

Director's Protest Resolution Report

**APS Sun Valley to Morgan
500/230kV Transmission Line
Project Final Environmental
Impact Statement and
Proposed Resource
Management Plan
Amendment**

January 15, 2014



Contents

Reader's Guide..... 3
List of Commonly Used Acronyms 4
Protesting Party Index..... 5
Issue Topics and Responses..... 6
 Scenic Corridor 6
 Wildlife..... 7
 Birds 9

Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided up into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the BLM's response to the summary statement.

Report Snapshot

Issue Topics and Responses
NEPA

Topic heading

Submission number

Issue Number: PP-CA-ESD-08-0020-10
Protest issue number

Organization: The Forest Initiative
Protesting organization

Protester: John Smith
Protester's name

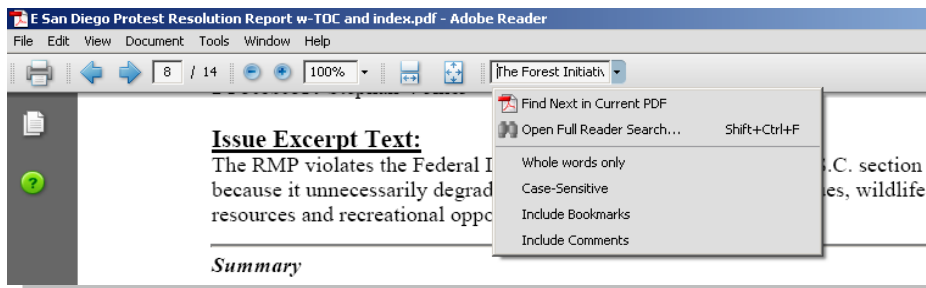
Issue Excerpt Text:
Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.
Direct quote taken from the submission

Summary
General statement summarizing the issue excerpts (optional).
There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

Response
BLM's response to the summary statement or issue excerpt if there is no summary.
Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized alphabetically by protester's last name.
2. In Adobe Reader search the report for your name, organization or submission number (do not include the protest issue number). Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	IB	Information Bulletin
APD	Application for Permit to Drill	IM	Instruction Memorandum
BA	Biological Assessment	MOU	Memorandum of Understanding
BLM	Bureau of Land Management	NEPA	National Environmental Policy Act of 1969
BMP	Best Management Practice	NHPA	National Historic Preservation Act of 1966, as amended
BO	Biological Opinion	NOA	Notice of Availability
CAA	Clean Air Act	NOI	Notice of Intent
CEQ	Council on Environmental Quality	NRHP	National Register of Historic Places
CFR	Code of Federal Regulations	NSO	No Surface Occupancy
COA	Condition of Approval	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
CSU	Controlled Surface Use	RFDS	Reasonably Foreseeable Development Scenario
CWA	Clean Water Act	RMP	Resource Management Plan
DM	Departmental Manual (Department of the Interior)	ROD	Record of Decision
DOI	Department of the Interior	ROW	Right-of-Way
EA	Environmental Assessment	SHPO	State Historic Preservation Officer
EIS	Environmental Impact Statement	SO	State Office
EO	Executive Order	T&E	Threatened and Endangered
EPA	Environmental Protection Agency	USC	United States Code
ESA	Endangered Species Act	USGS	U.S. Geological Survey
FEIS	Final Environmental Impact Statement	VRM	Visual Resource Management
FLPMA	Federal Land Policy and Management Act of 1976	WA	Wilderness Area
FO	Field Office (BLM)	WSA	Wilderness Study Area
FWS	U.S. Fish and Wildlife Service	WSR	Wild and Scenic River(s)
GIS	Geographic Information Systems		

Protesting Party Index

Protester	Organization	Submission Number	Determination
Mr. Donald Begalke	Individual	PP-AZ-SunValley-13-01	Dismissed – Comments Only
Ms. Sandy Bahr	Sierra Club – Grand Canyon Chapter	PP-AZ-SunValley-13-02	Denied – Issues, Comments

Issue Topics and Responses

Scenic Corridor

Issue Number: PP-AZ-SunValley-13-02-24

Organization: Sierra Club – Grand Canyon Chapter

Protestor: Sandy Bahr

Issue Excerpt Text:

The FEIS gives a brief paragraph on the Maricopa County Zoning Ordinance that established the Highway 74 Scenic Corridor (FEIS, pg. 3-137). The BLM failed to adequately address the impacts to the scenic corridor and failed to correct the deficiency in the FEIS, especially regarding the suitability of building transmission lines north of SR74 on the Scenic Corridor.

Summary:

The BLM does not satisfactorily disclose the impacts of the proposed action on the SR74 scenic corridor.

Response:

The BLM did disclose that the proposed alternative adheres to the standards and guidelines set forth in the Maricopa County Zoning Ordinance. It is also noted that while the proposed route is in compliance with state land management plans and zoning, the other action alternatives that were analyzed would require amending the certificate for the Arizona Corporation Commission. (FEIS/PRMP, pg. 2-73).

Additionally, the BLM analyzes the impacts to the Highway 74 Scenic Corridor in detail in section 4.14 of the APS Sun Valley to Morgan FEIS/PRMP. The FEIS/PRMP does note that the impacts common to all action alternatives include removal of vegetation in the ROW area, ground disturbance from centerline road access, as well as some potential visual disturbances resulting from transmission structures. (FEIS/PRMP, pg. 4-152). Further analysis regarding the suitability of the lines north of the SR74 Scenic Corridor is included in section 4.14.2.2 of the FEIS/PRMP. Visual impact analysis from the proposed action is simulated and disclosed along key observation points (KOP).

Wildlife

Issue Number: PP-AZ-SunValley-13-02-29

Organization: Sierra Club – Grand Canyon Chapter

Protestor: Sandy Bahr

Issue Excerpt Text:

The FEIS does not acknowledge that the sources used to determine presence of a species in the project corridor do not provide a complete representation. For example, we assume that one of the tools used was the Arizona Game and Fish Department's Heritage Data Management System (HDMS). However, the HDMS relies on incidental observations and data from surveys that have been conducted in an area and does not provide a complete representation of species located in that area. Additionally, many observations and survey results are not reported and, therefore, are not included in the HDMS.

In order to gain a better understanding of what species may be affected by this project, thorough surveys need to be conducted within the project corridor and in the surrounding areas. The FEIS briefly discusses field reconnaissance surveys that were conducted (FEIS, pg. 3-179, Section 3. J6.2). Unfortunately, these surveys are woefully inadequate as they did not occur throughout the entire Study Area and they only occurred during brief time periods. The FEIS notes that field reconnaissance occurred during November 12, 2007, May 14, 2008, and October 24, 2011.

Issue Number: PP-AZ-SunValley-13-02-31

Organization: Sierra Club – Grand Canyon Chapter

Protestor: Sandy Bahr

Issue Excerpt Text:

By only conducting surveys during 3 months in a limited area, it is likely only a small portion of wildlife species present in the Study Area were observed. Incidental surveys conducted on 1 day in any given area are inadequate to determine which species are present. Because of that, it is likely the vast majority of species present in the Study Area likely were not identified. There is no way the BLM can assume that the impacts are negligible based on such limited data.

Summary:

Because of inadequate wildlife surveys, it is likely the vast majority of species present in the Study Area likely were not identified. There is no way the BLM can assume that the impacts are negligible based on such limited data.

Response:

The BLM utilized the best available data to assess the affected environment including wildlife. NEPA analysis was not intended to be all-encompassing. It is not necessary to address all species of wildlife, species by species. For general wildlife, the analysis is sufficient to provide the context and intensity of the loss of Sonoran Desert habitat. The FEIS/PRMP provides an

extensive list of species that could potentially be impacted by the proposed action. An analysis of impacts to special status species that could occur in the area is disclosed within the FEIS/PRMP as if they were present, where suitable habitat occurs for the those species.

The APS Sun Valley to Morgan FEIS/PRMP did note that the data from the Arizona Game and Fish Department (AGFD) was used as a baseline for the EIS. The field reconnaissance that was conducted was also supplemented with data from AGFD and US Fish and Wildlife, as well as published ecology and biology studies and reports. (FEIS/PRMP, pg. 3-180).

The corridor located on BLM-managed public lands north of SR 74 will be a single-use corridor, corresponding to the ROW for the Sun Valley to Morgan 500/230kV transmission line, which was also analyzed in the FEIS. The corridor on BLM-managed public lands south of SR 74 will be a multiuse corridor. Similar to the analysis for the Sun Valley to Morgan 500/230kV transmission line ROW; any future proposed ROWs that would occur within the multiuse corridor would require project-specific NEPA analysis of impacts to wildlife. The need for species-specific surveys would be evaluated at that time.

Birds

Issue Number: PP-AZ-SunValley-13-02-46

Organization: Sierra Club – Grand Canyon Chapter

Protestor: Sandy Bahr

Issue Excerpt Text:

The FEIS says that a wildlife biologist observed bird fauna along the Agua Fria River from an outlying access road in May 2008 (FEIS, Section 3.16.3). However, this survey does not provide an adequate or reliable account of species that utilize this area. First, a single surveyor survey conducted only in one month of one year does not accurately represent species presence in an area, as discussed above. Second, the survey was conducted from an outlying road, from where several species may not have been seen or heard. Third, numerous other species were likely occupying this area but were not seen or heard at that specific time. Surveys such as this do not provide an adequate representation of species in an area.

Summary:

Survey methodologies used for birds do not provide an adequate representation of species in the area, nor are the potential impacts to several species from loss of habitat provided adequate attention.

Response:

The BLM utilized the best available data to assess the affected environment including birds. NEPA analysis was not intended to be all-encompassing. It is not necessary to address all species of wildlife, species by species. For general wildlife, the analysis is sufficient to provide the context and intensity of the loss of Sonoran Desert habitat. The FEIS/PRMP provides an extensive list of species that could potentially be impacted by the proposed action. An analysis of impacts to special status species that could occur in the area is disclosed within the FEIS/PRMP as if they were present, where suitable habitat occurs for the those species.

Section 4.16.3 of the FEIS/PRMP discloses that surveys for migratory birds/nests and migration would be conducted when appropriate. (FEIS/PRMP, pg. 4-208 to 4-209).

The corridor located on BLM-managed public lands north of SR 74 will be a single-use corridor, corresponding to the ROW for the Sun Valley to Morgan 500/230kV transmission line, which was also analyzed in the FEIS. The corridor on BLM-managed public lands south of SR 74 will be a multiuse corridor. Similar to the analysis for the Sun Valley to Morgan 500/230kV transmission line ROW; any future proposed ROWs that would occur within the multiuse corridor would require project-specific NEPA analysis of impacts to wildlife. The need for species-specific surveys would be evaluated at that time.