Kalil, Frank
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From: Frank Kalil [SMTP:frank@kalilco.com]
To: Pell, Jerry
Cc:
Subject: AZ POWER LINE PROPOSAL
Sent: 8/30/2003 7:05 PM **Importance:** Normal

1 AM I TO UNDERSTAND THAT WE ARE TO FURTHER POLLUTE THE AIR AND VIEW BETWEEN TUCSON AND THE MEXICAN BORDER JUST TO ENABLE T.E.P. TO SELL POWER TO MEXICO? ISN'T IT BAD ENOUGH THAT WE HAVE BECOME CALIFORNIA'S SEWER?

Comment No. 1

Sections 3.8 and 4.8 discuss the existing air resources 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.

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From: Frank Kalil [frank@kalilco.com]
Sent: Friday, September 26, 2003 1:57 PM
To: Pell, Jerry
Subject: MEXICAN POWER LINE

1 I'M CONCERNED THAT TUCSON ELECTRIC POWER
WANTS TO FURTHER POLLUTE THE TUCSON AIR
2 JUST TO SELL POWER TO MEXICO. LET MEXICO
PRODUCE THEIR OWN POWER. OVERHEAD LINES
1 cont. WILL ADD EVEN MORE OF THEIR VISUAL
POLLUTION. THEY HAVE ALREADY DECIMATED
PRISTINE AREAS JUST FOR PERSONAL PROFIT.
YOU SHOULD SEE WHAT THEY DID TO THE
RILLITO RIVER. I'M SURE THEY COULDN'T GET
AWAY WITH THAT TODAY. ASSETS WHICH
3 BELONG TO ALL OF US SHOULD NOT BE USED FOR
THEIR PERSONAL GAIN. THANK YOU.

Comment No. 1

Sections 3.8 and 4.8 present a description of the existing air resources 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.

Comment No. 2

This EIS addresses the environmental impacts that would accrue if a transmission line were constructed within one of the three corridors identified. There are 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, the national electric utility of Mexico.

Comment No. 3

Potential economic benefit to TEP from the proposed project is outside the scope of the EIS.

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October 14, 2003

Dr. Jerry Pell
Office Of Fossil Energy
U.S. Dept. Of energy
1000 Independence Ave., S.W.
Washington, DC 20585

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

Dear Dr. Pell:

I am providing public comment as property owner and resident of the Arivaca area, near the Western Corridor of the power line. My family has lived in this area since 1879. All comment I made in the previous period still stands. Below are my comments regarding this Draft EIS:

1 I favor a No Action Alternative. If a power line must be constructed, I favor the Central Corridor. I am absolutely opposed to the Western or Crossover Corridors. There are absolutely no justifiable reasons for the Western Corridor choice. The Western Corridor is the least defensible route environmentally. I will provide additional comments to support this opinion below, referencing the Draft EIS:

2 Page 1-6: Preferred Alternative Corridor: If the only corridor that will be ultimately considered is the Western Corridor, because the Arizona Corporation Commission (ACC) has chosen it as their Preferred Corridor, why is the Crossover Corridor now being added? It was not considered by the ACC. In addition, most of the material in this Draft EIS was not available to the ACC, thus their opinion was based on incomplete information.

Comment No. 1

Chapter 3 presents a description of the affected environment, and Chapter 4 analyzes the potential impacts to the environment from the three proposed corridors.

Comment No. 2

All three corridors that are evaluated in detail in the EIS (the Western, Central, and Crossover Corridors) and the No Action Alternative are under consideration by each of the Federal agencies. Each Federal agency has designated their preferred alternative(s) in Section 1.4 of the Final EIS, as required by NEPA (40 CFR Part 1502.14[e]). Each agency is authorized to select its own preferred alternative, regardless of the actions of other agencies or the ACC. The Final EIS, including public input received during public scoping and review of the Draft EIS, will be used by each agency to make informed decisions in their respective RODs. For further explanation of the decision framework, refer to Section 1.6.6.

Section 1.1.2, The Origin of TEP's Proposal: TEP's Business Plan and the Proceedings of the Arizona Corporation Commission, of the Final EIS includes an explanation of the relevant ACC decisions and the relation to TEP's proposed project, including the fact that ACC Decision No. 64356 (ACC 2002) approved only TEP's proposed Western Route. 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).

However, while the Central Corridor remains a viable alternative for selection by the Federal decisionmakers in their respective RODs, 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.

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2 cont. Despite the preference of the ACC for the Western Route, the Central Route is the most logical route because it would be the easiest route for construction, cost the least, and would do the least damage to the environment. The Western Corridor is the least defensible route for the purposes of this EIS. For this reason I will call for this Draft EIS to be returned to the ACC for reconsideration before a final decision is made by the DOE.

3 Page 1-7: TEP initially proposed this project to "assist Citizens Utility," and the connection with Mexico was not emphasized in the initial hearings in front of the ACC. Now it is apparent that a Mexico connection was the main purpose for TEP's actions. This Draft EIS does not cover all the issues that will be encountered when power lines are extended into Mexico. In the "Issues Out of Scope of the EIS" listed on page 1-12, the concerns regarding Mexico and the reliability and security concerns involved with any connection that travels into Mexico are considered "out of scope." It does not behoove the DOE to ignore security and reliability issues when issuing a Presidential Permit to allow power lines into Mexico, a country that has never had and does not now have the best interests of the United States at heart. There is a great amount of precedent for these concerns. The DOE is the agency responsible for the safety of the American people where these power lines are concerned. Thus this Draft EIS is incomplete if these concerns are not addressed.

2 cont. Page 1-9: The USFS should be able to determine where the site-specific location for the power line would go and not need to follow the ACC's determination of the use of the Western Corridor, if that would do the most ecological damage. The USFS has the responsibility of protecting its lands, which it has done since 1906 in this area. Protective measures have increased over the years. The DOE must not allow a power

Comment No. 3

As discussed in Section 1.6.2, Issues Out of Scope, while examining reliability of the U.S. electricity grid is part of DOE's Presidential application review process, such an examination does not involve the study of environmental impacts and does not require assessment in the EIS. DOE will not "ignore" reliability issues, as suggested by the commentor. Security issues within the United States are addressed in Section 4.11, Infrastructure, and security issues in Mexico are outside the scope of the EIS.

Comment No. 4

Sections 3.7 and 4.7 present a description of the existing water resources and analyze the potential impacts to these resources from the proposed project.

Comment No. 5

Hard copies of the appendices were available upon request to the DOE contact in the cover letter of the Draft EIS.

Comment No. 6

The commentor expresses concern about the ecological integrity and sensitive nature of the Western Corridor, and states that site-specific information was provided to DOE and the ACC.

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.

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.

All information received from the public was reviewed and considered in preparation of the EIS to the extent that it was relevant to environmental analysis of the proposed project at the level of detail that is appropriate for an EIS.

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4 line into an extremely sensitive ecological watershed (the Western Corridor and the Crossover Corridor), particularly when there are no justifiable reasons for it.

5 Page 1-10: Public participation. As I indicated in my email to Dr. Pell dated 10/8/03 in my capacity as Librarian of the Arivaca Library, public notice was incomplete in Arivaca. The appendices D, E and F were only available on CD, which could not be read on the public computers of the Arivaca Library. As of this writing, copies are still not available.

6 Page 1-11: Please note that 111 commentators raised issues regarding the ecological integrity and sensitive nature of the Western Corridor (and Crossover Corridor). I intend to emphasize this same concern in my comments below, because site-specific information is not provided in this Draft EIS. I provided it in my comments in 2001 both to the DOE and the ACC and thus it was available to TEP and their contractors.

7 Page 2-1: TEP Corridor Identification Process: If TEP was to actually follow the principles given in this section, the Western Corridor would be eliminated. It does not have an existing utility corridor, it does not have existing infrastructure to follow along most of its route, it contains the most sensitive and regulated habitat for threatened or endangered species, including the Pajarita Wilderness, the Goodding Research Natural Area, USFS roadless areas, and a AAA-designated scenic road-- the Ruby Road.

8 The cost of construction of a line on the Western Corridor would be higher because it is longer, 65.7 miles versus 57.1 for the Central Route, would have more environmental impacts thus more mitigation costs, and is technically a more difficult terrain to traverse than the Central Corridor.

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.

Comment No. 8

The construction costs of each of the three action alternatives (the Western, Central, and Crossover Corridors) would be roughly similar (see Section 4.5.1). Section 4.5 analyzes the potential socioeconomic impacts that could result from the proposed project based on a number of factors including the cost of the proposed project. Any additional analysis of the cost of the proposed project is outside the scope of the EIS.

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8 cont. The number of poles and towers will total 429 on the Western Corridor, 431 on the Crossover, but 373 on the Central Corridor, or 56 fewer poles than the remote routes.

The Western Corridor would disturb permanently 29 acres and the Crossover Corridor 36 acres, while the Central only 23. Temporary disturbance would impact 197 acres on the Western, 238 on the Crossover, and only 105 on the Central. Fewer new access roads would be needed on the Central Corridor.

2 cont. The Central Corridor is the most logical route because it would be the easiest route for construction and would do the least damage to the environment. The Western Corridor is the least defensible choice for a route for the purposes of this EIS.

9 Page 2-2 and 2-12: TEP would close 1 mile of existing road for every 1 mile of road they need for project maintenance. This is one of the beauties of this area: THERE ARE VERY FEW EXISTING ROADS. The roads that do exist now on the west side of the Tumacacoris and Atascosas are necessary for the USFS and the ranchers who have these grazing allotments. TEP cannot close these necessary roads in order to mitigate the construction it plans.

Road construction by TEP will open up an area that is currently not open to the public because roads are too difficult to build in this terrain, topography and type of soil. The west side of the Tumacacoris, Apache Pass, Peck Canyon, and Bear Valley will be ruined by these roads. During construction, TEP's roads will irreparably damage the watershed of Sycamore Canyon, and no mitigation will be successful. If it

Comment No. 9

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 and would be identified through the authorization process. TEP has already had preliminary consultations with USFS regarding the closure of roads. 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.

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 against other potential impacts to the area. The impacts of roads associated with the proposed project are evaluated in Chapter 4, Environmental Effects, in each respective resource area (e.g., visual impacts are evaluated in Section 4.2, and watershed impacts are evaluated in Section 4.7, Water Resources).

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.

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9 cont. were possible to make roads in this area, there would already be roads, but there are not. Hunters, treasure hunters, pot hunters, off-road vehicle aficionados and illegal migrants will be the winners. There are no gates, posts or berms that will keep people off the power line roads once they are constructed. Thus this proposed mitigation cannot and will not happen on the Western Corridor despite the claims of this Draft EIS on pages 2-12 to 2-22. Irreparable damage will occur.

Specific Comments on Proposed Action and Alternatives

2 cont. Pages 2-23 – 2-41 offer comparison between the three corridors. Using the own words of the Draft EIS to support my contention that the Western Corridor is the least desirable, I quote from this Draft EIS (my comments are in italics):

Land Use: "The Central Corridor is shorter than the Western and Crossover Corridors"[by 14 miles.] "The Western and Crossover Corridors pass primarily through undeveloped land with few residences, five houses approximately 1,000 ft from the centerline west of Sahuarita."

"In addition to the residences near the Western Corridor, the Central Corridor centerline passes approximately 1,000 feet from eight residences in the vicinity of Tubac." *That is, ONLY EIGHT HOUSES MORE in the Central than the more remote routes. These eight homeowners must be very powerful people.*

10 Page 3.2: A National Forest Plan would have to be amended because 27.5 miles of power line would be in the Coronado National Forest. *If the current plan is the highest and best usage of the land in the CNF, why should they be*

Comment No. 10

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. As discussed in Section 1.2.2 of the EIS, the purpose and need for USFS action is to determine whether the proposed project development is appropriate within the Tumacacori EMA within the Coronado National Forest. If the proposed transmission line development is appropriate, USFS would work with TEP to decide the site-specific location for the line and support structures, mitigation measures and best management practices to be implemented to reduce environment effects, permit issuance terms and conditions, and pre- and post- construction reporting and monitoring. Analysis of the proposed Forest Plan Amendment is contained in Appendix H.

Comment No. 11

Sections 3.1.2 and 4.1.2 present a description of the existing ROS settings, and analyze the potential impacts to these ROS settings from the proposed project. Figure 3.12-1, Roads Within the Tumacacori EMA, shows the existing roads in the vicinity of the Western Corridor on the west side of the Tumacacori Mountains.

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10 cont. *expected to negate it in favor of commercial interests that have nothing to do with the goals and objectives of the USFS, i.e. not agricultural.*

Recreation: "A Forest Plan amendment would be required to implement any of the three proposed corridors on national forest land. Because the Central Corridor has the longest segment that follows or crosses an existing pipeline ROW, fewer new access roads would be required [for the Central Corridor] than for the other alternatives..."

"The Western and Crossover Corridors would have greater overall impacts than the Central Corridor to ROS settings on the Coronado National Forest."

"The Western Corridor would have an unacceptable impact on Naturalness where it runs adjacent to Ruby Road for approximately 4 mi southwest of the Atascosa Mountains.

11 Most of the Western Corridor would be inconsistent with Remoteness. The length of the Western Corridor on the CNF affects the extent of potential recreation impacts on the CNF." *(at this point on the Ruby Road, speed limit is approximately 15 miles an hour. Four miles=1 hour driving time with the power line next to the road in the viewshed.)*

Page 3-11: "Upon turning north from Ruby Road, the Western Corridor runs west of the Atascosas…Access to this area is limited to roads assigned for use by high-clearance vechicles, on which traffic is normally minor…this area is more remote than along Ruby Road, as the only evidence of human activity are dirt roads and occasional foot trails…The naturalness is very high…" *Naturalness is what makes this area valuable. There are so few natural and also beautiful areas left in the United States. The Draft EIS neglects to mention that north of Corral Nuevo to the Arivaca Road there are virtually no roads, especially none paralleling the*

Comment No. 12

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. 13

The statement that the area of land that would have reduced Scenic Integrity as a result of the Western or Crossover Corridors is approximately double the area of reduced Scenic Integrity from the Central Corridor is correct (see listing of areas under Visual Resources in Table 2.3-1).

Section 4.2.1 states that the proposed transmission line in the Western Corridor would be highly visible in the immediate foreground in the segment where the two overlap. However, as further described in this section, the proposed transmission line in the Western Corridor would be sited immediately adjacent to Ruby Road in this segment such that the viewshed looking to the south (standing on Ruby Road, almost directly underneath the transmission line) would be protected.

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11 cont. *mountains, near the proposed Western Corridor. The Central Corridor is similar. Peck Canyon is also beautiful and natural.*

Page 4-9: [On Western Corridor] "Permanent access roads would be closed to public access; nonetheless, some increase in foot and all-terrain vehicle traffic may occur. Remoteness would be decreased. Naturalness would decrease from very high to moderate and low with minimum access roads, or to moderate, low and very low with full access roads. These changes are <u>not compatible</u> with ROS class." [underlining mine]

Page 4-15: "...the Western and Crossover Corridors would have greater overall impacts to ROS settings on the Coronado National Forest than the Central Corridor."

12 *A Power line on either the Western and Crossover corridors would provide a ready, well-marked passageway north for undocumented immigrants and an increase in Border Patrol use.*

13 **Visual:** "The area of land that would have reduced Scenic Integrity as a result of construction and operation of the Western or Crossover Corridors is approximately double (*Actually, four times*) the area of reduced Scenic Integrity for the Central Corridor...While siting the Western Corridor transmission line immediately adjacent to portions of Ruby Road would have a maximum visual impact along Ruby Road, it would protect the viewshed to the south (towards the Pajarita Wilderness) for the public (including photographers)..." *This is wrong: the power line will be on the south side of Ruby Road (see map on page3-17) thus the viewshed to the south for several miles along the Ruby Road*

Comment No. 14

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.

The Federal agencies agree that Visual Simulation 3 is not an actual photograph, but the simulation is included in the Final EIS because it shows the location of the proposed transmission line in relation to Ruby Road. Other visual simulations in the Final EIS that use actual photographs accurately represent the visual qualities of the project area.

Comment No. 15

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 special status species.

As discussed in Section 4.6.1.1, there is a potential for ground failure where the Western Corridor crosses steep mountain ridges. Relatively intact bedrock, which is not subject to ground failure, is near to or exposed to the ground surface along the majority of the Western Corridor on the west side of the Tumacacori Mountains. These conditions should be suitable for supporting poles on a rock bolted base. To ensure structure stability, TEP would conduct detailed geotechnical studies at the potential locations for tower structures to determine the suitability of specific areas, once a corridor has been selected.

Comment No. 16

Biologist that prepared the BAs used general and site-specific sources as cited in the BAs that were adequate to evaluate the potential biological impacts from the proposed project.

Section 3.3.3 and 4.3.3, Specials Status Species, of the Final EIS have been revised to address the species cited by the commentor.

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13 cont. *will be maximally impacted instead of protected.)* Also see page 3-16: there are 21.2 miles of Distinctive Scenic Attractiveness on the Western Corridor, versus 5.4 on the Central.

14 Page 4-22: Predicted scenic integrity if project is constructed in the Western Corridor would go from Very High and High to Very Low along the Ruby Road. *This will impact tourism in this area, including the destinations of Arivaca and the Buenos Aires Refuge. There is no photo of the Ruby Road with the power line running along it. Visual Simulation 3 bears no resemblance to the real view.*

Page 3-18: "The human alterations to the natural landscape are minimal along the Western Corridor within the Coronado National Forest…Especially to the south and west of the Tumacacori and Atascosa Mountains, the landscape is pristine as far as the eye can see, resulting in very high Scenic Integrity (the landscape is intact.) Map on page 3-20 shows High Public Value for the entire Western Corridor within the National Forest.

Biological Resources.

15 According to the Environmental Assessment of the Santa Cruz Study Area (1995) made for TEP by Harris Environmental Group, she recommended against the use of what would come to be known as the Western Corridor. *I quote*: " Semidesert grassland should be the preferred area to place the transmission line for the following reasons: relatively few numbers of special status species, proximity to Interstate 19 corridor, and small acreage of federal land holdings." *(Central Corridor)* She recommended against the Atascosa Mountains because of: "high number of special status species, most of the habitat is owned and

Comment No. 17

As discussed in Section 4.3.1, biodiversity in the area results from the convergence of the climatic zones, topographic relief, variable geology, and precipitation patterns. The proposed project would not alter these factors on a scale that would cause a regional decline in biodiversity.

Comment No. 18

Application of BMPs for road and tower construction, revegetation for roads not needed for ongoing maintenance, and spot repairs of existing roads would mitigate the potential for impacting USFS water resource parameters on the Coronado National Forest, including the Sycamore Canyon watershed.

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 from roads 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

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15 cont. administered and engineering problems associated with steep canyons and slopes." (p. 5-6)

RE: Appendix D (Harris Environmental group's Draft Biological Assessment) of Draft EIS:
This document is incomplete and inadequate. It is general and not sufficiently site specific to the Western Corridor. I contend that the entire Draft EIS is incomplete and inadequate if the most site-specific information is omitted.
Appendix D does not contain references to the specific scientific journal articles that pertain to studies done in Sycamore Canyon, Pena Blanca Canyon and/or their watersheds. I include a bibliography of those articles at the end of this letter.

16 *I contend that an adequate biological assessment was not done of this sensitive and special area. Harris used lists obtained from Arizona Game and Fish Dept to determine the special species at risk, however, the following special status species listed by AGFD, Heritage Data Management System, obtained by the author on 7/26/01 for the area of the Western Corridor, are not mentioned in this Draft EIS:*
Great Plains Narrowmouth Toad (Gastrophryne olivacea)
Yellow-nosed cotton rat (Sigmodon ochrognathus)
Pima Indian Mallow (Abutilon parishii)
Supurb beardtongue (Penstemon supurbus)
Mexican lobelia (Lobelia laxiflora)
Whisk Fern (Psilotum nudum)
Lemmon Cloak Fern (Notholaena lemmonii)

Draft EIS, comparison of special status species by corridor, page 2-35: There is habitat on the Western Corridor for 10 federally listed species, v. 7 on the Central. There are 74 special status species on the Western Corridor, v. 62 on the Central.

Comment No. 19

This concern is stated in Sections 3.4 and 4.4 of the EIS, which acknowledges that only a small percentage of each corridor has been surveyed for cultural resources, and that unrecorded sites are expected in all of the corridors. If an action alternative is selected, the Federal agencies will follow a Programmatic Agreement with the Arizona State Historic Preservation Office (SHPO), interested tribes, and TEP guiding the treatment of cultural resources. 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.

Comment No. 20

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. 21

To ensure structure stability, TEP would conduct detailed geotechnical studies at the potential locations for tower structures to determine the suitability of specific areas, once a corridor has been selected.

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Impact of construction on Biological Resources:

17 Page 4-52: "Individual plant and animal species whose occurrences are considered rare in the proposed corridors may be directly or indirectly impacted through the construction, maintenance and/or operation of the proposed powerline. No decline in the biodiversity of the region is anticipated as a result of the three proposed corridors." *How is it possible that TEP can make such a blanket statement in light of the information provided in this Draft EIS to the contrary?*

Page 2-34: "Because the proposed project would be in an arid area, where vegetation recovers very slowly, disturbances due to construction could have long-term impacts. The Western Corridor has the highest potential for adverse effects to special status species."

Page 3-93 "Because most wildcat roads...may not meet technical or environmental protection standards, they may post a threat to both the environment (for example, increased sedimentation in riparian corridors) and to user safety."

18 *I agree and contend that damage to the Sycamore Canyon watershed by roads used to access the transmission line either during construction or afterwards will directly affect the Canyon itself and its unique ecology, due to the constricted nature of the canyon and the effects of future flooding with additional sedimentation. Unique flora and fauna that inhabit the canyon bottom will be adversely affected by the effects of erosion caused by road construction and subsequent usage. This effect has not been sufficiently taken into consideration by this Draft EIS.*
I contend that road rehabilitation cannot be done as confidently stated in this Draft EIS because of the nature of

Comment No. 22

As discussed in Section 4.6.2, Soils, information regarding site-specific conditions where individual roads are planned would be used during design and construction of the new roads to calculate and minimize erosion. TEP is in consultation with USFS regarding development of BMPs for minimizing impacts on geologic, soil, and water resources from the proposed project, in accordance with the USFS "Soil and Water Conservation Practices Handbook."

Comment No. 23

Sections 3.6 and 4.6 present a description of the existing geologic and soil resources and analyze the potential impacts to these resources from the proposed project, including potential impact from geologic hazards to the proposed project.

Comment No. 24

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) is not within the Western Corridor or any of the proposed corridors. 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 value cited in Table 2.3-1 of the Draft EIS under Water Resources for the Western Corridor of 1.97 acres of 100-year floodplain is correct, although this number has been revised in the Final EIS based on the 500-year floodplain analysis that the Federal agencies conducted.

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the geology of the area and the nature of the future road users who are waiting in line to get into this area with their ATVs.

18 cont. *Figure 3.12-1: map showing roads and areas that will need prescriptive maintenance for the construction vehicles: compare the Western Corridor with at least 120 sites that will need road work, v. 24 for the Central Corridor. You cannot separate road building impacts from biological impacts.*

Cultural Resources. "Although there may be a greater number of cultural resource sites in the Central Corridor, the majority of these have already been disturbed by construction of the existing EPNG pipeline... "Representatives of several tribes have stated that they are opposed to the project, but they would prefer that the project be constructed along the Central Corridor, if it is to be built at all."

19 *Note: The Western Corridor has never been surveyed for archaeological sites, as there has been no need in the past. Because of little human impact, the Western Corridor has the most potential for damage to sites known by local residents to exist. There are known Native American trails, both prehistoric and historic, that use the Western Route from Sycamore Canyon north to the Sopori Wash. There are known habitation sites for prehistoric peoples along all washes and their tributaries. I have seen sites at Bear Grass Tank and know of sites at Indian Hills Tank and Apache Pass, and there are petroglyphs on the walls of Peck Canyon. One should assume there are many more.*

20 **Socioeconomics.** "...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 decision making." *Property values are*

Comment No. 25

Sections 3.9 and 4.9 present a description of the existing noise and analyze the potential impacts to these resources from the proposed project, including potential impacts from corona effect. Sound level measurements taken during fair weather at existing TEP 345-kV transmission lines indicate only a 2 to 3 dB difference between background noise levels and levels beneath the transmission line. Changes in sound level of +/-5 dBA over a long period of time (such as the relatively constant noise from the corona effect) would generally be perceived as "barely perceptible." Therefore, noise from the corona effect would have little or no impact on noise levels along the Western Corridor.

Comment No. 26

Section 3.10, Human Health and Environment, acknowledges the present uncertainty regarding EMF health effects, and contains a summary (with back-up material in Appendix B) of the existing credible scientific evidence relevant to evaluating the potential impacts of EMF, as required by NEPA-implementing regulations (40 CFR 1502.22). 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.

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20 cont. *most important to those living near the south part of the Central Corridor, since there are more people living there than on the other corridors, so if their opinions are not to be taken into consideration, then the Central Corridor is the most logical one to follow.*

21 **Geology and Soils:** "Potential for ground failure exists in mountainous areas…steep terrain in the southern portion of the [Western] corridor increases potential for ground failure" *Along the Western Corridor the slopes are commonly 30 to 50 degrees through the Atascosas, along the Ruby Road, thus the Western Corridor has the greatest potential for ground failure, as does the Crossover Corridor through Peck Canyon.*

18 cont. "Road construction on unconsolidated alluvium could cause soil erosion and compaction*."*

Page 3-70: The proposed project (Western Corridor) crosses the Sycamore Canyon watershed, but is north of the nominated section..."*It is immediately upstream of this section. Any alluvium immediately upstream of Sycamore Canyon will be affected by road building and erosion will negatively impact the fragile ecosystem in the canyon bottom. Flooding is common in this area and the Forest Service has spent years increasing the protection of this ecosystem, by removing cattle and roads. Now that it is relatively protected, will you now undo everything the USFS has done for the last 30 years?*

22 Page 3-63: "Relatively intact bedrock is near to or exposed at the ground surface along the majority of the Western Corridor on the Western side of the Tumacacori Mountains." *On the Western and Crossover Corridors there are soils unsuited for roads, thus no roads have been built in the past. These include the Tertiary volcanic rocks shown in Figure 3.6-1*

Comment No. 27

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, Alternatives Considered But Eliminated from Further Analysis, of the Draft EIS).

Comment No. 28

As discussed in Section 4.12, Transportation, short-term traffic delays may be encountered during construction when the proposed transmission line crosses major roads. Traffic mitigations, such as the use of flagmen, would be employed to mitigate traffic delays on these roads.

Comment No. 29

Refer to the response to Comment 25 above regarding potential noise impacts from the corona effect.

Comment No. 30

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

Comment No. 31

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

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22 cont.

along the western side of the Atascosa Mountains. Lampshire-Chiricahua-Graham soils are very cobbly loose soils, which do not lend well to road building. "Erosion hazard is high on steep slopes in the Atascosa and Tumacacori Mountains". *(page 3-68) The Ruby road, along which the power line will follow, is on a steep slope of the Atascosas.*

Page 3-65: "A majority of the Central Corridor near and on the Tumacacori EMA has exposed soil at the surface rather than bedrock..." *Road building for construction purposes would be easier on the Central Corridor than on the Western or Crossover.*

23

Page 32-61: Seismic hazards. *The author's grandfather, Arthur Noon, a rancher and miner, noted numerous rockfalls in the area of Montana Peak and Atascosa Peak during the 1887 earthquake, which he witnessed. Rockfalls of the type he described would damage the power poles. No such similar hazard exists on the Central Corridor.*

24

Water Resources: "The Western and Crossover Corridors would have the greatest potential to impact floodplains in the project area."

"None of the corridors cross any eligible or designated Wild and Scenic Rivers." *This is incorrect: Sycamore Canyon is an eligible Wild and Scenic River and the Western Corridor power line would follow its upper watershed from Apache Pass south to where the Canyon narrows at Hank and Yank Spring. On the chart on page 2-37 the figure of 1.97 acres for the Western Corridor obviously does not include the newly constructed roads in the entire watershed from Arivaca Road south to Ruby Road. Since there are virtually no roads in the area there will need to be more than 20 miles of construction.*

Comment No. 31 ***(continued)***

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. Refer also to the response to Sky Island Alliance, Comment 14.

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

Comment No. 32

The Federal agencies note the commentor's requests that DOE only issue a Presidential Permit if the Western or Crossover Corridors are not the final choice for the proposed project.

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25 **Noise:** "Long-term noise from the corona effect on transmission lines would generally be lost in background noise." *This is only applicable on the Central Corridor: there is virtually no human noise "background noise" on the entire expanse of the Western corridor south of the Arivaca Road except for occasional cars on Ruby Road.*

26 **Human Health and Environment:** "There would be no [human] health effects from this exposure." *This is certainly a debatable issue, which I personally am not prepared to discuss.*

27 **Infrastructure.** *The power line should follow existing right of ways in the Santa Cruz Valley and not add new ones.*

28 **Transportation.** "Because the Central Corridor has the longest segment following the EPNG pipeline RPW, fewer temporary new access roads would be required than for the other alternatives...Short-term traffic disruptions on major roads such as I-19 or Ruby Road could occur during construction." *Ruby Road will be inaccessible during construction as it is only barely wide enough for two cars—passing large construction vehicles will not be possible.*

29 **Floodplains and wetlands.** The Western Corridor will cross numerous drainages upstream of Sycamore Canyon Creek and within 2 mi. of a total of 10 mapped springs. *These springs are used by the fauna of the area, which may be affected by power line noise and potential users of the roads that will be constructed on and to the ROW. The Central Corridor will not come near any mapped springs.*

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Minority and low-income populations

30 *The town of Arivaca is a low income area (see 2000 Census, detail available at the Arivaca Library) and dependent on ecotourism (birding) for much of its income, especially for the stores, restaurants, artists' cooperative, and hotel facilities (B&Bs). This power line along the Western Corridor will permanently destroy the beautiful birding route from Nogales to Arivaca, from the birding areas of Patagonia to the birding areas on the Buenos Aires National Wildlife Refuge. What tourist will want to go on the Ruby Road with the powerline along the roadside for miles? The correlation between visual damage and ecotourism is not covered in the Draft EIS. I enclose a bibliography of sources that illustrate the impact of ecotourism on the Arivaca area, and the value of the Ruby Road birding/butterfly route.*

31 *TEP will contribute to environmental justice by providing illegal immigrants from Mexico a well-marked road north to their jobs in the United States, no matter which corridor is chosen. For an example of this, see the power line ROW in the Altar Valley from Sasabe to Three Points.*

Conclusions

32 In summary, I believe that the Draft EIS itself is the best defense against the choice of the Western and Crossover Corridors in the siting of the power line. The Central Corridor would be shorter, less expensive for construction purposes and will do less damage to significant environmental sites. In no place is the Central Corridor

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32 cont. shown by this Draft EIS to have greater environmental value than the two more western corridors. I ask that the DOE issue a Presidential Permit only if the Western or Crossover Corridors are not the final choice for a power line.

Respectfully,

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