

Chapter 1 – Introduction

1 Introduction

Chapter 1 introduces the project, describes its purpose, and explains why the project is needed. It identifies the agencies involved in the project and the decisions that need to be made. It identifies relevant land use plans, laws, and policies and also summarizes major federal, state, and local permitting requirements. Finally, this chapter describes the NEPA scoping process and summarizes issues identified during EIS scoping and explains how this Environmental Impact Statement (EIS) is organized.

1.1 Background

On November 5, 2008, Tri-State Generation and Transmission Association Inc. (Tri-State) filed preliminary application NMNM 122352 for a right-of-way grant with the United States (US) Department of the Interior (DOI) Bureau of Land Management (BLM) Farmington Field Office (FFO). The preliminary right-of-way application is for the construction, operation, and maintenance of a new 230 kilovolt (kV) overhead electric transmission line and associated facilities.

Tri-State is a wholesale electric power supplier owned by the 44 electric cooperatives that it serves. Tri-State generates and transmits electricity to its member systems throughout a 200,000-square-mile service territory across Colorado, Nebraska, New Mexico, and Wyoming. Tri-State's mission is to provide its member-owners a reliable, cost-based supply of electricity while maintaining a sound financial position through effective utilization of human, capital, and physical resources in accordance with cooperative principles.

Increasing electric load growth in the San Juan Basin region of Colorado and New Mexico, in commercial, residential, and industrial sectors, has put a strain on the existing electrical system. Tri-State is proposing to construct a 230 kV transmission line from the Farmington area in northwest New Mexico to Ignacio, Colorado, as shown in Exhibit 1-1, Vicinity Map. The SJBEC Project would traverse a combination of BLM lands, New Mexico State lands, trust lands of the Southern Ute Indian Tribe (SUIT), and private lands.

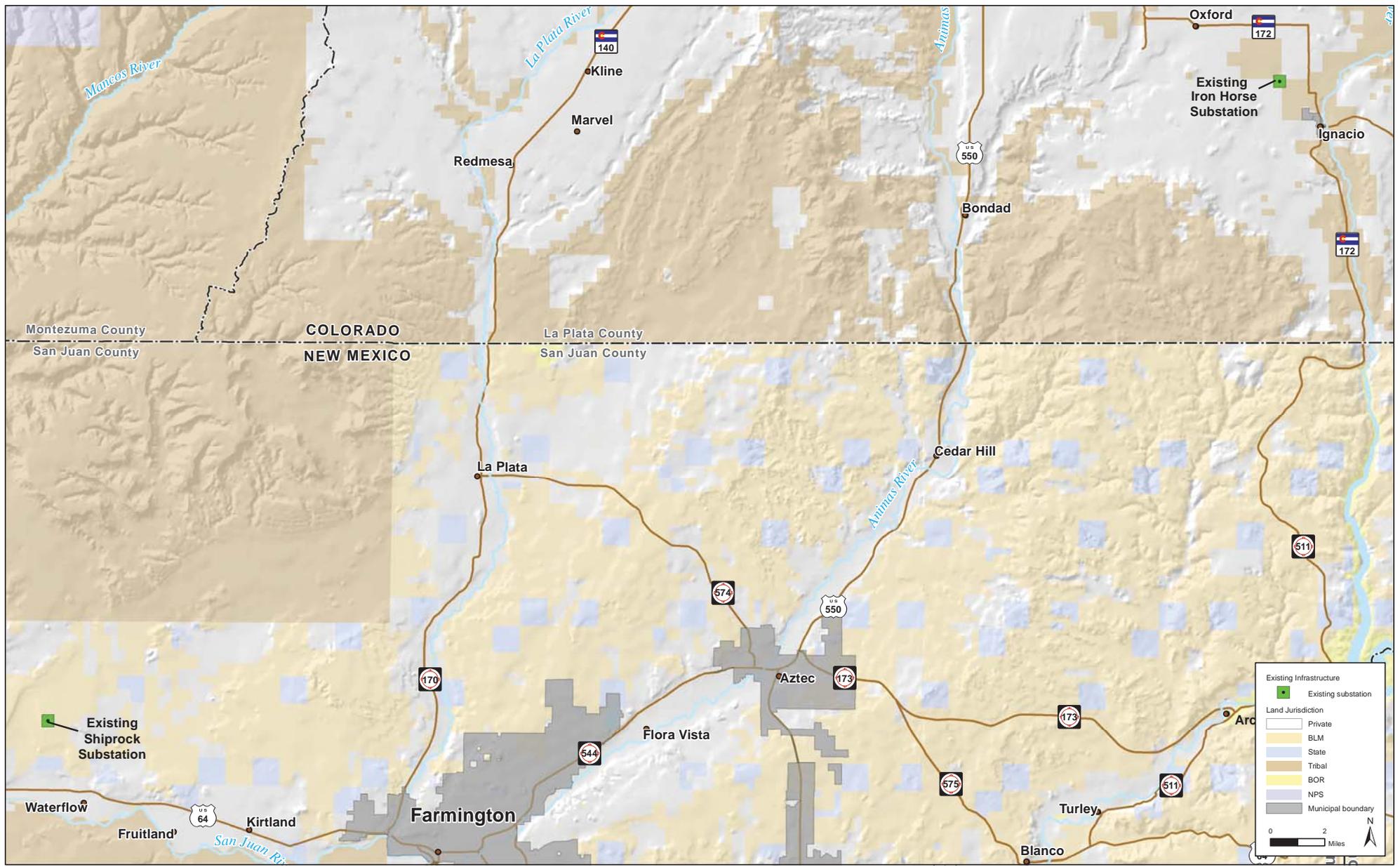
Tri-State is pursuing the SJBEC Project to:

- Improve electric system reliability by maintaining the transfer capability of a limited-capacity transmission path commonly referred to as TOT 2A. TOT 2A is a high voltage transmission path from Colorado into northern New Mexico.
- Provide electric system capacity to support the La Plata Electric Association's (LPEA) requested transmission capacity.
- Directly improve the load-serving capability and reliability of the electric system serving LPEA, Empire Electric Association (EEA), and San Miguel Power Association.

An added benefit of this new transmission line is that future renewable energy developments could more easily interconnect to the power grid.

The SJBEC Project will not require construction of new generation resources,¹ nor will it require additional generation capacity from existing facilities. The regional electric system that the SJBEC Project would connect with is capable of supporting the new transmission line without additional generation capacity. Existing generation will be used to supply the target loads via the proposed transmission line.

¹ Tri-State 2012



Source: GIS BLM 2012, GIS CDOT and SJC 2012, GIS Tri-State 2013

Exhibit 1-1 Vicinity Map

Existing Tri-State generation resources in Arizona, New Mexico, and Colorado provide energy to the Four Corners regional transmission system and would also provide energy to the proposed new transmission line. A full description of Tri-State's generation resources can be found at <http://www.tristategt.org/AboutUs/generation.cfm>. The primary Tri-State owned or purchased generation resources that will serve loads associated with the SJBEC Project include:

- Tri-State's share of San Juan Generating Unit 3 in New Mexico and Springerville Generating Station Unit 3 in Arizona
- Pyramid Generating Station in New Mexico
- Power purchases from the Western Area Power Administration (Western) that originate primarily from hydroelectric sources
- Cimarron I Solar Facility in northeast New Mexico
- Escalante Generating Station in New Mexico
- Rifle, Nucla, and Craig Generating Stations in Colorado

Tri-State's resource planning efforts include a detailed evaluation of forecast load and resource requirements in order to provide reliable and economic power to its network customers. This effort includes developing various generation options to meet resource needs in a potentially carbon-constrained future. Resource plans include the energy and demand forecast, existing resources, reserve requirements, description of the public process, scenario modeling, and analysis, and an action plan. The current Resource Plan is provided at <http://www.tristategt.org/ResourcePlanning/ResourcePlanDoc.cfm>.

Tri-State does not anticipate any substantive changes in the way it operates its generation fleet as a result of the SJBEC Project, nor does Tri-State anticipate any increase in generation capacity or development of any new sources of generation in order to serve member loads via the proposed SJBEC Project.

1 **1.2 Purpose and Need for Action**

2 **1.2.1 BLM's Purpose and Need**

3 The purpose of BLM's action is to respond to Tri-State's application
4 to construct, operate, and maintain a proposed 230 kV transmission
5 line and associated substations and access roads by either granting
6 a right-of way on public lands, granting a right-of-way with
7 conditions, or denying the application. The need for BLM's action
8 to respond to Tri-State's right-of-way application for the SJBEC
9 Project arises from the Federal Land Policy and Management Act
10 (FLPMA). The FLPMA establishes a multiple-use mandate for
11 managing federal lands, which includes transmission facilities as
12 outlined in Title V.

13 Pursuant to 43 CFR §2801.2, it is BLM's objective to grant
14 right-of-way and to control its use on public land in a manner that
15 (a) protects the natural resources associated with public land and
16 adjacent land, whether private or administered by a government
17 entity; (b) prevents unnecessary or undue degradation to public
18 land; (c) promotes the use of right-of-way in common considering
19 engineering and technological compatibility, national security, and
20 land use plans; and (d) coordinates, to the fullest extent possible, all
21 BLM actions under the regulations in this part with state and local
22 governments, interested individuals, and appropriate quasi-public
23 entities.

24 **1.2.2 Western's Purpose and Need**

25 Pursuant to the Federal Power Act, Western must consider and
26 respond to Tri-State's request to interconnect with the Shiprock
27 Substation and to construct the Three Rivers Substation on
28 Western's reserved lands. Western's purpose and need is to
29 consider the interconnection request in accordance with Western's
30 General Requirements for Interconnection.

1.3 Proponent's Project Objectives

Tri-State's objective is to obtain authorization to construct, maintain, and operate a new 230kV transmission line as described above under Section 1.1, Background.

Electricity demand in the San Juan Basin region of Colorado and New Mexico in the industrial, commercial, and residential sectors has put a strain on the existing regional transmission system. As shown in Exhibit 1-2, Tri-State's Coincident Peak Load, the coincident peak load is approximately 300 megawatts (MW) and is forecasted to increase substantially. Although the existing generation resources throughout the region are adequate to meet near-term moderate increased demand, additional transmission facilities are needed to ensure that electricity can be reliably delivered as loads grow over the next several years.

What is "load?"

Load is defined as the sum of power that a group of customers demand on a network.

Exhibit 1-2

Tri-State's Coincident Peak Load (MW)

	December Actual				Tri-State 2012 Base Economic Forecast				
					December Projected				
	2009	2010	2011	2012	2014	2017	2020	2025	2030
La Plata Electric Association	169.1	174.9	155.8	150.1	163.4	172.3	182.8	200.3	217.2
Empire Electric Association	89.3	88.1	87.8	89.5	101.4	102.0	102.3	108.3	116.0
San Miguel Power Association ¹	36.4	38.8	32.8	45.4	36.8	38.7	40.3	42.9	45.7
Total Tri-State Southwest Colorado Load MW	294.8	301.8	276.4	285.0	301.6	313.1	325.4	351.5	378.9

¹ Excludes the San Miguel Power Association Dallas Creek Substation which is normally supplied north of TOT 2A.

Tri-State, its member cooperative LPEA, and other regional utilities have been making improvements and additions to the electrical system in the San Juan Basin over the years to maintain reliability. Most of the infrastructure in the region was originally built in the 1950s, and over the years aging equipment has been replaced and upgraded. Numerous investments have been made in the transmission system and at substations throughout the region to improve reliability by building in redundant systems, installing voltage support mechanisms, and increasing capacity. Nevertheless, the transmission path in the region is still constrained, and Tri-State must ensure it meets the needs of its

member systems, as well as comply with numerous mandatory federal reliability standards.

The North American Electric Reliability Corporation (NERC) and the Western Electricity Coordinating Council (WECC) define a *constraint* as a limitation on one or more transmission elements that may be reached during contingency, emergency, or normal operating conditions. Generally, these limits occur when transmission equipment reaches its thermal rating or when voltage levels at substations served from the transmission equipment decline below minimum accepted levels.

The larger region contains transmission paths with formally assigned transfer capabilities based on the limits of the individual elements comprising the path. Paths in the Rocky Mountain area have been historically referred to as TOTs, which is shorthand for the *TOTAL* flow on a specified grouping of transmission lines. TOT 2A is a WECC-recognized path with a defined transfer limit from north to south between western Colorado and New Mexico, as shown in Exhibit 1-3, TOTs in the Rocky Mountain Area. The allocation of this limited transfer capability of TOT 2A is divided between Western (60 percent of total capability) and the remaining 40 percent shared between Public Service Company of Colorado (also known as Xcel Energy) and Tri-State.

Tri-State, as well as other TOT 2A transmission owners, adheres to NERC/WECC reliability standards, and fines may apply if operating limits for TOT 2A are violated. This path is limited to a maximum of 690 MW (north to south), less any load in southwest Colorado. As the load in southwest Colorado increases, the amount of transmission capacity available to transmit power between western Colorado and New Mexico decreases. At a Southwestern Colorado load of 300 MW, Tri-State and Xcel's share of the transfer capability virtually disappears, and Western's share of the transfer capability becomes negatively affected.

What is the North American Electric Reliability Corporation (NERC)?

NERC's mission is to ensure the reliability of the North American bulk power system. NERC is the electric reliability organization certified by the Federal Energy Regulatory Commission to establish and enforce reliability standards for the bulk power system. NERC develops and enforces reliability standards; assesses adequacy annually via a 10-year forecast, and summer and winter forecasts; monitors the bulk power system; and educates, trains and certifies industry personnel.²

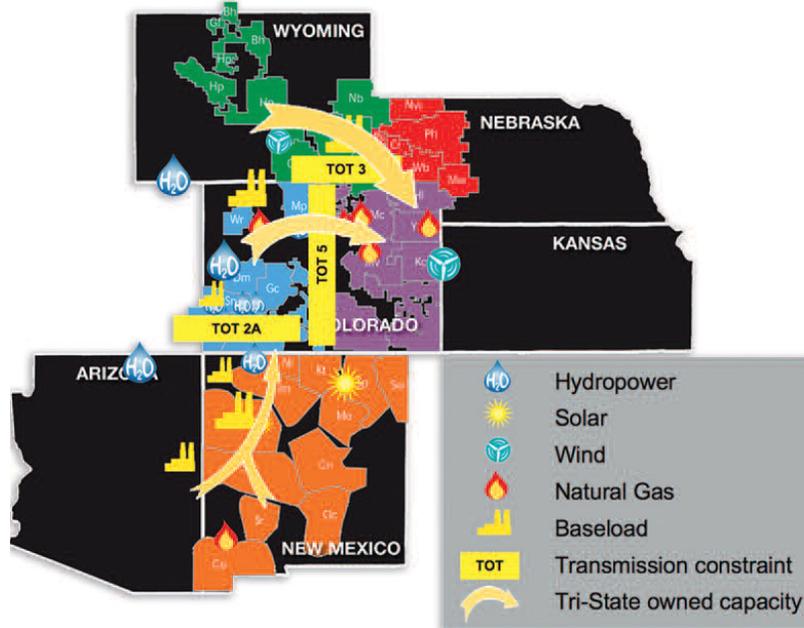
What is the Western Electricity Coordinating Council (WECC)?

WECC is the Regional Entity responsible for coordinating and promoting Bulk Electric System reliability in the Western Interconnection.³

² NERC 2012

³ WECC 2012

Exhibit 1-3 TOTs in the Rocky Mountain Area



Source: Tri-State 2010

As proposed, the SJBEC Project would be operated to remove essentially the entire LPEA load served from the existing lines that comprise TOT 2A, thus freeing up the limited transfer capability of the path. This was recognized in the *San Juan Basin Major Project TOT2A Impact Analysis* prepared by Western in April 2011.⁴ The conclusions state "...The San Juan Basin Major Project is required to provide reliable service to new and existing loads in southwest Colorado. Without this project, TOT 2A transfer capability could be reduced to less than 200 MW during times of peak loading in southwest Colorado..."

In addition, Tri-State has a contractual obligation to deliver up to 100 MW of additional power to LPEA over the next several years. LPEA's load forecasts include service for industrial, commercial, and residential sectors. While the 100 MW would serve all three load sectors, the primary consumer of this power would be the oil and gas industry. Oil and gas development is an important

⁴ Western 2011a

industry in the region that creates jobs and helps drive the local economy. As many pumping and compression sites switch to electric-driven motors to reduce noise and emissions, the need to serve this additional load is compounded.

La Plata has requested the 100 MW from Tri-State to ensure they can meet their contractual obligations with their customers. Load forecasting studies have indicated that an increase in oil and gas development is likely; however, the extent and timing of that development cannot be determined at this time given existing economic uncertainties.

Electric power usage in existing locations is also increasing as homeowners install and utilize more electric devices such as air conditioners, high-definition televisions, computers, and cell phones.

1.4 Authorization and Agency Roles

Tri-State is requesting right-of-way grants to authorize use of specific public lands from the BLM FFO; SUII tribal lands from the Bureau of Indian Affairs (BIA); and state lands from the New Mexico State Land Office. Tri-State is also requesting approval from La Plata County for the operation and construction of the transmission line on private properties located in La Plata County. Tri-State is requesting financial assistance for the SJBEC Project from the US Department of Agriculture's Rural Utilities Service (RUS). Tri-State is requesting approval from Western to interconnect its proposed 230 kV transmission line to Western's Shiprock Substation and also to locate the new Three Rivers Substation on Western's reserved area within BLM lands.

Prior to making a decision, federal agencies, including the BLM, BIA, RUS, and Western, are required to conduct review under the National Environmental Policy Act of 1969 (NEPA), Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), and Section 7 of the Endangered Species Act of 1973 (ESA) in accordance with federal agency policies and procedures. The BLM is the lead federal agency for NEPA, NHPA, and ESA review and compliance. The BLM published a Notice of Intent to prepare

this Environmental Impact Statement (EIS) in the Federal Register on January 25, 2011.

EIS preparation is a joint process between the BLM and cooperating agencies. The Council on Environmental Quality's (CEQ) regulations implementing NEPA allow the lead agency to invite any other federal, state, tribal, or local agency that has jurisdiction by law or that has special expertise with respect to any environmental issue addressed by the NEPA analysis, to serve as cooperating agencies in EIS preparation (Title 40 Code of Federal Regulations [CFR] §§1501.6 and 1508.5). Those with jurisdiction by law can make a decision to approve or deny all or part of the SJBEC Project based on the analysis in this EIS, while those with special expertise or information will assist in developing the analysis. The BLM sent letters to 21 tribes and agencies at the federal, state, and county level inviting participation as a cooperating agency. Seven entities accepted: BIA, RUS, Western, SUIT, La Plata County, the New Mexico State Land Office, and the Navajo Nation.

1.5 Decisions to be Made

This EIS is an informational document for agency decision makers and the public regarding the potential environmental effects of the SJBEC Project. The specific decisions that will be made by the BLM, BIA, RUS, Western, State of New Mexico, and La Plata County based on the analysis in this EIS are described below. In addition, other agencies may also have to decide whether to grant easements, licenses, permits, or approvals for transmission lines or access roads on properties under their control. More information about review and consultation with other agencies is presented in Section 1.7, Federal, State, and Local Permits, Licenses, and Approvals.

1.5.1 BLM

BLM's action is to grant, grant with conditions, or deny Tri-State's application for use of public land managed by the BLM FFO to construct, operate, and maintain a new 230 kV transmission line and associated substations and access roads.

Pursuant to 43 CFR §2805.10, if BLM issues a grant to use public lands, BLM may include terms, conditions, and stipulations that BLM determines to be in the public interest. This includes

modifying the proposed use or changing the route or location of the facilities on public land.

1.5.2 The BIA and the SUI

The SJBEC Project will cross portions of SUI tribal trust land in southwestern Colorado. Pursuant to 36 Stat. 1253 (March 4, 1911) as amended by 66 Stat. 95 (43 US Code [USC] §961, May 27, 1952), the BIA authorizes right-of-way grants across trust lands for electrical poles and lines for transmission and distribution of electrical power. Right-of-way granted under this act is subject to the provisions of this section, 961, as well as other pertinent sections of Part 169. Also, pursuant to 62 Stat. 17 (February 5, 1948; 25 USC §§323-328 and 25 CFR Part 169), the BIA will administer the grants of easement for right-of-way on tribal lands for the SJBEC Project. While the BIA authorizes and administers the right-of-way grant, the right-of-way grant is also subject to approval of the SUI since the SJBEC Project would cross SUI lands.

1.5.3 RUS

RUS will consider Tri-State's request for financial assistance for construction of the SJBEC Project. Under the authority of the Rural Electrification Act of 1936, the RUS Electric Program makes direct loans and loan guarantees to electric utilities serving customers in rural areas.

The loans and loan guarantees finance the construction of electric distribution, transmission, and generation facilities, including system improvements and replacement required to furnish and improve electrical service in rural areas, as well as demand-side management, energy conservation programs, and on-grid and off-grid renewable energy systems. Loans are made to corporations, states, territories and subdivisions and agencies such as municipalities, people's utility districts, and cooperative, nonprofit, limited-dividend, or mutual associations that provide retail electrical service needs to rural areas or supply the power needs of distribution borrowers in rural areas.

1.5.4 Western

Pursuant to the Federal Power Act, Western must consider and respond to Tri-State's request to interconnect with the Shiprock Substation and to construct the Three Rivers Substation on Western's reserved lands. Western's purpose and need is to consider the interconnection request in accordance with Western's General Requirements for Interconnection.⁵ Western evaluates the interconnection request and whether it meets the reasonable needs of Tri-State. If approved, Western generally assumes responsibility to operate and maintain transmission facilities interconnected with its transmission system pursuant to the terms of the Interconnection Agreement and associated contracts.

As part of Western's decision and action, Western will consider changes at the Shiprock Substation to accommodate additional electrical equipment. In addition, Western will determine if it will allow Tri-State to build the Three Rivers Substation on BLM lands that have been reserved for Western's use. Tri-State and Western would complete negotiations to develop a proposal that satisfies the interests of both parties regarding Tri-State's request to interconnect at the Shiprock Substation.

1.5.5 State of New Mexico

The New Mexico State Land Office administers all state lands in New Mexico. A right-of-way application is required in any location where the SJBE Project crosses any New Mexico state land. Tri-State would file a New Mexico right-of-way easement application subject to review and approval by New Mexico State Land Office, in compliance with federal and state environmental laws and regulations.

1.5.6 La Plata County

Portions of the proposed transmission line and associated access would be located on private property in La Plata County, Colorado. In these private property locations, a location and extent review and various permits are required from La Plata County.

⁵ Western 2011b

1.6 Conformance with Land Use Plans, Laws, Regulations, and Policies

This section describes the relationship of the SJBEC Project to relevant BLM and county land use plans, laws, regulations, and policies.

1.6.1 Conformance with Land Use Plans

1.6.1.1 Farmington Field Office Resource Management Plan

BLM must consider its existing resource management plans (RMP) in the decision to issue a right-of-way grant to authorize use of public land in accordance with 43 CFR §§1610.0-5(b). Under the FFO RMP, all right-of-way applications receive environmental review on a case-by-case basis. To the extent possible, new right-of-way is located within or parallel to existing right-of-way or right-of-way corridors to minimize resource impacts. Right-of-way corridors identified by the 2002 Western Utility Group revision of the 1992 Western Regional Corridor Study are designated for power line and pipeline use. Activities generally excluded from right-of-way corridors include mineral material sales, range and wildlife habitat improvements involving surface disturbance and facility construction, campgrounds and public recreational facilities, and other facilities that would attract public use. New oil and gas wells will be sited outside these designated right-of-way corridors.⁶

The SJBEC Project alternatives are not located within a currently designated existing or proposed BLM utility corridor. A formal corridor designation will require amendment of the BLM's FFO land use plan; however, a designated utility corridor is not required by law, policy, or regulation in order to site a proposed transmission line. Since the land affected by the proposal is generally open to right-of-way development and no additional utility demand is anticipated in the foreseeable future, no corridor designation or plan amendment is required or is being proposed as a part of this EIS process. The alternatives would conform with the

⁶ BLM 2003, page 6

Farmington RMP Record of Decision dated September 2003 and updated in December 2003.

The BLM FFO seeks to meet objectives outlined in its RMPs and implement its multiple-use mission balancing land and resource management objectives to achieve healthy and productive landscapes, including the development of energy and minerals within acceptable areas in an environmentally sound manner. The Energy Policy Act of 2005 and BLM Energy and Mineral Policy (August 26, 2008) recognize that public land is an important source of the nation's energy and mineral resources, including renewable energy resources. Executive Order (EO) 3285, Renewable Energy Development by the DOI, identified as a departmental priority the production, development, and delivery of renewable energy. Public lands are important for the siting of infrastructure facilities (i.e., roads, power lines, and pipelines) to support the development of energy and mineral resources. In general, BLM's resource management objective is to meet public land use needs in a multiple-use framework while avoiding or minimizing undue and unnecessary degradation to the environment.

1.6.1.2 La Plata County Code

La Plata County Code⁷ provides guidelines for development and coordination with government agencies that are considered as appropriate in right-of-way authorization and transmission line development. Relevant chapters include the following:

- Chapter 74, Development Standards and Specifications, Article III Utility transmission lines – Standard permit requirements for transmission line development are included. Additional permitting requirements, including an environmental impact assessment report for all transmission line development, are specified. Analysis of the proposed transmission line through the NEPA process will satisfy analysis requirements. Additional requirements include pre-inspection meetings and site visits.

⁷ La Plata County 1998

- Chapter 82, Section 82-9, Location and Extent Review – The purpose of the location and extent review is to evaluate public uses and utilities, whether publicly or privately owned, for consistency with the comprehensive plan and to provide the planning commission and public with the opportunity to comment on such uses. Location and extent review is intended to be a review process, not a permitting process.
- Chapter 82, Section 82-14, Federal Lands District – Development on federal land can have impacts beyond the boundaries of that land, especially in regard to mining, timbering, and oil and gas development.
- Chapter 90, Section 90-122(d)(2), Land Use Coordination Standards – All minor facilities with engines or motors (excepting wellhead compressor engines) shall be electrified if, at the time of permitting, they are located within 1,320 feet of 3-phase power.

1.6.2 Conformance with Federal Laws, Regulations, and Policies

The FLPMA is the primary legal basis for authorizing a right-of-way grant on BLM land. This EIS is being prepared by the BLM FFO in compliance with NEPA; CEQ regulations for implementing NEPA; FLPMA; and DOI and BLM policies and manuals, including the BLM NEPA Handbook.⁸ Other applicable regulations and guidelines are listed in Exhibit 1-4, Summary of Major Federal Authorizing Laws, Regulations, and Guidelines.

1.7 Federal, State, and Local Permits, Licenses, and Approvals

Major potential federal, state, and local permitting requirements for the SJBEC Project are described in Exhibit 1-5, Summary of Permits, Approvals, and Authorizations.

⁸ BLM 2008

Exhibit 1-4
Summary of Major Federal Authorizing Laws, Regulations, and Guidelines

Laws, Regulations, and Guidelines	Reference
American Indian Religious Freedom Act of 1978	42 USC §1996
Archaeological Resources Protection Act, as amended	PL 96-95, 16 USC §470aa-mm, 43 CFR Part 7
Bald and Golden Eagle Protection Act	16 USC §§668-668d, as amended; 50 CFR Parts 10 and 22
BLM NEPA Handbook H-1790-1 (2008)	BLM Manual Rel. 1-1710
BLM Planning Handbook H-1601-1 (2005)	BLM Manual Rel. 1-1693
BLM Planning Regulations	43 CFR Part 1600
BLM Right-of-Way Regulations	43 CFR Part 1600 <i>et seq.</i>
Clean Air Act	42 USC §7401 <i>et seq.</i> , 40 CFR Part 51, Subpart W and 40 CFR Part 93, Subpart B
Clean Water Act	42 USC §1251 <i>et seq.</i>
Comprehensive Environmental Response Compensation and Liability Act	42 USC §§9601-9675
Consultation and Coordination with Indian Tribal Governments	EO 13084, EO 13175
Departmental Responsibilities for Indian Trust Resources	512 DM 2.1
Endangered Species Act	16 USC §1531 <i>et seq.</i>
Environmental Justice	EO 12898
Farmland Protection Policy Act	PL 97-98, as amended; 7 USC §4201 <i>et seq.</i>
Federal Compliance with Pollution Control Standards	EO 12088
Federal Land Policy and Management Act	PL 94-579
Fish and Wildlife Coordination Act	PL 85-624, as amended; 16 USC §661 <i>et seq.</i>
Floodplain Management	42 USC §4321, EO 11988
Historic Sites Act	PL 74-292, as amended; 16 USC §§461-467
Indian Sacred Sites	EO 13007
Memorandum for the Heads of Executive Departments and Agencies on Government-to-Government Relations with Native American Tribal Governments of 1994	Signed by President Clinton on April 29, 1994

Exhibit 1-4

Summary of Major Federal Authorizing Laws, Regulations, and Guidelines

Laws, Regulations, and Guidelines	Reference
Migratory Bird Treaty Act (MBTA)	16 USC §§703-712, 50 CFR Parts 10 and 21, EO 13186
National Environmental Policy Act of 1969, Protection and Enhancement of Environmental Quality	42 USC §4321 <i>et seq.</i> , 40 CFR Parts 1500-1508
National Historic Preservation Executive Order	EO 11593
National Historic Preservation Act of 1966, as amended	PL 89-665, as amended; 16 USC §470; 36 CFR Part 800
National Natural Landmarks Program	PL 74-292, as amended; 16 USC §§461-467; 36 CFR Part 62
Native American Graves Protection and Repatriation Act of 1990	PL 101-601, 25 USC §300 <i>et seq.</i> , 43 CFR Part 10
Noise Control Act of 1972, as amended	42 USC §4901 <i>et seq.</i>
Noxious Weeds and Invasive Species	EO 13112
Occupational Safety and Health Act of 1970	29 USC §651 <i>et seq.</i>
Objects Affecting Navigable Airspace	14 CFR Part 77
Paleontological Resources Preservation Act	16 USC §470aaa <i>et seq.</i>
Pollution Prevention Act of 1990	42 USC §13101 <i>et seq.</i>
Prime and Unique Farmlands	7 CFR Part 657, 7 CFR Part 658
Protection of Wetlands	42 USC §4321, EO 11990
Resource Conservation and Recovery Act	42 USC §§6901-6992k
Responsibilities and the Endangered Species Act	Secretarial Order 3206, June 5, 1997
RUS NEPA Procedures and Implementing Regulations	NEPA procedures are codified at 7 CFR Part 1794, and implementing regulations (36 CFR Part 800)
Safe Drinking Water Act of 1974	42 USC §300f <i>et seq.</i>
US Department of Energy, NEPA Implementing Procedures	10 CFR Part 1021
US Department of Energy, Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements	Second Edition
US Department of the Interior, Bureau of Indian Affairs, Rights-of-Way Over Indian Lands	25 CFR Part 169

Exhibit 1-4
Summary of Major Federal Authorizing Laws, Regulations, and Guidelines

Laws, Regulations, and Guidelines	Reference
US Department of the Interior, Bureau of Indian Affairs	42 USC §7401 <i>et seq.</i>
US Department of the Interior, NEPA implementing procedures and proposed revisions	73 FR 200
US Department of the Interior requirements	DM 516

CFR – Code of Federal Regulations

DM – Department Manual

EO – Executive Order

et seq. – and the following

FR – Federal Register

PL – Public Law

USC – United States Code

Exhibit 1-5

Summary of Permits, Approvals, and Authorizations

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
Federal				
Air traffic	Location of towers in relation to airport facilities and airspace	Federal Aviation Administration (FAA)	A "No-hazard Declaration" required if structures are more than 200 ft. tall; Section 1101 Airspace Permit for airspace construction clearance	FAA Act of 1958 (PL 85-726, 14 CFR Part 77)
Bald and golden eagles	Protection of bald and golden eagles	USFWS	Bald and Golden Eagle Protection Act compliance	Bald and Golden Eagle Protection Act of 1972 (MBTA) (16 USC §668a - 668d, as amended; 50 CFR Parts 10 and 22)
Cultural resources	Excavation of archaeological resources and investigation of cultural resources	BLM/BIA	Permits to excavate and remove archaeological resources on federal lands; American Indian tribes with interests in resources must be consulted prior to issuance of permits	Archaeological Resources Protection Act of 1979 (PL 96-95, 16 USC §470aa-mm, 43 CFR Part 7)
Cultural resources	Potential conflicts with freedom to practice traditional American Indian religions	BLM/BIA	Consultation with affected American Indians	American Indian Religious Freedom Act (42 USC §1996) and Executive Order 13007
Cultural resources	Disturbance of graves, associated funerary objects, sacred objects, and items of cultural patrimony	BLM/BIA	Consultation with affected Native American group regarding treatment of remains and objects	Native American Graves Protection and Repatriation Act (NAGPRA) (PL 101-601, 25 USC §§300 <i>et seq.</i> , 43 CFR Part 10)
Cultural resources	Protection of segments, sites, and features related to national trails	Affected land managing agencies	National Trails System Act Compliance	National Trails System Act (PL 90-543, 16 USC §§1241 to 1249)

Exhibit 1-5

Summary of Permits, Approvals, and Authorizations

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
Federal (Continued)				
Environmental policies and procedures	RUS Action: To grant financial assistance for SJBEC Project	RUS	EIS and ROD	7 CFR Part 1794
ESA, listed species	Protection of listed species and/or critical habitat	US Fish and Wildlife Service (USFWS)	ESA compliance	ESA (PL 93-205, as amended; 16 USC §1536[a]-[d])
Migratory birds	Protection of migratory birds	USFWS	Migratory Bird Treaty Act compliance	Migratory Bird Treaty Act of 1918 (16 USC §§703-712, 50 CFR Parts 10 and 21, EO 13186)
NEPA compliance	Federal Action: To grant right-of-way across land under federal jurisdiction	Lead agency; cooperating agencies	EIS and ROD	The National Environmental Policy Act of 1969 (PL 91-190) (42 USC §4321); CEQ (40 CFR Parts 1500-1508); US Department of Energy (DOE) NEPA implementing Regulations (10 CFR Part 1021)
Paleontological resources	Ground disturbance on federal land	BLM	Requires that vertebrate fossils and other rare and scientifically significant fossils be collected only by qualified permitted researchers.	Paleontological Resources Preservation Act (16 USC §470aaa <i>et seq.</i>)
Paleontological resources	Ground disturbance on federal land	BLM	Compliance with BLM mitigation and planning standards for paleontological resources on public lands	FLPMA (43 USC §§1701-1771)

Exhibit 1-5
Summary of Permits, Approvals, and Authorizations

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
Federal (Continued)				
Right-of-way across land under federal management	Pre-construction surveys; construction, operation, maintenance, and abandonment	BLM, BIA	Right-of-way grant and temporary use permit (BLM); right-of-way grant across American Indian lands (BIA)	The Federal Land Policy and Management Act of 1976 (PL 94-579); 43 USC §§1761 to 1771; 43 CFR Part 2800; 25 CFR Part 169
Water quality	Construction, maintenance, repair and removal of utility lines and associated facilities in waters of the US	USACE (US Army Corp of Engineers)	Section 404 Permit; Nationwide Permit 3, 12	Clean Water Act (CWA) (33 USC §1344)
Water quality	Construction across water resources	USACE	General easement	10 USC §§2668 to 2669
Water quality	Construction in or modification of floodplains	Federal lead agency	Compliance with EO 11988, Floodplains	42 USC §4321; EO 11988, Floodplains
Water quality	Construction in or modification of wetlands	Federal lead agency	Compliance with EO 11990, Wetlands	42 USC §4321; EO 11990, Wetlands
Water quality	Potential pollutant discharge during construction, operation, and maintenance	US Environmental Protection Agency (EPA)	Spill Prevention Control and Countermeasure (SPCC) Plan for substations	Oil Pollution Act of 1990 (40 CFR Part 112)
Southern Ute Indian Tribe				
Scientific research on tribal lands	Scientific investigations on SUI lands needed for project impact assessments	SUIT Department of Natural Resources/Wildlife Division	Scientific Collection Permit	SUIT Crossing Permit Policy
Tribal land access	Crossing SUI lands for commercial-oriented purposes	SUIT Department of Natural Resources/ Lands Division	Commercial Crossing Permit	SUIT Crossing Permit Policy

Exhibit 1-5

Summary of Permits, Approvals, and Authorizations

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
State of New Mexico				
Air quality	Sources with a potential emission rate greater than 10 pounds per hour, or 25 tons per year, of criteria pollutants	New Mexico Air Quality Bureau	Pre-Construction and New Source Review (NSR) Permit	New Mexico Administrative Code (NMAC), Title 20, Chapter 2
Biological resources	Disturbance of state-protected species	New Mexico Game and Fish Department (NMGFD)	Wildlife Conservation Act compliance	Wildlife Conservation Act (New Mexico Statutes Annotated [NMSA] §17-2-42)
Cultural resources	Disturbance of historic properties	New Mexico Historic Preservation Division	Cultural Properties Act and Cultural Properties Protection Act compliance	Cultural Properties Act (NMSA, §§18-6-1 to 18-6-27) and Cultural Properties Protection Act (NMSA §§18-6A-1 to 18-6A-6)
Right-of-way easement	Electric line easement/right-of-way application to cross State Land Office lands.	New Mexico State Land Office	Application to Install Electrical Facilities on New Mexico State Trust Lands	NMSA §19-2-10
Right-of-way encroachment	Encroachment into state roadway right-of-way	New Mexico Department of Transportation (NMDOT)	Permit to Install Utility Facilities within Public right-of-Way	NMSA §§67-8-13 and 69-8-14
Right-of-way width	Right-of-way is wider than 100 feet	New Mexico Public Regulation Commission	Determination of right-of-way Width	NMSA §62-9-3
Transmission line siting	Transmission line siting, primary permitting authority	New Mexico Public Regulation Commission	Certificate of Public Convenience and Necessity (CPCN); Location Permit	NMSA 1978 Compilation, §62-9-3
Water quality	Construction sites with greater than 5 acres of land disturbed	New Mexico Surface Water Quality Bureau	Section 402 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities; Stormwater Pollution Prevention Plan (SWPPP)	CWA (33 USC §1342)

Exhibit 1-5

Summary of Permits, Approvals, and Authorizations

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
State of New Mexico (Continued)				
Water quality	Potential discharge into waters of the state (including wetlands and washes)	New Mexico Surface Water Quality Bureau	Section 401 permit	CWA (33 USC §1342)
San Juan County				
None required.				
State of Colorado				
Biological resources	Disturbance of state-protected species	Colorado Division of Wildlife (Now called Colorado Parks and Wildlife)	Colorado Nongame, Endangered, or Threatened Species Conservation Act compliance	Colorado Nongame, Endangered, or Threatened Species Conservation Act (CRS 33-2-101)
Cultural resources	Disturbance of historic properties	Colorado Office of Archaeology & Historic Preservation	Historical, Prehistorical, and Archaeological Resources Act, and Colorado Register of Historic Places Act compliance	Historical, Prehistorical, and Archaeological Resources Act, (CRS 24-80-401ff, 24-80-1301ff) Colorado Register of Historic Places Act (CRS 24-80.1ff)
Right-of-way encroachment	Encroachment into state roadway right-of-way	Colorado Department of Transportation (CDOT)	Utility Permit	2 CCR 601-18
Transmission line siting	Transmission line siting, primary permitting authority	Colorado Public Utilities Commission	CPCN	4 Code of Colorado Regulations (CCR) 723-3
Water quality	Construction sites with greater than five acres of land disturbed	CDPHE	Section 402 NPDES General Permit for Stormwater Discharges from Construction Activities; SWPPP	CWA (33 USC §1342)
Water quality	Potential discharge into waters of the state (including wetlands and washes)	CDPHE	Section 401 permit	CWA (33 USC §1342)

**Exhibit 1-5
Summary of Permits, Approvals, and Authorizations**

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
La Plata County				
Access	New, upgraded, or changed access	La Plata County, Colorado	Access permit	La Plata County Code, Chapter 82 and Chapter 74
Land use	Construction of substations	La Plata County, Colorado	Building permit; Location and Extent Review or review pursuant to CRS 29-20-108	La Plata County Code, Chapter 18
Land use	Construction and operation of transmission line	La Plata County, Colorado	Utility permit	La Plata County Code, Chapter 74
Land use	Construction and operation of transmission line	La Plata County, Colorado	Location and Extent Review or review pursuant to CRS 29-20-108	La Plata County Code, Chapter 82

CCR – Code of Colorado Regulations
CFR – Code of Federal Regulations
CRS – Colorado Revised Statute
DM – Department Manual
EO – Executive Order
et seq. – and the following

FR – Federal Register
NMAC – New Mexico Administrative Code
NMSA – New Mexico Statutes Annotated
PL – Public Law
ROD – Record of Decision
USC – United States Code

1.8 NEPA Scoping Process Overview

1.8.1 EA Scoping

The SJBEC Project was initiated in 2008 when Tri-State submitted an application for right-of-way to the BLM. When the SJBEC Project began, the BLM initiated an Environmental Assessment (EA) to determine the appropriate level of documentation to comply with NEPA. Public scoping for the SJBEC Project EA occurred from September 17 through November 9, 2009. Scoping meetings were held with the public and local, state, and federal agencies on October 7 and 8, 2009, in Farmington, New Mexico, and Ignacio, Colorado. The meetings were used to gather input on issues for consideration in the SJBEC Project EA. In addition to information regarding the federal environmental process, general project information and information about preliminary transmission line corridors were also available for review and comment at the scoping meetings.

A total of 82 individuals signed in as attendees to the EA scoping meetings. Comments were received from 91 individuals. Issues of primary concern identified by the public during the scoping period were:

- Proximity of the transmission line to residences
- Land use issues
- Impacts to visual resources
- Health and safety concerns
- Impacts related to noise

Public input received during the scoping period suggested that an EIS-level analysis would be more appropriate than the proposed EA. As a result, the BLM decided in December 2009 to prepare an EIS instead of an EA.

1.8.2 EIS Scoping

The EIS scoping process began when the BLM published the Notice of Intent in the Federal Register on January 25, 2011, and continued to April 1, 2011. Three public scoping meetings and one agency

2009 EA Scoping Report

The 2009 EA Scoping Report is incorporated by reference and is located at:

http://www.blm.gov/nm/st/en/prog/more/lands_realty/san_juan_basin_energy.html

scoping meeting were held on March 16 and 17, 2011, in Farmington and Aztec, New Mexico, and Ignacio, Colorado, to solicit comments on the scope of the EIS.

A total of 140 individuals signed in as attendees to the three public scoping meetings. A total of 71 individuals, agencies, and non-governmental organizations submitted comments on the SJBEC Project. Comments were received regarding a wide variety of issues, but largely fell into the following categories:

- Land use
- Effects on resources and resource use
- Public health and safety
- Socioeconomics and environmental justice
- Alternatives
- Mitigation measures

1.9 Issues Raised During Scoping

The BLM categorized and summarized the issues identified in scoping comments into broad categories of project issues. The project issues identified below encapsulate the specific issues and questions raised by the public and agencies during the scoping process. Additional information about the scoping process is provided in Chapter 5, Public Coordination, of this Draft EIS. Information contained in Chapters 3 and 4 of this Draft EIS explain the methods, effects, and proposed mitigation measures identified to respond to the issues raised during scoping.

Lands and Realty: How will the BLM analyze and mitigate impacts to private landowners associated with the alternatives? Specific concerns include:

- Residences and landowners
- Property values
- Land use
- Continued access for maintenance

2011 EIS Scoping Report

The 2011 EIS Scoping Report is incorporated by reference and is located at:

http://www.blm.gov/nm/st/en/prog/more/lands_realty/san_juan_basin_energy.html

Effects on Resources and Resource Uses: How will the Project impact and minimize the impacts of transmission line and substation development on resources and resource uses? Specific concerns include:

- Visual resources
- Water and wetlands
- Air quality
- Cultural resources
- Wildlife, vegetation, and threatened and endangered species
- Noise and vibration
- Recreation
- Transportation
- Farmlands
- Grazing and livestock
- Geology and soils
- Paleontology
- Minerals
- Hazardous materials

Public Health and Safety: How will the BLM ensure that the Project is constructed and operated in a manner that protects public health and safety? Specific concerns include:

- Effects from electric and magnetic fields on humans, wildlife, and livestock
- Safety concerns from building a transmission line over gas pipelines
- Effects associated with increased traffic
- Construction in close proximity to oil-field operations

Socioeconomics and Environmental Justice: How can the Project be implemented in a way that strengthens state and local socioeconomic conditions, provides local access to energy, and ensures environmental justice? Specific concerns include:

- Contribution to economic growth
- Creation of new jobs in the region
- Economic benefits
- Utilization of existing disturbance to lower construction cost

Route Identification: How will the BLM determine the transmission line route while balancing the need to protect resources? Specific concerns include:

- Comparison of route impacts
- Justification regarding identification of the preferred route

Mitigation Measures: What measures will be implemented to protect and minimize impacts to resources and resource uses? Specific concerns include:

- Mitigation of impacts from project construction and maintenance
- Mitigation of impacts to wildlife and threatened and endangered species
- Mitigation of impacts to televisions and cellular phones
- Minimization of pollution resulting from construction and maintenance

Cumulative Impacts: How will the BLM address cumulative impacts of constructing the transmission line and its associated infrastructure on a landscape scale? Specific concerns include:

- Existing and future oil and gas wells
- Existing transmission and pipeline infrastructure
- Electrification of oil and gas wells in the region
- Changes to VRM classifications

1.10 Organization of the EIS

This EIS is organized as follows:

- Summary – Provides a summary of the Draft EIS and discusses key findings.
- Chapter 1 Introduction – Discusses the project background, purpose and need, and relevant federal, state, and local regulations, and summarizes the NEPA scoping process.
- Chapter 2 Alternatives – Describes the alternatives evaluated in this EIS, identifies actions common to all action alternatives, and explains what alternatives were considered, but eliminated from detailed analysis.
- Chapter 3 Affected Environment and Environmental Effects – Describes existing conditions and environmental effects for alternatives analyzed in this EIS.
- Chapter 4 Cumulative Effects – Describes cumulative effects.
- Chapter 5 Public Coordination – Discusses public involvement (including scoping) activities and involvement of and coordination with other federal, state, local, and tribal governments. It also includes a list of preparers and list of individuals who were sent copies of the EIS.
- Chapter 6 References – Lists sources used in preparing this EIS.
- Index
- Appendices