress
Tucson, AZ 85701

Re: Tucson Electric Power Sahuarita-Nogales Transmission Line DEIS

Dear Ms. Kozacek,

1 Please deny any special use permits for the Western and Crossover Transmission Line Routes. The proposed power line will unnecessarily damage an ecologically significant and highly scenic environment, including a citizen proposed Wilderness Area. This area is the largest remaining unprotected roadless area in Southern Arizona, and provides habitat for ten federally listed Endangered or Threatened species and 74 special status species. The disturbance caused by the proposed power line will increase the spread of invasive species, promote access by illegal off-road drivers and smugglers, and disrupt wildlife habitat. An amendment to the Forest Plan would negatively impact many sensitive wildlife and plant species that our important parts of our unique natural heritage in Southern Arizona.

2 The Tumacacori and Atascosa Mountains are an exceptional area for primitive recreation. I enjoy hiking and bird watching, and believe the power line would be incompatible with the natural characteristics of the area and negatively impact opportunities for primitive recreation..

3 The proposed route would unnecessarily disrupt the scenic, recreational, and ecological qualities of this part of the Coronado National Forest, and I strongly urge you to deny the special use permits for the transmission line. Thank you for considering my comments.

Sincerely,



Bettina Bickel

Comment No. 1

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project, including impacts to special status species and wildlife habitat and impacts related to invasive species. Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs. Section 3.1.2 states that there is off-highway (off-road) vehicle use in the project area, and Section 4.1.2 analyzes the impacts of off-highway vehicle use as one of many recreational uses of the project area, including the Coronado National Forest.

The Federal agencies have revised Sections 3.1.1 and 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity (refer to the response to Sky Island Alliance, Comment 14).

Analysis of the proposed Forest Plan Amendments is contained in Appendix H.

Comment No. 2

Sections 3.1.2 and 4.1.2 discuss existing recreational settings and activities, and analyze potential impacts to recreation from the proposed project. Section 4.1.2 specifically evaluates impacts to ROS indicators such as remoteness and naturalness, both of which would have changes that are “inconsistent” with the existing ROS classes for much of the length of the Western and Crossover Corridors within the Coronado National Forest.

Comment No. 3

The Federal agencies note the commentator’s opposition to the proposed project.

Bieber, Margaret
Page 1 of 1

Acting Forest Supervisor—Forest Service
300 W. Congress
Tucson, AZ 85701

September 30, 2003


Dear Forest Service Supervisor:

I'm writing as a concerned member of the Green Valley Hiking Club. I love the beautiful desert in Pima County and the surrounding areas. Have you ever hiked or walked in Sycamore Canyon? It is so beautiful, I would hate to see a large power line ruining it. I feel our desert is so fragile, we must keep it natural and beautiful for our children and grandchildren. I've hiked for over 20 years, the desert is so pristine, we cannot take the chance that the pollution from Mexico, and power plants built South of the border add to dirty air here.

I urge you to reconsider, do not remove plants that have been struggling for centuries to survive are removed and a large power line mars our landscape.

Where will the line be built—do you have a map to show the exact route?
I have so many questions and doubts—Please save our beautiful area.

Sincerely,


Margaret Bieber
1342 Paseo Del Cervato
Green Valley, AZ. 85614

c: Dr. Jerry Pell
NEPA Document Mgr.
Office of Fossil Energy
US Dept. of Energy
1000 Independence Ave.
Washington DC 20585

Comment No. 1

Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

The Federal agencies do not have any information suggesting that any power plant construction in Mexico is reliant upon or otherwise connected to TEP's proposed project. Therefore, the potential for construction of power plants in Mexico is not a connected action and is not analyzed in Chapter 4, Environmental Effects, of the EIS.

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

Comment No. 2

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including impacts to vegetation.

Comment No. 3

TEP has not finalized the placement of the 125-ft (38-m) ROW within the 0.25-mi (0.40-km)-wide study corridors. If an action alternative is selected for implementation by each of the Federal agencies through the issuance of a ROD, then precise siting of the ROW and the support structures within the ROW would involve input from cultural, biological, and visual specialists, to identify and minimize impacts to each area of land to be disturbed. For this reason, the Final EIS cannot include maps showing a precise location for the ROW or the individual support structures.

Bohman, Nancy
Page 1 of 5

14 October 2003

RE: TEP SAHUARITA-NOGALES TRANSMISSION
LINE DEIS

Dear Dr. Pell,

1 I would like to begin with my statement that I am for NO
2 ACTION by the Department of Energy in building 345-
kV transmission lines and am in favor of a locally
generated power plant based on the major reasons of lack
of need and potentially dangerous impacts. From my
reading of the summary of the Tucson Electric Power
Company Sahuarita-Nogales Transmission Line Draft
Environment Impact Statement Summary of July 2003, I
would like to make the following main points on your
draft (please keep in mind my major was Psychology, not
Electrical Engineering, which would have been more
helpful):

- 3 1. **LACK OF NEED.** Per regulation, you are required
to consider a "no action alternative." To do this, need has
to be considered. As has often been reiterated, the
problem experienced several years ago when all this
started was corrected early on. It appeared to be a
distribution problem not one of supply. At the time,
however, before the correction, the Arizona Corporation
Commission (ACC) mandated that Citizens build a
second transmission line for the customers of Santa Cruz
County by December 31, 2003, which obviously isn't
going to happen by that time. Because it was mandated,
the process has progressed, but in my estimation the
mandate should be reconsidered by the ACC or at the
very least the new evidence of improved conditions not
necessitating more demand now or in the foreseeable
future should be addressed and considered when DOE
looks at need. I do not see where this was done in your
report.

Comment No. 1

The Federal agencies note the commentor's preference for the No Action Alternative.

Comment No. 2

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Refer to the responses to the Comments 6 and 7 that follow regarding health and safety.

Comment No. 3

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Per Section 2.1.5, local generation and/or improvements to the Citizens distribution system do not eliminate the need for the proposed second transmission line.

Comment No. 4

Chapters 3 and 4 present the affected environment and potential impacts to the environment from the proposed project.

Bohman, Nancy
Page 2 of 5

The applicant states they believe that this “proposed project would have the potential to benefit both southern Arizona and northern Mexico with regard to the availability of electric power.” We already have availability. The key word to go along with “benefit” is “potential.” Right now and perhaps for the next twenty-five years plus, I don’t think this is going to benefit southern Arizona at all and never would if Mexico doesn’t progress into more than a third world country. In fact I think there are no advantages, just disadvantages at this time. Want reasons? Try pollution, blackouts, security in random order. I don’t think any transmission lines should be built on any corridor, which would eliminate a whole lot of major concerns and issues, because we simply don’t need 345-kV transmission lines. Your concern should not be for TEP’s wish list, in which the ACC mandate for a powerline was a surprise gift to them and on which they hope to now capitalize.

2. **IMPACT: Potential Gas Pipeline Hazard.** By the very definition of the EIS, environmental impact is your main concern. I cannot fathom how parallel or crossing transmission lines with El Paso Natural Gas lines could ever be considered due to the extreme danger. Talking to an EPNG representative on a station site, I was told that they would never consider having a transmission line anywhere near the gas line. This does not seem to even be addressed in your summary. There are potential problems enough with a gas line alone as have been experienced by residents adjacent to the gas line in Cerro Pelon. All three corridors to some extent either cross or parallel with EPNG line.

3. **IMPACT: EMF EXPOSURE.** In Table S-1 under Human Health and Environment, your study mentions that

Comment No. 4 (continued)

As part of DOE’s decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project will adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export will not impair sufficiency of supply within the United States and will not impede, or tend to impede, the coordinated use of the regional transmission system.

The proposed transmission line would be no greater a terrorist target than any other extra high voltage transmission line in the United States. The worst-case scenario would be that several transmission line poles are felled and that it takes a few days to a couple of weeks to replace them and restrung the conductors (see Section 4.11.1 of the EIS).

Comment No. 5

As stated in Section 1.2.2, Federal Agency’s Purpose and Need Statements, an agency’s statement of purpose and need explains what the agency is called upon to do, given its authority, and it is from this statement of purpose and need that an agency identifies the range of reasonable alternatives it will consider in the EIS. In an applicant-initiated process, such as TEP’s proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant’s purpose and need. TEP’s purpose and need for the proposed project, as provided to DOE in TEP’s Presidential Permit Application, is “...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities (“Citizens”) in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system....”

Bohman, Nancy
Page 3 of 5

7
cont.

no health effects would be expected from this exposure. I disagree strongly with you from research that I have read. I cite two sources:
www.emfs.info/Source_transmission.asp and
www.dhs.cahwnet.gov/ehib/emf/RiskEvaluation/riskeval.html.

In my case as with others who live near the Central Corridor, and for all the people who live near any of the corridors, if a 345-kV transmission line were to be built near our/their homes, one would not always be a set distance away from the transmission lines. If the line is between one's home and I-19, most probably one would be passing closer or under the lines, where the exposure is much greater, each time one left his/her home to go shopping, pick up children, work in the yard, go to the post office, walk one's dog, you get the idea. It is the responsibility of the DOE to accurately assess this very important concern of EMF's with the very latest information and studies and to recognize the fallacy in the study used by the DOE, which apparently didn't taken into consideration that one isn't always a set distance from the power line. Take a second and wonder if you would want your loved ones living in this proximity to the power lines. I feel so strongly about this that I would not want to live next to these lines.

8

4. **RELIABILITY:** Your draft summary states, "In determining whether a proposed action is in the public interest, DOE considers the impact of the proposed project on the environment and on the reliability of the U. S. electric power supply system." Right now I would categorize our reliability as excellent. As far as our reliability if we were to be connected to Mexico, this is an unknown since we have never connected our grid to Mexico, but common sense would tell me that this is a really bad idea at this time. I know in an earlier correspondence I mentioned the Time magazine article

Comment No. 6

A minimum distance of 100 ft (30 m) would be maintained between any of the proposed transmission line structures and the edge of the existing EPNG pipeline ROW, in compliance with the Amended Certificate of Environmental Compatibility issued to TEP on October 29, 2001, ACC (see Section 4.10 of the Final EIS). As shown in Table 10-2 of the Final EIS, the Federal agencies consulted with EPNG regarding safety requirements, and EPNG concurred that the ACC's requirement is adequate. Section 4.10, Human Health and Environment, of the Final EIS has been augmented to include a discussion of the safety considerations of locating a 345-kV transmission line in the vicinity of a natural gas pipeline.

Comment No. 7

Sections 3.10 and 4.10 summarize the most recent information available on EMF health effects and analyze the potential effects from EMF from the proposed project. Table 4.10-2 presents EMF strengths that may be experienced at various distances from the centerline of the proposed transmission line. Appendix B, Electric and Magnetic Field Background Information, presents studies conducted on human health effects from EMF exposure. The available data have not revealed any conclusive evidence that EMF exposure from transmission lines poses a hazard to animal or human health.

Comment No. 8

As part of DOE's decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project will adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export will not impair sufficiency of supply within the United States and will not impede, or tend to impede, the coordinated use of the regional transmission system.

Bohman, Nancy
Page 4 of 5

8
cont. citing how residents in Mexico drained electricity off power lines near their homes. I also mentioned the blackout that occurred in Mexico that sent seven “states” into the Stone Age as far as electricity was concerned. How could this all even be considered at this time? Mexico is not ready and from testimony at one of the scoping meetings a plant manager from Mexico testified they did not want to connect with the United States. grid with Mexico? I don’t see where this was addressed in your report.

9
8
cont. There are also no official agreements between the United States and Mexico at this time for buying or selling electrical power. If there even were agreements, wouldn’t you think the reliability of the U. S. electric power system would be tremendously compromised if the U. S. were to be connected to a

10 5. **IMPACT: HOMELAND SECURITY.** I would think that with the passage of the Homeland Security Act that this would be first and foremost in your Draft EIS, but I do not see it anywhere. Remember where we are. I would think Nogales, Arizona and anywhere along the Arizona-Mexico border would be a very attractive point of entry to potential terrorists trying to come into this country. The border can’t begin to keep out all those from illegally entering or to thoroughly check on all those attempting entry. Connecting grids to all corners of our nation and proposing to connect to Mexico would make disruption of electricity a potential terrorist’s goal. In fact, if our grid were to be connected to Mexico’s grid, terrorists wouldn’t even have to enter our country to cause disruption. The ensuing chaos could then further more devastating acts of terrorism. Terrorists have already shown us they think beyond what most normal people could even envision or imagine. When you consider **345-kV** transmission lines and when you consider them even near the EPNG lines, it is frightening.

Comment No. 9

If TEP’s proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Comment No. 10

The Federal agencies have revised Sections 3.1.1 and 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol’s response (USBP 2004) to the Federal agencies’ request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol’s response generally re-enforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

The proposed transmission line would be no greater a terrorist target than any other extra high voltage transmission line in the United States. The worst-case scenario would be that several transmission line poles are felled and that it takes a few days to a couple of weeks to replace them and restring the conductors (see Section 4.11.1).

Bohman, Nancy
Page 5 of 5

11 The building of a locally generated power plant would be safer and could supply the future needs of electricity in this county. In the meantime other forms of energy can be studied, i.e., fuel cells. The lessons of 9/11 should not be forgotten by the people of the DOE in connection with analyzing the pros and cons of building new transmission lines, and if homeland security isn't written in as one of the points for study, I am saying it should be.

12 I have many other points like the visual beauty that I hope is never compromised, but the points I have tried to make above are even more important. I do not feel your study adequately and correctly addressed the major concerns I listed above. Please keep in mind that many of the permanent residents of our area do leave for the warmer months and many may not be aware of the deadline for comments to you on the DEIS. Thank you
13 for the work you are doing and I hope you listen to my concerns (even if I'm not an Electrical Engineer).

Nancy M. Bohman
P. O. Box 1340
Tubac, Arizona 85646
e-mail: RTBNMBAZ@AOL.com

Comment No. 11

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 12

Sections 3.2 and 4.2 present analyses of the existing visual resources and potential impacts to these resources.

Comment No. 13

Section 1.6 of the Final EIS has been revised to explain the process conducted by the Federal agencies to invite public participation in the NEPA process, per CEQ requirements.

Bond, Monica
Page 1 of 2

From: mbond@biologicaldiversity.org
Sent: Thursday, October 09, 2003 10:33 PM
To: Pell, Jerry
Subject: Environmental Impact Statement for Tucson Electric Power's proposed 345 kilovolt powerline

Dr. Jerry Pell
U.S. Department of Energy, Office of Fossil Energy (FE-27)
1000 Independence Avenue. SW
Washington, DC 20585

Dear Dr. Pell,

1 I am writing to urge you to withdraw the current draft Environmental Impact Statement for Tucson Electric Power's proposed 345 kilovolt powerline.

2 Powerline's often facilitate the invasion of non-native species, can kill raptors, and fragment habitat. TEP's proposed "Western Route" and alternative "Crossover Route" would carve through some of the most remote and wild areas in Southeast Arizona. This area contains several roadless areas as well as a citizen's proposed Wilderness area home to black bears, Mexican spotted owls, lesser-long nosed bats and peregrine falcons as well as lesser known species such as the Sonora chub, Mexican vine snake, elegant trogon and the Gentry indigo bush. A jaguar was sighted in this area only two years ago.

3 The important goal of providing fully reliable electrical service to the city of Nogales and Santa Cruz County must be achieved. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico.

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential special interest species (Section 4.3.3), migratory birds and raptors (Section 4.3.4), and invasive species impacts (Section 4.3.6).

Sections 3.3.2 and 4.3.2 of the Final EIS have been revised to address habitat fragmentation.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the existing IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Comment No. 3

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Bond, Monica
Page 2 of 2

4 The draft EIS is clearly inadequate, because it does not address reasonable alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

5 The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

MONICA BOND
PO BOX 493
IDYLLWILD, California 92549

Comment No. 4

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis). Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Boyle, Alice
Page 1 of 2

Name: Alice Boyle
Organization: University of Arizona
Email: alboyle@email.arizona.edu
Phone: 621-3532
Address1: Dept of EEB, U of A
City: Tucson
State: AZ
Zip: 85721
Country: USA

I strongly oppose the construction of new power lines through currently roadless or natural areas to the West of I-19. I object on 3 counts:

- 1) Housing density should not be equated with USE and VALUE when making land-use decisions. I am one of the people that "uses" this area frequently. Just because few people don't live in the area where the proposed power line will cross does not mean that many people do not use it and object to the degradation of a unique part of this country.
- 2) Disturbance caused by the construction, the maintenance, and the lines and poles themselves I believe will further limit habitat for several rare organisms that the state of Arizona is privileged to protect. Extreme southern Arizona is home to many species of plants and animals found nowhere else in the US (e.g. 5 striped sparrows and an epiphytic bromeliad related to spanish moss). Sycamore Canyon and areas near to Sycamore are the only know localities for many many species of interesting insects currently studied by faculty and students in at least 3 U of A depts.
- 3) Aesthetic degradation is a serious issue. Quality of life cannot solely be measured by the voltage

Comment No. 1

Sections 3.1 and 4.1 present analyses of the affected environment and potential impacts to land use from the proposed project. Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. Sections 3.3 and 4.3 present a description of the existing biological resources and analyze potential impacts to these from the proposed project.

Comment No. 2

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Boyle, Alice

Page 2 of 2

1 | of your entertainment system. Humans need visual, audio, and
cont. | spiritual refuges from the stressors of modern society. I seek
the refuge of the natural world every weekend, and power
lines completely ruin an area for me. I have hiked the Arizona
trail north of Oracle where for miles (3 days' walking) the trail
zigzags a power line similar to the proposed Sahuarita-
Nogales one. The buzzing sound, the access roads, and the
unsightly blemishes of all those towers prevented the release
of my mind from the worries and stresses that I hike to escape
from.

2 | Please seriously reconsider the need for this power line. Try to
separate out genuine need from a desire to make more money
by selling power to Mexico. I advocate a local power plant if
needed.
Thanks

Alice Boyle

Bradley, Curt
Page 1 of 1

10/02/2003 13:29 5206239797	QNTX 4 BIODIVERSITY	PAGE 01
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Dr. Jerry Pell
U.S. Department of Energy, Office of Fossil Energy (FE-27)
1000 Independence Avenue, SW
Washington, D.C. 20585

October 1, 2003


Dear Dr. Pell,

1 | I am writing to urge you to withdraw the current draft Environmental Impact Statement for Tucson Electric Power's proposed 345 kV powerline.

2 | TEP's proposed "Western Route" and "Crossover Route" would carve through some of the most remote and wild areas in all of Southeast Arizona, forever scarring the beautiful and irreplaceable landscape of the Tumacacori Mountains and Atascosa highlands. The

3 | goal of providing reliable electrical service to Santa Cruz county can be achieved without destroying our environmental and cultural heritage.

Sincerely,
Curt Bradley
615 E Mabel
Tucson, AZ 85705



Comment No. 1

The Draft EIS was prepared in accordance with Section 102(2)(c) of NEPA, the Council of Environmental Quality (CEQ) regulations (40 *Code of Federal Regulations* [CFR] Parts 1500-1508), and all applicable laws, regulations, and agency policies. The Federal agencies have determined that the Draft EIS does not need to be re-issued for additional review.

Comment No. 2

Sections 3.1 and 4.1 (Land Use) and 3.2 and 4.2 (Visual Resources) include discussion on the existing land use and visual resources, and potential impacts to these resources in the Tumacacori and Atascosa Mountains from the proposed project.

Comment No. 3

Section 1.2 of the Final EIS explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Brady, Christine
Page 1 of 1

Forwarded by Susan K Kozacek/R3/USDAFS on
10/15/2003 02:14 PM -----
cmbrady@csupomona.edu
10/09/2003 07:10 PM

To: skozacek@fs.fed.us
cc:
Subject: EIS for Tucson Electric Power's proposed 345
kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 | I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline.

2 | Our energy policy should be based on serving the public
interest of American citizens. We should not be pandering to
corporate profits at the expense of America's natural heritage
and the citizens who enjoy and reap benefits from it.

Sincerely,

Christine Brady
5424 Briney Pt St
3801 W. Temple Ave.

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Section 1.2 of the Final EIS explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Brewer, Leslie
Page 1 of 1

Comment No. 1

Section 2.1.5, Alternatives Considered But Eliminated from Further Analysis, of the Final EIS discusses the reasons why the Eastern and I-19 Corridors were eliminated from further analysis.

Leslie Brewer
starfed@earthlink.net
(520) 398-9574
PO Box 550
13560
Arivaca, AZ 85601
United States
No
No
No
To: translineinfo@tucsonelectric.com
Re: TEP Sahuarita to Nogales Transmission Line

THE ARIVACA AREA OPINION 7/28/03

Out of the four proposed project corridors the general consensus of the people of Arivaca and the Arivaca Valley area is as follows:

The Eastern route is the favorite of the four.

The Central route is favored less so.

1 The Crossover and the Western routes are NOT FAVORED AT ALL and are felt to be the most potentially invasive to the balance of our delicate community.

This is IF we have to be confined to the four proposed routes. The one that makes the most sense to us is not even on the table for consideration. This is the route that follows along next to I-19, ALREADY AN INDUSTRIAL CORRIDOR.

We feel that this is a project of the highest impact to our small community and the surrounding occupied foothills we call Arivaca. We hope that our opinion will be adequately considered by those making this decision.

Sincerely yours,
Leslie G Brewer, D.O
PO Box 550
Arivaca, AZ 85601
starfed@earthlink.net <mailto:starfed@earthlink.net> (520)398-9574 7/26/2003 7:00:17 PM

Brister, Bob
Page 1 of 2

----- Forwarded by Susan K Kozacek/R3/USDAFS on 10/15/2003
12:55 PM -----brister@greens.org 10/09/2003 08:48 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am a former resident of Arizona and I believe that ecological
protection and restoration are the highest and best use of our
public lands. I am writing to urge you to withdraw the current
draft Environmental Impact Statement for Tucson Electric Power's
proposed 345 kilovolt powerline.

2 TEP's proposed "Western Route" and alternative "Crossover Route"
would carve through some of the most remote and wild areas in
Southeast Arizona, forever scarring the beautiful and irreplaceable
landscape of the Tumacacori Highlands. This area contains several
roadless areas as well as a citizen's proposed Wilderness area home
to black bears, Mexican spotted owls, lesser-long nosed bats and
peregrine falcons as well as lesser known species such as the Sonora
chub, Mexican vine snake, elegant trogon and the Gentry indigo
bush. A jaguar was sighted in this area only two years ago.

3 The important goal of providing fully reliable electrical service to the
city of Nogales and Santa Cruz County must be achieved.
Unfortunately, instead of building the small transmission line
necessary to achieve this goal, TEP has proposed a massive,
environmentally destructive, and extremely controversial powerline
designed to export power to Mexico.

Comment No. 1

The Federal agencies note the commentor's opinion that ecological protection and restoration are the "highest and best use of our public lands."

Comment No. 2

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 3

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Brister, Bob
Page 2 of 2

4 The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

5 The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Bob Brister
1102 South 800 East #A
Salt Lake City, Utah 84105

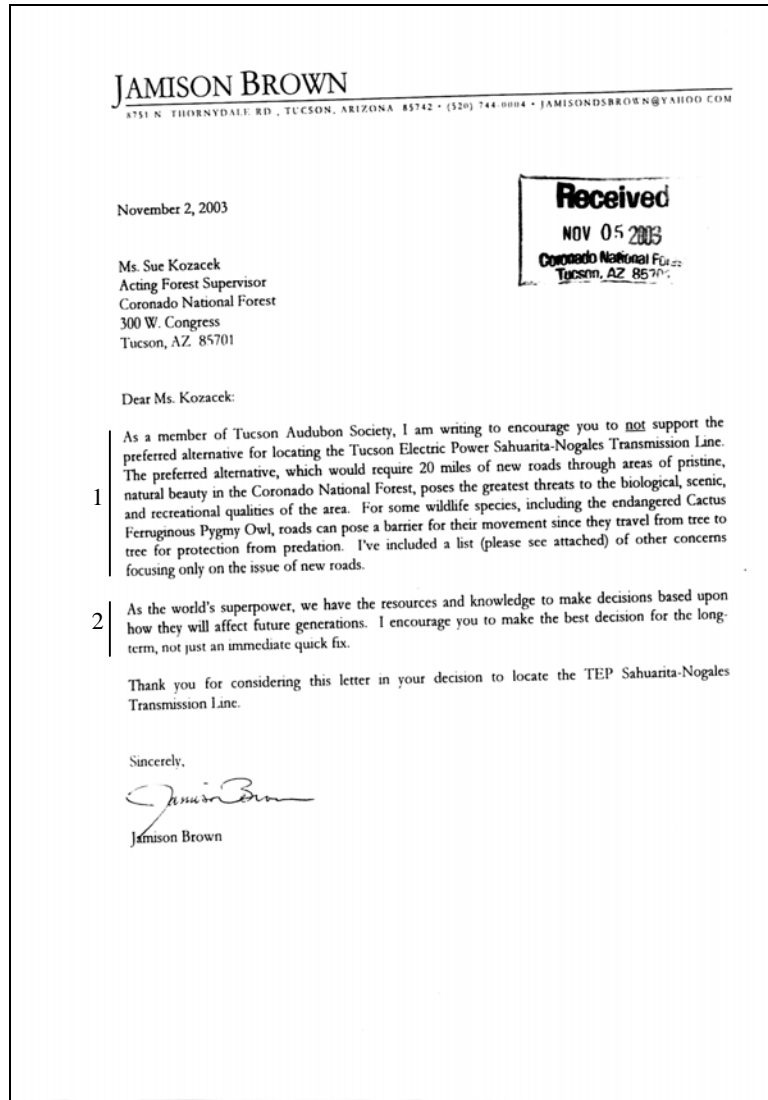
Comment No. 4

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Brown, Jamison
Page 1 of 2



Comment No. 1

Sections 3.11 and 4.11 present a description of the existing transportation network and analyze the potential impacts of the existing and new roads from the proposed project, including roads on the Coronado National Forest.

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project. Section 4.3.3, Special Interest Species, specifically addresses potential impacts to Cactus Ferruginous Pygmy Owl including impacts from modification of habitat.

Sections 3.2 and 4.2 present a description of the existing visual resources and analyzes the potential impacts to these resources from the proposed project. Sections 3.1.2 and 4.1.2 present description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

Comment No. 2

Section 1.6.6 of the Final EIS states that each Federal agency will make and explain its decision in its respective ROD.

Comment No. 3

All unnecessary project roads (those that are not required for ongoing maintenance of the project) would be closed following construction (see Section 4.12, Transportation) such that access to new roads would be limited to an occasional TEP maintenance vehicle. This would limit an increase in use of the area by humans, and limit effects from passing vehicles such as airborne dust generation. Chapter 4, Environmental Effects, analyzes the potential impacts from roads associated with the project for each resource area.

Brown, Jamison
Page 2 of 2

3

1. Mortality from road construction

The actual construction of a road, from clearing to paving, will often result in the death of any sessile or slow-moving organisms in the path of the road. Obviously, trees and any other vegetation will be removed, as well as any organisms living in that vegetation.

2. Mortality from collisions with vehicles

Roadkill is the greatest directly human-caused source of wildlife mortality throughout the U.S. More than a million vertebrates are killed on our roadways every day.

3. Modification of animal behavior

The presence of a road may cause wildlife to shift home ranges, and alter their movement pattern, reproductive behavior, escape response and physiological state. When roads act as barriers to movement, they also bar gene flow where individuals are reluctant to cross for breeding.

4. Alteration of the physical environment

A road transforms the physical conditions on and adjacent to it, creating edge effects with consequences that extend beyond the white lines. Roads alter the following physical characteristics of the environment:

- a. **Soil density** - Soil becomes compacted and remains so long after a road is in use.
- b. **Temperature** - Dark pavement absorbs radiant heat and releases it at night, creating a "heat island" around roads. This can attract heat-seeking species such as birds and snakes to roads, increasing their mortality by vehicle collision.
- c. **Soil water content** - Porosity of soil is reduced, allowing for less absorption of water.
- d. **Light** - In order for a road to be built, trees must be cleared. Without the protective shade of the canopy, the area is exposed to more sunlight and inviting to light-loving species that otherwise would not thrive there.
- e. **Dust** - Passing cars will stir up dust from the road. Dust will settle on nearby plants, blocking photosynthesis. Amphibians, such as frogs and salamanders, are also affected by traffic dust.
- f. **Surface water flow** - Roads are impermeable, and act as channels to redirect water flow, including sediments and nutrient flow.
- g. **Pattern of run-off** - Roads are often built with parallel ditching, which diverts rainwater run-off along roadways, rather than the natural flow pattern.
- h. **Sedimentation** - Roads act to route fine sediments into streams.

5. Spread of exotics

Roads provide opportunities for invasive species by:

- a. providing habitat by altering conditions;
- b. stressing or removing native species; and
- c. allowing easier movement by wild or human vectors.

6. Increased use of areas by humans

Roads facilitate increased human access to formerly remote areas. In addition to the additional disturbance and pollution often associated with heavy human access, roads increase the likelihood and efficiency with which natural resources can be extracted.

**adapted from "Review of Ecological Effects of Roads on Terrestrial and Aquatic Communities," by Stephen C. Trombulak and Christopher A. Prussell. Conservation Biology, Pages 18-30, Volume 14, No. 1, February 2000.*

Comment No. 3 (continued)

Section 4.3.2, Vegetation and Wildlife, has been revised in the Final EIS to state that mortality from collisions with vehicles is possible, although the number of collisions would be minimal because of the limited access to new roads. Section 4.3.2 addresses the possibility of wildlife mortality from any disturbance including road construction, and disturbance to vegetation and wildlife (e.g., interference with breeding). Any new roads would not be paved, and therefore, would not create a "heat island" as cited by the commentor. Also, vegetation in the area is generally short such that the clearing of a tree canopy as cited by the commentor is not applicable.

Sections 3.6.2 and 4.6.2 present a description of the existing soils and analysis of the potential impacts to soils, including soil density, sedimentation, and erosion impacts, and the use of water bars and rolling dips to divert water off the roads.

Sections 3.3.6 and 4.3.6 discuss existing invasive species and evaluate potential invasive species impacts from the proposed project.

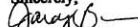
Brun, Janay
Page 1 of 1

October 11, 2003

Dr. Jerry Pell,

1 I am writing in regard to the Tucson Electric Power Sahuarita-Nogales Transmission
line DEIS. As a volunteer for several local wildlife organizations, I spend much time in
the open, vast wilderness that is a proposed site for the TEP powerline. Change venues.
2 This area is home to such a diverse population of animals, birds, and fauna that the risk of
extinction is viable in such a case as the sonoran jaguar. I understand that a smaller, less
obtrusive 115kv powerline was not considered for any route. Why not? I do not support
3 the proposed routes because they do not serve Santa Cruz County's interests, as originally
intended under ACC order 62011. They are an unnecessary economic, environmental,
and cultural burden on southern Arizona. Please withdraw this Draft Environmental
Impact Statement and issue a new assessment that properly analyzes real solutions to
power needs in Santa Cruz County and includes a smaller powerline and/or locally run
power plant.

Sincerely,


Janay Brun
1030 E. Miles St.
Tucson, AZ 85719

Comment No. 1

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to jaguar.

Comment No. 2

ACC Decision No. 62011 (ACC 1999) mandates the construction of a second transmission line to serve customers in Santa Cruz County, and does not reference the export of electricity to Mexico. However, TEP's stated purpose and need for the proposed project has a dual purpose to benefit both southern Arizona and Mexico.

Comment No. 3

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

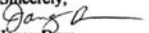
Brun, Janay
Page 1 of 1

October 11, 2003

Ms. Sue Kozacek,

1 I am writing in regard to the Tucson Electric Power Sahuarita-Nogales Transmission
line DEIS and needed Forest Plan Amendments. I enjoy my wildlife volunteer activities
in the area and I am appalled that the Tumacacori and Atascosa Mountains were even
2 considered due to the abundance of threatened and endangered species in the area. I urge
you to deny any special use permits for the Western and Crossover Routes because these
plans are not compatible with the current uses of the affected area. Preserve this area,
don't destroy it and its inhabitants.

Sincerely,


Janay Brun
1030 E. Miles St.
Tucson, AZ 85719

Comment No. 1

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to threatened and endangered species.

Comment No. 2

Sections 3.1 and 4.1 present a description of the existing land use and analyze the potential impacts to these resources from the proposed project.

Brunner, J. Robert
Page 1 of 2

(1)

received
9 SEPT 03

8/21/03

Dept. of Energy
% Mr. Jerry Bell Comments

Dear Dr. Bell:

Thank you for sending me the Summary
Rpt. on the TEP Transmission Line Proposal.
Several items give me concern:

- 1 a) TEP releases PR to the extent that
they already have permission to build their
line and are being delayed by events out
of their control.
- 2 b) TEP has purchased Citizens' Comm.,
gas and electric divisions so the
court order for Citizens to obtain
additional power seems moot.
- 3 c) A group in Nogales want to
take over the Citizens facilities and
provide power for the area. In fact
there will be a public vote on this in
the near future. Also, it would be
more logical ~~for~~ to construct generating
- 4 capacity in Nogales than to run a
costly line from Sahuarita.
- 5 d) In my opinion, TEP wants to
sell power to Mexico above all other
reasons and wants the rate payers of
Nogales to foot the bill of construction.

Comment No. 1

The Federal agencies assume that the commentor's reference to PR means public relations. The issuance or content of TEP's public relations material is beyond the scope of the EIS.

Comment No. 2

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that explains the relationship between TEP and Citizens, the jurisdictions and authorities of the state and Federal agencies, and the ACC's requirements of TEP.

Comment No. 3

As explained in Section 2.1.5, local generation and/or improvements to the Citizens distribution system do not eliminate the need for the proposed second transmission line.

Comment No. 4

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).


Brunner, J. Robert
Page 2 of 2

(2)

6 e) To my recollection, there is a group in Mexico who ~~do~~ want to build generating capacity to supply Nogales, Sonora. Why not encourage them to do so by protecting their markets. Heaven only knows how much this area needs investments and jobs.

7 In general, the TEP proposal is a flawed idea and not in keeping with the contemporary situation. I strongly oppose the project.

J.R. Brunner



Dr. J Robert Brunner
997 W Camino Tierra Libre
Green Valley, AZ
85614-2860
WE SUPPORT OUR TROOPS

Comment No. 5

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...."

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built.

Because the Federal agencies cannot anticipate how the ACC may adjust consumer electricity rates in light of the proposed project, the potential change in consumer electricity rates is too speculative for inclusion in the EIS.

Comment No. 6

Regarding the trade of electricity across the U.S-Mexico border, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico. Note also that power plant construction in Nogales, Sonora is not reasonably foreseeable (see Section 5.2, Reasonably Foreseeable Action Identification.)


Comment No. 7

The commentor's opposition to the proposed project is noted.

Brunner, J. Robert
Page 1 of 1

Comment No. 1

A new power plant is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

 **DON'T FORGET**
A note from...
J. Robert Brunner

J. R. Brunner

You will note that there is a lot of sound opposition to the TEP project. Why not encourage local enterprise instead of outside megacorps stealing the show.

Also, there are parties in Mexico interested in providing local power generation.

J. R. Brunner

 USO
1-888-570-4930
www.uso.org/hotels

SUPPORT OUR TROOPS

1-888-570-4930  www.uso.org/hotels

Brydolf, Libby
Page 1 of 2

Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 05:22 PM -----
lbrydolf@hotmail.com
10/10/2003 12:42 PM
To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson
Electric Power's proposed 345 kilovolt powerline
Ms. Sue Kozacek Coronado National Forest Federal
Building, 300 West Congress Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric
Power's
proposed 345 kilovolt powerline.

2 I believe a smaller, less invasive line would serve the needs
of citizens of Arizona and nearby Mexican communities
without cutting through some of the most remote and wild
areas in Southeast Arizona.

3 This area contains several roadless areas as well as a
citizen's proposed Wilderness area home to black bears,
Mexican spotted owls, lesser-long nosed bats and peregrine
falcons as well as lesser known species such as the Sonora
chub, Mexican vine snake, elegant trogon and the Gentry
indigo bush. A jaguar was
sighted in this area only two years ago.

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system located in Sonora, Mexico." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

A smaller transmission line in lieu of the proposed 345-kV line would not meet the capacity requirements of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 3

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Brydolf, Libby
Page 2 of 2

2
cont.

The important goal of providing fully reliable electrical service to the city of Nogales and Santa Cruz County must be achieved. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico.

4

The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

5

The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Libby Brydolf
 2419 Bancroft St.
 San Diego, California 92104

Comment No. 3 (continued)

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Comment No. 4

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Calabro, Richard A.
Page 1 of 2

3055 S. Placita Del Avestruz
Green Valley, AZ 85614
November 18, 2003

Ehr
11/19

John M. McGee, Forest Supervisor
U. S. Forest Service
300 W. Congress Street
Tucson, AZ 85701

Dear Sir:

1 The following is copied from the Web site: <http://www.maestrosgroup.com/gotorth.htm>. It offers a very clear and viable alternative to the seventy miles of high tension electric transmission lines from Tucson to the Mexican border proposed by Tucson Electric Power.

2 The Tucson Electric Power proposal is a blight on this beautiful landscape. At the hearings conducted by the U.S. Department of Energy on their Environmental Impact Statement, the president of the Green Valley Recreation Hiking Club, of which I am a member, along with several other members presented statements voicing their opposition to this Tucson Electric Power proposal.

From the point of view of the 486 members of the Green Valley Recreation Hiking Club, this proposal by Tucson Electric Power will adversely impact over thirty-five hikes we do in the Alascosa mountains, Tumacacori mountains, and Peck's canyon.

Would you please consider the interests of the common people whose quality of life is in the balance, and take no action on the Tucson Electric Power request?

1
cont.

POWER PLANT EFFORT CONTINUES
The Maestros Group L.L.C., composed of Santa Cruz County residents, continues to make progress in promoting the development of a power plant in Santa Cruz County. According to Hugh Holub, Vice President of International Affairs, the January 4, 2002, decision by the Arizona Corporation Commission (ACC) granting approval to Tucson Electric Power (TEP) for a 345 kv transmission line between Tucson and Nogales has no effect on their efforts. "All along we asked the question 'Why not derive the benefits of a local generating facility in Santa Cruz County?'" Holub said. "As we progress in developing the project, we continue to get confirmation that we can, and that doing so is in the best interest of the communities served."

From its inception, the Maestros Group has established criteria which are intended to meet or exceed environmental standards currently mandated by DOE, and ACC and Mexican counterparts. As concerned residents of Santa Cruz County themselves, and further shored up by articulated concerns at public meetings by other residents of Santa Cruz County opposing transmission lines proposed by TEP and PNM, the Maestros group continues to promote their project to bring the environmental and economic benefits to the communities served that can only be derived from local generation. Holub stated that while the issue of reliable energy to the region is complex, the benefits of reliable energy via local generation are apparent. "The environmental and economic benefits of local generation far outweigh those being offered by companies intending to supply the region with transmitted energy from a generating facility outside of Santa Cruz County," Holub said.

According to Holub, a power plant in Santa Cruz County would create the following benefits:
—Add an estimated \$100 million to the net assessed valuation of Santa Cruz County and thus reduce taxes

Comment No. 1

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Comment No. 2

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

Calabro, Richard A.

Page 2 of 2

1
cont.

on homes and businesses.

- Add an estimated 60 direct and 140 indirect jobs.
- Provide lower energy utility rates for Santa Cruz County residents and businesses.
- Attract a new gas line to the area which would improve the current natural gas supply, increase economic development opportunities in Nogales, Sonora and Nogales, Arizona, and provide clean burning fuel to heat homes in Nogales, Sonora.
- Meet or exceed air quality standards mandated by the Arizona Department of Environmental Quality and the Arizona Corporation Commission.
- Resolve the uncertainty of the continuation of a guaranteed flow of effluent from the Nogales Wastewater Treatment Plant to maintain the flow of the Santa Cruz River and its riparian habitat.
- Not use local, regional or Arizona ground water for generation.
- Eliminate a projected \$1.7 million a year (\$42.5 million over 25 years) US subsidy for the treatment of Mexican wastewater at the Nogales International Wastewater Treatment Plant in Rio Rico.
- Pay for paving all the dirt roads and streets in Nogales, Sonora to eliminate an existing air quality problem in the region.
- Fund improvements to the potable water supply system of Nogales, Sonora.
- Provide opportunities for Mexico and the U.S. to improve shared environmental and economic conditions.


The Maestros Group began its efforts to bring these benefits to the region in August, 2000. To date, the group has accomplished the following:

- Filed for and continue the environmental review process to obtain a Presidential Permit from DOE.
- Continue promoting bi-national negotiations for the use of treated effluent from the Nogales Wastewater Treatment Plant as coolant for the project, and a treaty to guarantee the flow.
- Preparing to option sites for the generating facility.
- Preparing to enter into the ACC's Certificate of Environmental Compliance process.
- Continue discussions with El Paseo Natural Gas regarding capacity for the proposed generating facility.
- Preparing for the submission of an energy purchase bid contract expected to be issued from the Mexican, federally-owned electric utility, Comision Federal de Electricidad, CFE, within the next six months.

Holub clarified that all companies intending to sell energy to Mexico must successfully win the CFE bid from Mexico to do so. "All our due diligence work indicates that local generation from a facility on the U.S. side of the border, has the competitive edge when it comes down to bottom line rate issues," he said. Holub clarified that the Maestros Group is not an energy company. "We are concerned citizens who have conceived and promoted the concept and brought it this far. We intend to pass the project along to a suitable energy company for implementation if that company will adhere to our environmental and economic development criteria," said Holub.

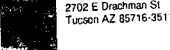
Holub indicated that the project has generated interest among energy companies confirming that what the Maestros Group is proposing is viable and doable. According to Holub, one major energy company is "keenly interested-to use their words" and five others are monitoring their progress.

Sincerely yours,



Richard A. Calabro

Caldwell, Mary and Edward
Page 1 of 1


 October 16, 2003

Sue Kozacek
 Acting Forest Supervisor
 Coronado National Forest
 300 W. Congress
 Tucson, AZ 85701

Dear Ms. Kozacek,

Re: Tucson Electric Power Sahuarita - Nogales Transmission Line DEIS and needed Forest Plan Amendments.

1 The Tumacacori & Alamosa Mountains are an exceptional area for studying & enjoying birds, and other fauna & flora because of the rich biodiversity & primitive area protection. A power line would devastate the beauty & ecology of this area. Additional road building would also be devastating and a violation of the Forest Plan.

2 I urge you to deny a special use permit for the power line - and protect the beauty and ecology of this unique area and the sensitive fauna & flora. It is vital to

1 cont. protect this splendid example of southern Arizona & its natural heritage.

Sincerely yours,
 Mary Caldwell
 Edward M. Caldwell

Comment No. 1

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project.

Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to biodiversity, vegetation, birds, and other wildlife.

Sections 3.12 and 4.12 present a description of the existing roads and analyze the potential impacts from construction of new roads for the proposed project. Any authorization issued to implement the proposed project on the Coronado National Forest would contain terms and conditions to ensure road barrier effectiveness and maintenance, as appropriate. Based on these terms and conditions, the proposed project would not violate the Forest Plan.

Comment No. 2

The Federal agencies note the commentor's opinion that USFS should deny authorization for the proposed project.

Campbell, Nancy
Page 1 of 1

From: Nancy Campbell (SMTP:nccamp@earthlink.net)
To: Pell, Jerry
Cc:
Subject: new Tep transmission line
Sent: 8/30/2003 9:14 AM
Importance: Normal

1 | I was looking at the proposed route, and wondered why it could not be constructed in/near the Santa Cruz river. Thank you for allowing this comment.

Comment No. 1

The construction of the proposed project in or near the Santa Cruz River would result in erosion, sedimentation and floodplain impacts. Because of these potential adverse environmental impacts, construction of the transmission line entirely within or near the Santa Cruz River is not a reasonable alternative and is not evaluated in the EIS.

Campbell, William
Page 1 of 2

Comment No. 1

The nearest corridor to the Santa Cruz River is the Central Corridor, which is approximately 0.5 mi (0.8 km) from the Santa Cruz River. The Santa Cruz River would not be crossed by any of the three proposed corridors, and none of the corridors are in or near the Santa Cruz River.

William Campbell
billcampbell81@hotmail.com
520 743 7182
3690 W. Placita Rancho Saguario
Tucson, AZ 85745
United States

No Draft of full EIS [paper] + CD-ROM
No Draft of EIS Summary [paper] + CD-ROM
No Draft of full EIS on CD-ROM [no paper]

1 I was looking at the proposed route, and wondered why it was put in/near the Santa Cruz river. Thank you for allowing this comment

Carter, Frances C.
Page 1 of 1

Frances C. Carter
1801 S. Abrego Green Valley, Arizona 85614
Phone 602-648-1959
(520)

Oct. 3, 2003

Dr. Jerry Pell
Office of Fossil Energy
U.S. Dept. of Energy

Dear Dr. Pell:

1 This letter is to register the strongest possible objection to the ill-conceived proposal to construct a 345,000 volt power line through one of the few - and fast disappearing - unspoiled areas in southern Arizona.

2 To trash this beautiful and pristine part of the Coronado National Forest with a huge, ugly power line would be a tragedy from which this outstanding area would never recover.

3 It would be a serious loss to our Green Valley Hiking Club with almost 500 members and where I have been a leader for 12 years. With the rapidly increasing urban sprawl, traffic and air pollution around Tucson, we turn more and more to the National Forest for our hikes and this area in particular.

4 Connecting us to a Mexican grid would seem a lot more risky than the one that failed on August 14 in the Northeast.

If more power is needed, build a power plant in or near Nogales, save the expense of a long line of gigantic, ugly poles and spare our deteriorating environment.

Another possibility would be a smaller 115 volt line along an already ~~existing~~ existing utility corridor.

Sincerely,

Frances C. Carter

(Mrs David A Carter)

Comment No. 1

The Federal agencies note the commentor's opposition to the proposed project.

Comment No. 2

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project. Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project, including impacts to hiking within the Coronado National Forest.

The residential, industrial, and roadway development aspects of urban sprawl, and the associated impacts cited by the commentor, are addressed in Chapter 5, Cumulative Impacts.

Comment No. 3

As part of DOE's decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project will adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export will not impair sufficiency of supply within the United States and will not impede, or tend to impede, the coordinated use of the regional transmission system.

Comment No. 4

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Cellarius, Doris
Page 1 of 2

Tucson Electric Power Sahuarita-Nogales Transmission line DEIS

From: Doris Cellarius [SMTP:Doris@Cellarius.net]
To: Pell, Jerry
Cc:

Subject: Tucson Electric Power Sahuarita-Nogales Transmission line DEIS
Sent: 10/13/2003 5:11 PM
Importance: Normal

Dr. Jerry Pell
Office of Fossil Energy
U.S. Department of Energy
Washington D.C. 20585

Comments on "Tucson Electric Power Sahuarita-Nogales Transmission line DEIS"

1 | I am a new resident of Arizona. I have not visited the area proposed for the powerline under discussion, but I have read about it and hope to visit it soon. I do not support the proposed routes because such a power line, and the associated roads and maintenance, will be unnecessarily damaging to this region.

Comment No. 1

Chapter 4 analyzes the potential environmental impacts of construction and operation of the proposed project.

Comment No. 2

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Cellarius, Doris

Page 2 of 2

2 | Why wasn't a lower capacity line considered? It would be cheaper, could more easily be buried in sensitive areas near homes, and would serve the long-term needs of Santa Cruz County. Please withdraw the Draft Environmental Impact Statement and issue an assessment that properly analyzes real solutions, power needs in Santa Cruz County that include a smaller powerline and/or locally run power plant.

Sincerely,

Doris Cellarius
621 Park Avenue
Prescott, AZ 86303-4044

Clarke, Laurel W.
Page 1 of 1

Laurel Clarke
9170 E. Bell Cactus Ln
Tucson, AZ 85715

Dr. Jerry Pell
Office of Fossil Energy
U.S. Department of Energy
Washington, D.C. 20585

Dr. Pell,

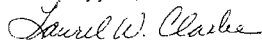
I am writing in regard to the Tucson Electric Power Sahuarita-Nogales Transmission Line DEIS.

1 It is disheartening to imagine that this project is considered to be the preferred alternative when it would mean the degradation of one of Arizona's most spectacular landscapes. The Tumacacori Highlands are an amazing landscape. They are one of the largest unprotected roadless areas in the Southwest. Placing the proposed power line in the highlands would be an expensive undertaking, much more so than placing a smaller less obtrusive power line in an already developed area.

2 I do not support the "preferred alternative" because it does not serve Santa Cruz County's interest as originally intended under ACC order 62011. It is an unnecessary economic, environmental and cultural burden on Southern Arizona.

3 Please consider issuing a Supplemental Draft Environmental Impact Statement that properly analyzes real solutions to power needs in Santa Cruz County that include a smaller power line or a locally run plant.

Sincerely yours,


Laurel Clarke

Comment No. 1

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

A smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis). The commentor's suggestion of building a line adjacent to the existing transmission line in the I-19 corridor was considered but eliminated from further analysis in the EIS (see Section 2.1.5 of the Draft EIS discusses the elimination of the Eastern Corridor and the I-19 Corridor, both similar to the commentor's suggestion).

Comment No. 2

ACC Decision No. 62011 (ACC 1999) mandates the construction of a second transmission line to serve customers in Santa Cruz County, and does not reference the export of electricity to Mexico. However, TEP's stated purpose and need for the proposed project is a dual purpose and need of benefiting both southern Arizona and Mexico.

Comment No. 3

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal

Comment No. 3 (continued)

and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Clarke, Laurel W.
Page 1 of 1

Laurel Clarke
9170 E. Bell Cactus Ln
Tucson, AZ 85715

Sue Kozacek
Acting Forest Supervisor
Coronado National Forest
300 W. Congress
Tucson, AZ 85701

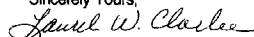
Dear Ms Kozacek,

I am writing in regard to the Tucson Electric Power Sahuarita-Nogales Transmission Line DEIS and the needed Forest Plan Amendment.

1 It is disheartening to imagine this power line being placed in one of the most beautiful and largest roadless landscapes in the Southwest. The Tumacacori and Atascosa Mountains are an exceptional area of beauty, full of natural wonders which I love to escape to and enjoy bird watching, hiking and tracking. Building the proposed powerline here would negatively affect the beauty and be harmful to the environment disrupting habitat for many species of plant and animal.

2 The TEP proposal would build over 20 new mile of road in an area where road density is already above acceptable limits set forth in the current forest plan. I urge you to
3 deny the special use permit for the "preferred route" because it is not compatible with the current uses of the affected area. Please help us to conserve one of the few remaining wild areas, a place that is such an important aspect of our southern Arizona natural heritage.

Sincerely Yours,



Laurel Clarke

Comment No. 1

Sections 3.2 and 4.2 present a description of the existing visual resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1.2 and 4.1.2 present a description of the existing recreational opportunities and analyze the potential impacts to these resources from the proposed project. Sections 3.3 and 4.3 present a description of the existing biological resources and analyze the potential impacts to these resources.

Comment No. 2

The Western Corridor would require construction of approximately 20 mi (32 km) of temporary new roads for construction on the Coronado National Forest, and the Central and Crossover Corridors would require fewer roads, and unnecessary project roads would be closed following construction (see Section 4.12, Transportation). The Tumacacori EMA of the Coronado National Forest in and of itself does not exceed road density limits set forth in the Forest Plan. Road density limits set forth in the Forest Plan are for the Forest as a whole, not for individual land units or EMAs within the Coronado National Forest. TEP would close 1.0 mi (1.6 km) of existing classified road for every 1.0 mi (1.6 km) of proposed road to be used in the operation or long-term maintenance of the proposed project, such that road density on the Coronado National Forest would not be affected.

Comment No. 3

Sections 3.1 and 4.1 present a description of the existing land use and analyze the potential impacts to land use from the proposed project.

Coffee, George
Page 1 of 1

October 10, 2003

Dr. Jerry Pell
Office of Fossil Energy
U.S. Department of Energy
Washington, D.C. 20585

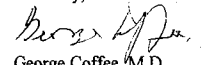
Dear Dr. Pell:

Re: Tucson Electric Power Sahuarita-Nogales Transmission line DEIS.

1 I wish to urge you to consider issuing a Supplemental Draft Environmental
Impact Statement including a thorough analysis of the most meaningful
solutions to the power needs in Santa Cruz County. After familiarizing
myself with elements involved in this matter, it seems to me such an analysis
should include a smaller powerline or a locally run power plant. The current
proposal does not seem to correspond to the actual needs of the county. The
2 proposal looks very expensive. As compared with a smaller, more directly
applied system it seems in a number of ways less practical in serving Santa
Cruz County. And it would be destined to have a serious negative impact on
natural values which make Sotheastern Arizona an extraordinary gem of its
type in the world. I live in Green Valley a good part of the year and I assure
you my concern for the areas involved is very deep, as I bird, hike, and do
nature study in this locale.

I respectfully urge you to issue a supplemental draft taking into account the
concerns expressed above.

Sincerely,



George Coffee, M.D.
1615 South La Canada
Green Valley, AZ 85614

Comment No. 1

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Comment No. 2

Sections 3.1 and 4.1 present a description of the existing land use and analyze the potential impacts to these resources from the proposed project, including potential impacts to recreational opportunities (see Sections 3.1.2 and 4.1.2)

Coffee, George
Page 1 of 1

October 10, 2003

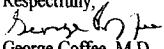
Sue Kozak
Acting Forest Supervisor
Coronado National Forest
300 W. Congress
Tucson, AZ 85701

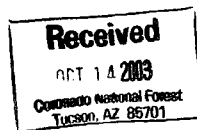
Dear Ms. Kozak:

Re: Tucson Electric Power Sahuarita-Nogales Transmission line DEIS and
needed Forest Plan Amendments.

- 1 I urge you to deny the special use permit for the Preferred Route. In looking
into the matter I have become aware of the adverse impacts which the line
would create upon the natural values held within the area. Southeast Arizona
exists as a natural gem unique in the world. It seems unacceptable to degrade
2 in this way the ecologic dynamics and scenic features of the area involved in
the proposal. With intrusions in other areas of Southeastern Arizona we
watch deterioration in what we recognize as a gem on the planet.

I am sure you have been considering these elements, and I give my voice in
support.

Respectfully,

George Coffee, M.D.
1615 S. Lacanada
Green Valley AZ 85614



Comment No. 1

The Federal agencies note the commentator's opinion that USFS should deny the authorization for the Western Corridor.

Comment No. 2

Chapters 3 and 4 present a description of the affected environment and analyze potential impacts to the resources from the proposed project, including analysis of biological resources (Sections 3.3 and 4.3) and visual resources (Sections 3.2 and 4.2).

Colbert, Michael
Page 1 of 1

From: michael colbert [SMTP:mrcolbert2003@yahoo.com]
To: Pell, Jerry
Cc:

Subject: Power lines
Sent: 10/13/2003 5:10 PM
Importance: Normal

Please Stop the proposed powerline from Tucson to Nogales.
1 It is overkill-and there are more benign ways to do this.
AESTHETICS count for a lot!!!! Please don't let this
happen!!!! thank you,

Mike Colbert
PO Box 566
Ft. Apache, Az. 85926

Comment No. 1

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." In an applicant-initiated process, such as TEP's proposed project, the range of reasonable alternatives analyzed in detail in the EIS is directly related to the applicant's purpose and need.

Sections 3.2 and 4.2 discuss the existing visual resources and analyze the potential impacts to the resources from the proposed project.

Collazo, David E.
Page 1 of 1

From: Dave Collazo [SMTP:gunfella@earthlink.net]
To: Pell, Jerry
Cc:

Subject: proposed power line
Sent: 10/8/2003 10:43 PM
Importance: Normal

I am opposed to the western route for the proposed power line because of the great, irreverable damage to the wilderness. Sycamore Canyon is home to unique animal and plant species.

1 The scenic value of this spectacular area will be seriously degraded. There are existing power lines running up the Santa Cruz Valley. I would rather see the power lines concentrated up this corridor. It seems that it would be more efficient and less expensive to build along already developed corridors than to bulldoze undeveloped, pristine wilderness.

David E. Collazo
Tucson, Arizona

Comment No. 1

Section 4.3.2 discusses potential impacts to wildlife in the vicinity of the Western Corridor (which includes Sycamore Canyon) from the proposed project, based on the affected environment in Section 3.3, Biological Resources. Section 4.2.1 discusses of the potential impacts to visual resources in the vicinity of the Western Corridor from the proposed project, based on the affected environment in Section 3.2, Visual Resources.

Due to visual impacts through densely populated areas, and the potential impacts to cultural resources, the I-19 Corridor was eliminated from further analysis as viable action alternative (see Section 2.1.5).

Collins, Fred
Page 1 of 2

Name: Fred Collins
Title: VP retired
Organization: ALCOA Conductor Products Co.
Email: papcollins@aol.com
Phone number: 520-648-0727
Address1: 2481 S Avenida Loma Linda
Address2:
City: Green Valley
State: AZ
Zip: 85614
Country: USA

Requests:
No - Draft of full EIS [paper] + CD-ROM
No - Draft of EIS Summary [paper] + CD-ROM
No - Draft of full EIS on CD-ROM [no paper]

(comments continue on next page)

Comment No. 1

The maximum level at which the proposed 345-kV transmission line would be operated is 500 MW (refer to the response to Border Power Plant Working Group, Comment 2). If TEP wanted to operate the proposed 345-kV transmission line above 500 MW, TEP would have to apply to DOE for an amendment to their Presidential Permit, and DOE would have to perform additional analysis required by NEPA.

Comment No. 2

The type of conductor that would be used for the proposed transmission line has not yet been chosen. The selection of the conductor would be part of the detailed engineering and design after the final siting of the corridor.

Comment No. 3

The Federal agencies agree that there are negative environmental impacts associated with construction and operation of a power plant. However, the proposed action in this EIS does not require construction and operation of a new power plant.

Comment No. 4

Sections 3.10 and 4.10 discuss the existing EMF and analyze the potential EMF impacts from the proposed project.

Comment No. 5

The Federal agencies note the commentator's support for the proposed project.

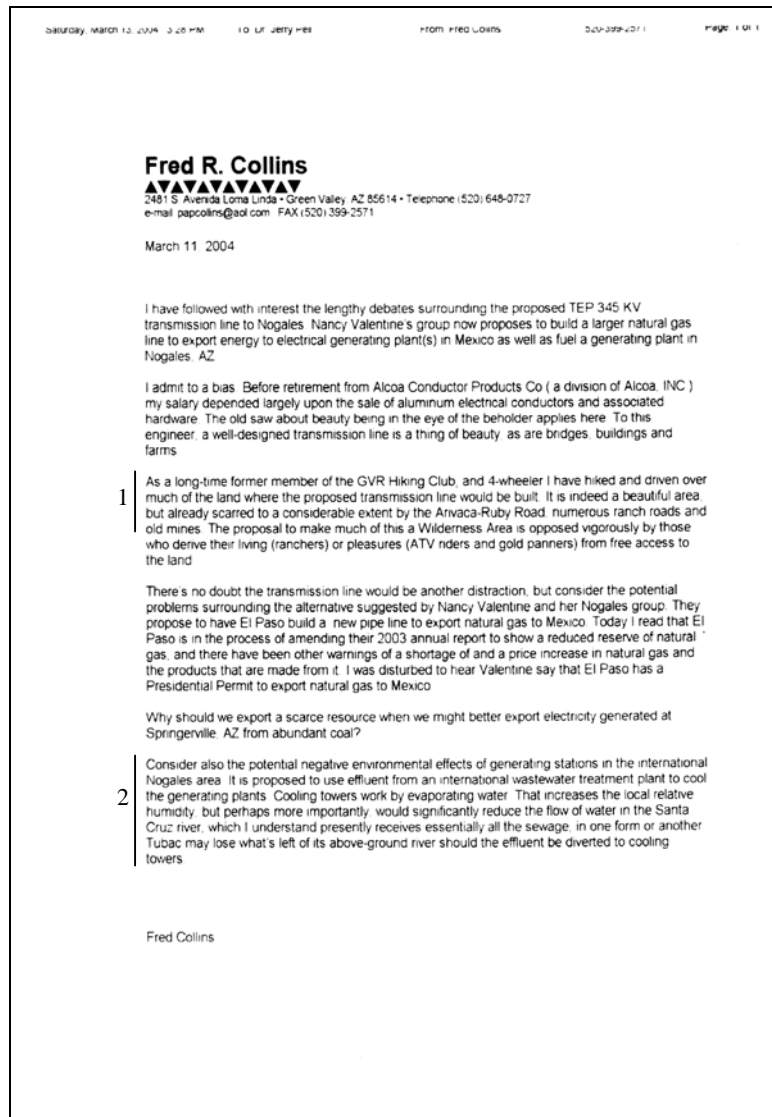
Collins, Fred

Page 2 of 2

Comments:

1 | What size and construction of aluminum conductors are
specified? I would like to calculate whether McGruder's
estimate of an ultimate capacity of 2000 megawatts is
reasonable. I seriously doubt that any utility would commit
that kind of load to a two-circuit 345KV line, even if it did
not sag too far with that kind of load. Years ago ALCOA
2 | made a product called Shadowline conductor. The surface
was grit-blasted at the factory to eliminate the shiny
reflective surface typical of new conductors. I do not know
whether it is still offered by any supplier, but it is very
effective in reducing the visual impact of new power lines,
especially in areas like the Coronado National Forest. Has
TEP considered the use of such conductors? The proponents
of building a power plant in Nogales have yet to show that
3 | the use of locally obtained cooling water won't dry up what
little is left of the Santa Cruz River. Cattle and crops grow
successfully under 765KV lines in upstate New York and in
the Midwest. Electromagnetic effects from 345KV lines
4 | have never been shown to be harmful, at least to my
5 | knowledge. Let's get on with this project!

Collins, Fred
Page 1 of 1



Comment No. 1

The features in the project area cited by the commentor are considered in the analysis of the existing scenic integrity and changes to the scenic integrity from the proposed project (see Sections 3.2 and 4.2).

Comment No. 2

The Federal agencies agree that there are negative environmental impacts associated with construction and operation of a power plant. However, the proposed action in this EIS does not require construction and operation of a new power plant.

Condon, Paul T.
Page 1 of 1

----- Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 06:04 PM -----
ptcondon@comcast.net
10/14/2003 09:36 PM

To: <skozacek@fs.fed.us>
cc:
Subject: Tucson Electric Power Sahuarita-Nogales
Transmission line DEIS and needed Forest Plan Amendments

To: Sue Kozacek

I can't believe that the Forest Service would consider destroying an area like the Tumacacori and Atascosa Mountain Region, and then in turn close down the Fossil Creek power plants and destroy already existing historical buildings. Fossil Creek is a beautiful area too, and now you are wanting to turn it back into wilderness. The area where this powerline is proposed is wilderness designated and should remain that way. Animal species exist in this area that exist nowhere else in the world.

- 1 This powerline would destroy their habitat. Have you ever seen serious construction roads regrow in a lifetime? Arizona is a special place that television shows feature all the time on nature related programs. Let's keep Arizona special.

Paul T. Condon
8832 E. Buckboard Rd
Tucson, AZ 85749
520-490-4717

Comment No. 1

As explained in Section 3.1, Land Use, none of the study corridors go through a wilderness area classified as part of the National Wilderness Preservation System (Sections 3.1.1 and 4.1.1 address the nearest such area, the Pajarita Wilderness). Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 describe the existing biological resources and analyze the potential impacts to these resources from the proposed project, including impacts to special status species and their habitat. Section 4.3.2 states that the long-term reductions in biological activity (e.g., lack of vegetation in an area due to construction traffic) tend to be more pronounced in arid areas such as the proposed project area where biological communities recover very slowly from disturbances.

Condon, Paul T.
Page 1 of 1

Page 1 of 1

Tucson Electric Power Sahuarita-Nogales Transmission line DEIS

From: ptcondon@comcast.net [SMTP:ptcondon@comcast.net]
To: Pell, Jerry
Cc:

Subject: Tucson Electric Power Sahuarita-Nogales Transmission line DEIS
Sent: 10/15/2003 12:20 AM
Importance: Normal
Dear Sir;

1 I have been visiting this area where the powerline is proposed since 1983.
2 This is a designated wilderness area. Putting this powerline through this
area would destroy vast amounts of pristine wilderness where species live
that exist nowhere else. Please do not consider this powerline and take no
action to approve it going forward. Arizona is a special place. Let's keep
it that way!

Paul T. Condon
8832 E. Buckboard Rd
Tucson, AZ 85749
520-490-4717

Comment No. 1

Refer to the response to Comment 1 of the previous submittal from Paul T. Condon.

Comment No. 2

The Federal agencies note the commentor's preference for the No Action Alternative.

Cooper, Laurel
Page 1 of 2

TEP Sahuarita-Nogales Transmission Line Project

From: Laurel M. Cooper
[SMTP:lcooper@desertpaths.com]
To: Pell, Jerry
Cc:

Subject: TEP Sahuarita-Nogales Transmission Line Project
Sent: 10/6/2003 6:42 PM
Importance: Normal
Dear Mr. Pell,

1 I was unable to go to the Sept. meetings in Green Valley and Nogales but I do feel very strongly that the TEP Sahuarita-Nogales Transmission Line Project should NOT be built:

2 -- Obsolescence. We need more distributed generation: environmentally friendlier as it does not lose a major chunk of power in transmission, nor require as much polluting fossil fuels, nor create radioactive waste. The technical means to do so are being operationalized in US, Europe, and Japan: wind, solar, and fuel cells.

3 -- Unreliability of power grids. When I worked in the American Embassy in Mexico City, everyone complained about electricity fluctuations and their effect on appliances. That was back when Mexico was just beginning to suffer the economic trials that have snowballed since late 1970s. So linking our grids could lead to blackouts. We all saw how the problems in one problematic Ohio utility took out most of the Northeast recently; similar events happened in London, in Denmark and southern Sweden, and in Italy; moreover, the downing of lines from hurricane Isabella is taking weeks to repair. Five major transmission outages in 2 months show that we should not put all of our energy eggs in one fragile basket.

Comment No. 1

The Federal agencies note the commentor's opposition to the proposed project.

Comment No. 2

Distributed generation serves a different purpose than the stated purpose and need in TEP's proposal, and thus, is not evaluated as an alternative in this EIS. Furthermore, as noted in ACC Comment 3, alternative generation sources (including distributed energy resources) do not obviate the need for the proposed project.

Comment No. 3

As part of DOE's decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project will adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export will not impair sufficiency of supply within the United States and will not impede, or tend to impede, the coordinated use of the regional transmission system.

Comment No. 4

The proposed transmission line would be no greater a terrorist target than any other extra high voltage transmission line in the United States. The worst-case scenario would be that several transmission line poles are felled and that it takes a few days to a couple of weeks to replace them and restring the conductors (see Section 4.11.1 of the EIS).

The Federal agencies have revised Sections 4.1.1, Land Use; Section 4.12, Transportation; and Chapter 5, Cumulative Impacts of the Final EIS based on the U.S. Border Patrol's response (USBP 2004) to the Federal agencies' request regarding illegal immigration and law enforcement activities in the proposed project vicinity. The U.S. Border Patrol's response generally reinforced the information on which the relevant analysis in the Draft EIS was based. The U.S. Border Patrol stated that the roads associated with the

Cooper, Laurel
Page 2 of 2

4 -- Security issues. The project would be another easy target for terrorists in an area where the border is not controlled despite walls, increased Border Patrol activities, etc. Indeed, the route and supporting roads will provide even more options for drug and people smugglers.

5 -- Environmental impact. TEP's claims on revegetation are not credible to anyone acquainted with dry lands restoration. Plants do not grow as fast as in the Washington DC area etc. Southern Arizona still shows the scars from mining in the 1880s. In destroying native plants, TEP would create conditions that favor invasive weeds like buffel grass, widespread in Sonora and increasingly a factor in wildfires north of the border. Erosion will result from the powerline and supporting roads. The loss of habitat would have a negative impact on animals in the area.

6 -- Potential to be linked to new Mexican power plant(s) that will endanger my health and that of my family, neighbors, and visitors, because Mexico does not have the pollution controls required on this side of the border.

7 Alternatives DO exist for the Nogales area such a local plant. Please pursue those instead of letting TEP build this environmental and social disaster. Thank you for considering my views,

Laurel Cooper, Ph.D.
2537 E Richards Place
Tucson AZ 85716

Comment No. 4 (continued)

construction and maintenance of the proposed project would contribute to an increase in illegal immigrant and narcotic smugglers in the area and affect U.S. Border Patrol operations. The effects of these activities are reflected in the Final EIS in the sections listed above.

Comment No. 5

Sections 3.3 and 4.3 present analyses of the affected environment and potential impacts to biological resources, including impacts to vegetation and wildlife habitat. Sections 3.3.6 and 4.3.6 discuss the existing invasive species (non-native plants) in the project area, and potential invasive species impacts that could result from the proposed project.

Comment No. 6

Chapter 5, Cumulative Effects, of the Final EIS has been augmented to discuss the growth of electricity demand in Mexico and the United States and the potential for new power plants, and to describe qualitatively the potential impacts in the United States (including air quality impacts) from power plant construction in southern Arizona and Sonora, Mexico. Chapter 5 has also been revised to describe the regulation of power plants in Mexico (including coordination between the United States and Mexico), potential fuel sources, and associated emissions.

Comment No. 7

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS (refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis).

Costa, Alisa
Page 1 of 2

--- Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 05:34 PM -----
acosta@mac.com
10/10/2003 06:10 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson Electric
Power's
proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric Power's
proposed 345 kilovolt powerline.

2 I'm 29 and married. I care about the environmental impact of
the Department of Energy public policies, for myself and my
children.

3 TEP's proposed "Western Route" and alternative "Crossover
Route" would carve through some of the most remote and wild
areas in Southeast Arizona, forever scarring the beautiful and
irreplaceable landscape of the Tumacacori Highlands. This
area contains several roadless areas as well as a citizen's
proposed Wilderness area home to black bears, Mexican
spotted owls, lesser-long nosed bats and peregrine falcons as
well as lesser known species such as the Sonora chub,
Mexican vine snake, elegant trogon and the Gentry indigo
bush. A jaguar was sighted in this area only two years ago.

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

DOE has determined that the issuance of this Presidential Permit to TEP for the proposed project would constitute a major Federal action that may have a significant impact on the environment within the meaning of NEPA, and therefore, has prepared this Final EIS to evaluate potential environmental impacts from the proposed Federal action (granting a Presidential Permit for the proposed transmission facilities) and reasonable alternatives, including the No Action Alternative. An EIS is a tool that informs Federal decisionmakers of the environmental consequences of choosing among the alternatives available to them.

Comment No. 3

Sections 3.1 and 4.1 describe existing land use resources and analyze potential impacts to these resources, including potential impacts to the Tumacacori Mountains and the Tumacacori EMA of the Coronado National Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within the Coronado National Forest. Sections 4.1, Land Use, and 4.12, Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife.

Costa, Alisa
Page 2 of 2

4 The important goal of providing fully reliable electrical service to the city of Nogales and Santa Cruz County must be achieved. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico.

5 The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying our environmental and cultural heritage, and which would not require huge increases to consumers' electricity bills.

6 The recent blackout in the Northeast is an urgent reminder that our energy policy should be based on serving the public interest, not corporate private profits. I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Sincerely,

Alisa Costa
2097 Route 203
Chatham, New York 12037

Comment No. 4

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system..." As explained in Section 1.2 of the Final EIS, where a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Comment No. 5

Section 1.2 of the Final EIS explains the roles of TEP and the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 6

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Coste, Robert
Page 1 of 2

Tucson Electric Power Sahuarita-Nogales Transmission line
DEIS

From: Robert C [SMTP:robertcmailbox@earthlink.net]
To: Pell, Jerry
Cc:

Subject: Tucson Electric Power Sahuarita-Nogales
Transmission line DEIS
Sent: 10/14/2003 10:25 AM
Importance: Normal

Dear sir,

I am writing this letter to you on behalf of my two children.
Day after day they watch our environment being bulldozed for
supposedly the benefit of mankind and ask what are we doing
with the animals that live in those areas. When are we going to
think about them and why do we have to build everywhere.
They have seen in there short lives too much open space
disappear in some cases overnight . I do not understand the
need for this project at this time.

There is no "Need" stated for a 345 kV line by either the
applicant (TEP) or agencies . Most of the energy transmitted
on the line would not benefit Santa Cruz County, why is the
345 kV, and not a smaller line, needed?

A smaller, less obtrusive power line, such as a 115 kV line
was not considered for any route. Why not? A 115 kV line is
cheaper, can more easily be buried in sensitive areas near
homes, and would serve the long-term needs of Santa Cruz
County.

Comment No. 1

TEP's purpose and need for the proposed project, as provided to DOE in
TEP's Presidential Permit Application, is "...to construct a double-circuit
345 kV, alternating current transmission line to interconnect the existing
electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales,
Arizona, with a further interconnection to be made from Nogales, Arizona
to the CFE transmission system...." In an applicant-initiated process, such
as TEP's proposed project, the range of reasonable alternatives analyzed in
detail in the EIS is directly related to the applicant's purpose and need.

A smaller transmission line in lieu of the proposed 345-kV line would not
meet the international interconnection aspect of TEP's proposal and,
therefore, is not evaluated in detail in this EIS (refer also to Section 2.1.5,
Alternatives Considered But Eliminated From Further Analysis).

Comment No. 2

ACC Decision No. 62011 (ACC 1999) mandates the construction of a
second transmission line to serve customers in Santa Cruz County, and does
not reference the export of electricity to Mexico. However, TEP's stated
purpose and need for the proposed project is a dual purpose and need of
benefiting both southern Arizona and Mexico.

Coste, Robert
Page 2 of 2

- 2 I do not support the proposed routes because they do not serve
Santa Cruz County's interests, as originally intended under
ACC order 62011. They are an unnecessary economic,
environmental, and culture burden on Southern Arizona.
- 3 Please consider withdrawing the Draft Environmental Impact
Statement and issuing an assessment that properly analyzes
real solutions to power needs in Santa Cruz County that
include a smaller power line and/or locally run power plant.

If you would be so kind as to respond to the above questions
I would certainly appreciate it.

Thanks for you time

Robert Coste
7326 W Moonmist Pl.
Tucson Az. 85746

Comment No. 3

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Coste, Robert
Page 1 of 1

---- Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 06:04 PM -----
Robert C <robertcmailbox@earthlink.net>
10/14/2003 07:39 AM

Please respond to robertcmailbox

To: skozacek@fs.fed.us
cc:
Subject: Tucson Electric Power Sahuarita-Nogales
Transmission line DEIS and needed Forest Plan Amendment

Dear Madame(Mlle),

I am writing this letter to you on behalf of my two children.
Day after day they watch our environment being bulldozed for
supposedly the benefit of mankind and ask what are we doing
with the animals that live in those areas. When are we going to
think about them and why do we have to build everywhere.
They have seen in there short lives too much open space
1 | disappear in some cases overnight. I do not understand the
need for this project at this time.

2 | A Forest Plan Amendment would only decrease the already
3 | dwindling supply of remote recreational experiences in the
region and would impact many sensitive wildlife and plant
species that are an important aspect of our southern Arizona
natural heritage. I urge you to deny the special use permit for
the Western and Crossover Routes because they are not
compatible with the current uses of the affected area.

Thank you in advance for allowing my input on this subject
that is of great concern for all our future generations.

Robert Coste
7326 W Moon mist Pl
Tucson AZ. 85746

Comment No. 1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

Comment No. 2

Sections 3.1.2 and 4.1.2 present analysis of existing recreational settings and activities, and potential impacts to recreation from the proposed project. Section 4.1.2 specifically evaluates impacts to ROS indicators such as remoteness and naturalness, both of which would have changes that are "inconsistent" with the existing ROS classes for much of the length of the Western and Crossover Corridors within the Coronado National Forest. Analysis of the proposed Forest Plan amendments is contained in Appendix H.

Section 3.3 presents a description of the existing biological resources, including sensitive wildlife and plant species, and Section 4.3 analyzes the potential impacts to these resources from the proposed project.

Comment No. 3

Sections 3.1 and 4.1 discuss the existing land use and analyze the potential impacts to these resources from the proposed project.

Costigan, Cheryl

Page 1 of 2

----- Forwarded by Susan K Kozacek/R3/USDAFS on
10/16/2003 05:22 PM -----
cherylcostigan@hotmail.com
10/10/2003 12:20 PM

To: skozacek@fs.fed.us
cc:
Subject: Environmental Impact Statement for Tucson Electric
Power's proposed 345 kilovolt powerline

Ms. Sue Kozacek
Coronado National Forest
Federal Building, 300 West Congress
Tucson, AZ 85701

Dear Ms. Kozacek,

1 I am writing to urge you to withdraw the current draft
Environmental Impact Statement for Tucson Electric Power's
proposed 345 kilovolt powerline.

2 Although I live in northern Idaho, I have a passion for the
desert southwest. I am concerned about TEP's proposed
"Western Route" and alternative "Crossover Route" because
they would carve through some of the most remote and wild
areas in Southeast Arizona. Desert lands are fragile and these
routes would forever scar the beautiful and irreplaceable
landscape of the Tumacacori Highlands.

The area of the proposed routes include several roadless areas
as well as a citizen's proposed Wilderness area. It is home to
black bears, Mexican spotted owls, lesser-long nosed bats and
peregrine falcons. Additionally, lesser known species such as
the Sonora chub, Mexican vine snake, elegant trogon and the
Gentry indigo bush inhabit these lands. It is also my
understanding that a jaguar was sighted in this area just two
years ago - a rare treat!

Comment No. 1

The commentor's opinion that the Draft EIS should be withdrawn is noted.

Comment No. 2

Sections 3.1 and 4.1 describe existing land use resources and analyze
potential impacts to these resources, including potential impacts to the
Tumacacori Mountains and the Tumacacori EMA of the Coronado National
Forest.

Sections 3.1, Land Use, and 3.12, Transportation, discuss the IRAs within
the Coronado National Forest. Sections 4.1, Land Use, and 4.12,
Transportation, evaluate potential impacts to IRAs.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to
the National Wilderness Preservation System.

Sections 3.3 and 4.3 discuss the existing biological resources and analyze
the potential impacts to these resources from the proposed project, including
potential impacts to wildlife. Section 4.3.2 states that the long-term
reductions in biological activity (e.g., lack of vegetation in an area due to
construction traffic) tend to be more pronounced in arid areas such as the
proposed project area where biological communities recover very slowly
from disturbances.

Costigan, Cheryl
Page 2 of 2

3 The service needs of the people of the city of Nogales and Santa Cruz county can still be met. Unfortunately, instead of building the small transmission line necessary to achieve this goal, TEP has proposed a massive, environmentally destructive, and extremely controversial powerline designed to export power to Mexico. This is WRONG.

4 The draft EIS is clearly inadequate, because it does not address important alternatives to TEP's powerline which would provide reliable service without destroying the environmental and cultural heritage of this area, and which would not require huge increases to consumers' electricity bills.

I have long been an advocate for sane energy policies, and the recent blackout in the Northeast is an urgent reminder that these energy policies should be based on serving the public interest, NOT corporate private profits.

5 I urge DOE to issue a new draft EIS which fully and rigorously explores all available options-including a local power plant and smaller power lines which would not serve Mexico-to meet the important public interest of providing reliable energy service to Santa Cruz County.

Thank you for your time and consideration. Please consider these official comments for entry into the public record.

Sincerely,

Cheryl Costigan
P.O. Box 490
Athol, Idaho 83801

Comment No. 3

TEP's purpose and need for the proposed project, as provided to DOE in TEP's Presidential Permit Application, is "...to construct a double-circuit 345 kV, alternating current transmission line to interconnect the existing electrical systems of TEP and Citizens Utilities ("Citizens") in Nogales, Arizona, with a further interconnection to be made from Nogales, Arizona to the CFE transmission system...." When a Federal agency is evaluating a request for a permit for a proposed action developed by a non-Federal applicant (e.g., TEP), CEQ has opined that Federal agencies should select alternatives which are feasible given the applicant's stated goals and reflect the "common sense realities" of the situation. Therefore, the Federal agencies are evaluating the proposed project presented by TEP to each of the Federal agencies (see Section 1.2.2, Federal Agencies' Purpose and Need Statements).

Comment No. 4

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Comment No. 5

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Davis, Jonathan E.
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From: jjedif@yahoo.com [SMTP:jjedif@yahoo.com]
To: Pell, Jerry
Cc:
Subject: TEP's proposed 345-kilovolt powerline
Sent: 10/9/2003 9:50 PM **Importance:** Normal

Dr. Jerry Pell
U.S. Department of Energy, Office of Fossil Energy (FE-27)
1000 Independence Avenue. SW
Washington, DC 20585

Dear Dr. Pell,

1 | Tucson Electric Power's proposed 345- kilovolt powerline
threatens to destroy some of the wildest and most important
wildlife areas of Arizona, including a proposed wilderness
area. A much smaller and less destructive powerline will
suffice to meet the needs of Americans; we Americans should
2 | not be paying, or destroying our wilderness areas, in order to
supply energy to Mexico. The draft EIS should be rejected,
and begun anew from scratch in order to consider more
reasonable and less destructive alternatives.

Sincerely,

Jonathan E. Davis
PO Box 555
Mesilla, New Mexico 88046

Comment No. 1

Sections 3.3 and 4.3 discuss the existing biological resources and analyze the potential impacts to these resources from the proposed project, including potential impacts to wildlife and wildlife habitat.

Section 5.2.4 acknowledges the citizen-initiated proposal for an addition to the National Wilderness Preservation System.

Comment No. 2

Section 1.2 of the Final EIS explains the roles of the Federal agencies in developing alternatives for the proposed project. Where an applicant seeks a permit for a particular business project, such as the case with TEP's proposed project, the Federal agencies generally limit their review of alternatives to those that would satisfy the applicant's proposal and decide whether that proposal is or is not worthy of receiving a permit. The Federal agencies do not review alternatives that are not within the scope of the applicant's proposal. Similarly, the agencies do not direct the applicant to alter its proposal; instead, the agencies decide whether a permit is appropriate for the proposal as the applicant envisions it. It is not for the agency to run the applicant's business and to change the applicant's proposal, but only to evaluate the environmental effects of the applicant's business proposal as offered. Accordingly, the EIS evaluates a reasonable range of alternatives, which include the full spectrum of alternatives that would satisfy the applicant's proposal.

Devick, Dale A.
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TEP Powerline Proposal

From: Daledgy@aol.com [SMTP:Daledgy@aol.com]
To: Pell, Jerry
Cc:

Subject: TEP Powerline Proposal
Sent: 10/13/2003 9:37 AM
Importance: Normal
Dr Jerry Pell,

Jerry, it has been some 2 years since Rich Bohman & I had the privilege of driving you around the Tubac area and having lunch with you at the Tubac Country Club. As I recall, you had a new camera and, as a fellow photography enthusiast, I have often wondered how your photos came out and are you still enjoying your hobby?

As you are well aware, we continue to struggle with the Tucson Electric Proposal, (Proposals) to build a 345 KV 1,000 MW power line down to the Mexican border, and on into Mexico, using the ruse and under the guise that Nogales needs an additional and alternate power source.

1 Considering that the Nogales area presently has adequate power through the present upgraded TEP 115 KV line, and that there is backup local generation capacity in place to pick up the load or augment the present power line capacity, it becomes obvious that the 1,000 Meg Watt 345 KV proposed line is simply a ploy by TEP to make a case for building the hugely over capacity powerline under the guise of supplying the Nogales area a backup source for its 50 to 60 MW needs. Further, there is no market in Mexico for the power TEP
2 proposes to sell to Mexico. The Mexican Constitution forbids importation of electricity. President Fox tried and failed to get support for a constitutional amendment that would allow

Comment No. 1

The ACC is vested with the state's authority to decide how it believes energy should be furnished within Arizona's borders (for example, the need for and effectiveness of transmission lines within its borders). Refer to ACC, Comment 1, and to the revised text in Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Committee, that provides explanation of the jurisdictions and authorities of the state and Federal agencies, and their relationship to this NEPA analysis.

As explained in section 2.1.5, improvements to the local distribution system (formerly Citizens) do not eliminate the need for the proposed second transmission line.

Comment No. 2

If TEP's proposed project is approved by each of the Federal agencies, then there would still be a variety of events that could preclude TEP from implementing this project, such as the possibility of failure by TEP to secure a power sales contract with CFE. Issuance of a Presidential Permit by DOE would only indicate that DOE has no objection to the project, but would not mandate that the project be built

Section 1.5, TEP's Proposed Project Capacity and Usage, explains the connection between TEP's proposed project and Mexico's electric grid. Also, the passage of NAFTA established the benefits of strengthening and enhancing the electricity trade with Canada and Mexico.

Devick, Dale A.
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- 2
cont. importation of electricity. Even if it were legal to export electricity to Mexico, the TEP proposal has no provision to connect to the Mexican standards and proposes to impose US standards on a good portion of Northern Mexico and make it part of the US Grid. After the recent collapse of the Northeastern and Canadian grid, it seems obvious that expanding the grid into Mexico would only increase the chance of a failure and bringing down the whole Western Grid. We must keep in mind that in many ways, Mexico is still a Third World Country with many problems and a general lack of adequate regulation and standards of and for utilities.
- 3
- 4 All that is required to satisfy the Arizona Corporation Commission mandate would be a simple 115 KV line paralleling the present 115 KV line, or even better, a locale generating facility in the immediate Nogales area, which would have the advantage of shorter lines and less line loss as well as isolating Nogales from some future TEP power outage.
- 5 TEP does not have the generating capacity to meet it's present needs, let alone, an additional 1,000 MW to deliver to an unknown customer in Mexico.
- 6 It seems to me that this whole attempt by TEP has deteriorated into an environmental and economic boondoggle of gigantic proportions, not only for Santa Cruz County, but for TEP itself. Therefore, I strongly urge you to use your influence to discourage any further waste of everyone's time and taxpayers money in such an ill conceived and irrational attempt by TEP, or any other party, to push through such an unneeded and potentially harmful proposal.

Comment No. 3

As part of DOE's decisionmaking process on whether to grant a Presidential Permit for the proposed project, DOE will determine whether the proposed project will adversely impact the reliability of the U.S. electric system. Also, before authorizing exports to Mexico over the proposed 345-kV facilities, DOE must ensure that the export will not impair sufficiency of supply within the United States and will not impede, or tend to impede, the coordinated use of the regional transmission system.

Comment No. 4

Refer to the response to Comment 1 above regarding the ACC.

A new power plant in Nogales is not a viable alternative to a new, second transmission line (part of TEP's proposal). Therefore, the alternative of a new power plant is not evaluated in detail in this EIS. Likewise, a smaller transmission line in lieu of the proposed 345-kV line would not meet the international interconnection aspect of TEP's proposal, and therefore is not evaluated in detail in this EIS. (Refer also to Section 2.1.5, Alternatives Considered But Eliminated From Further Analysis.)

Comment No. 5

Analysis of the generation capacity of TEP is outside the scope of the EIS. Section 3.11.1 of the Final EIS has been revised to clarify that the proposed project does not include either the development of new or expansion of existing power generation facilities. The proposed project would utilize existing power on the Western electric grid. In addition, note that TEP anticipates using 400 MW of capability for transport of energy between the United States and Mexico rather than 1,000 MW as cited by the commentor (see Section 1.5, TEP's Proposed Project Capacity and Usage, of the Final EIS).

Comment No. 6

The Federal agencies note the commentor's preference for the No Action Alternative.