

**United States Department of the Interior  
BUREAU OF LAND MANAGEMENT**

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**RECORD OF DECISION  
DOI-BLM-NM-0000-2021-0001-RMP-EIS  
NM-114438 (Cross Reference BLM Serial Number AZA-35058)**

**SunZia Southwest Transmission Project  
Right-of-Way Amendment  
Final Environmental Impact Statement  
and  
Proposed Resource Management Plan Amendment**

**Greenlee, Graham, Cochise, Pima, and Pinal Counties, Arizona  
Hidalgo, Grant, Luna, Sierra, Socorro, Torrance, Lincoln, and Valencia Counties, New Mexico**

U.S. Department of the Interior  
Bureau of Land Management  
New Mexico State Office  
301 Dinosaur Trail  
Santa Fe, New Mexico

May 16, 2023

**BLM Mission**

It is the mission of the Bureau of Land Management to sustain health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

# FINAL AGENCY ACTION

## A. Land Use Plan Amendment

It is the decision of the Bureau of Land Management (BLM) to approve the Proposed Plan Amendment to the Socorro Resource Management Plan (RMP) to allow a 400-foot-wide corridor for construction and operation of two transmission lines evaluated in the Proposed Plan Amendment and related Final Environmental Impact Statement (EIS) published by the BLM on February 17, 2023, in the *Federal Register*.

I hereby approve the Proposed Plan Amendment. This approval is effective on the date this Record of Decision is signed.

**Approved by:**

May 16, 2023

Date



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BARNES  
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Melanie Barnes  
New Mexico State Director  
Bureau of Land Management

## B. Right-of-Way Amendment Authorization

It is my decision to approve a right-of-way (ROW) amendment to SunZia to allow for the construction and operation of two 500-kV transmission lines, including access roads and other ancillary facilities, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the Department of the Interior and reflected in this Record of Decision. These decisions are effective on the date this Record of Decision is signed.

### Approved by:

May 16, 2023

Date



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Melanie Barnes  
New Mexico State Director  
Bureau of Land Management

May 16, 2023

Date

**RAYMOND  
SUAZO**

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Raymond Suazo  
Arizona State Director  
Bureau of Land Management

## C. Secretarial Approval

I hereby approve these decisions. My approval constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the right-of-way as approved by this decision, must be brought in federal district court. Additionally, any challenge to my decision is subject to 42 U.S.C. § 4370m-6.

**Approved by:**

May 16, 2023

\_\_\_\_\_  
Date

**LAURA  
DANIEL-DAVIS**

Digitally signed by  
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Date: 2023.05.16  
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Laura Daniel-Davis  
Principal Deputy for Assistant Secretary,  
Land and Minerals Management

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## LIST OF ACRONYMS

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AAAQS	Arizona Ambient Air Quality Standards
AC	Alternating Current
ACAS	Avian Collision Avoidance System
ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
AIB	Analysis In Brief
AID	Analysis In Detail
APLIC	Avian Power Line Interaction Committee
APP	Avian Protection Plan
Applicant or SunZia	SunZia Transmission, LLC
ASLD	Arizona State Land Department
AZ	Arizona
AZGFD	Arizona Game and Fish Department
BA	Biological Assessment
BLM	Bureau of Land Management
BMP	Best Management Practices
BO	Biological Opinion
CCP	Comprehensive Conservation Plan
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CIC	Compliance Inspection Contractor
DC	Direct Current
DoD	Department of Defense
DOI	Department of the Interior
EIS	Environmental Impact Statement
El Camino Real NHT	El Camino Real de Tierra Adentro National Historic Trail
EO	Executive Order
EPA	U.S. Environmental Protection Agency
EPE	El Paso Electric Company
EPM	Environmental Protection Measure
ESA	Endangered Species Act
FAST-41	Fixing America's Surface Transportation Act
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act of 1976
GHG	Greenhouse Gas
HVDC	High-Voltage Direct-Current
HPTP	Historic Properties Treatment Plan



I-25	Interstate 25
IM	Instruction Memorandum
KOP	Key Observation Point
kV	Kilovolt(s)
LRMP	Land and Resource Management Plan
MBCP	Migratory Bird Conservation Plan
Mitigation Proposal	Mitigation measures proposed by Department of Defense
NAAQS	National Ambient Air Quality Standards
NCUA	Northern Call-Up Area
NEPA	National Environmental Policy Act of 1969
New Mexico Tech	New Mexico Institute of Mining and Technology
NHPA	National Historic Preservation Act of 1966
NHT	National Historic Trail
NM	New Mexico
NMAAQs	New Mexico Ambient Air Quality Standards
NMDGF	New Mexico Department of Game and Fish
NMSLO	New Mexico State Land Office
NOA	Notice of Availability
NOI	Notice of Intent
NPS	National Park Service
NREL	National Renewable Energy Laboratory
NRHP	National Register of Historic Places
NTP	Notice to Proceed
NWR	National Wildlife Refuge
PA	Programmatic Agreement
POD	Plan of Development
Project	SunZia Southwest Transmission Project
Refuge	Sevilleta National Wildlife Refuge
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
Scoping Report	SunZia Southwest Transmission Project EIS Scoping Report
SHPO	State Historic Preservation Office
SR	State Road
ST	Standard Mitigation
Tri-State	Tri-State Generation and Transmission Association Inc.
TWA	Temporary Work Area
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code

USFS  
USFWS

U.S. Forest Service  
U.S. Fish and Wildlife Service

VRM

Visual Resource Management (BLM)

Western Spirit Project  
WSMR

Western Spirit 345-kV Transmission Line Project  
White Sands Missile Range

## EXECUTIVE SUMMARY

SunZia Transmission, LLC (Applicant, or SunZia) submitted an application to the Bureau of Land Management (BLM) New Mexico (NM) State Office and the U.S. Forest Service (USFS) on March 27, 2020, to request amendment of their existing right-of-way (ROW) grant on public land (Serial Number NM-114438, cross references BLM AZA-35058) issued September 2016; updated applications were subsequently submitted on December 21, 2020, and September 14, 2021. As a result of advanced design and engineering review since the ROW grant was issued in 2016, the Applicant identified several new components to improve constructability and minimize variances during construction.

The application to amend the existing ROW grant authorization includes proposed ROW components of the SunZia Southwest Transmission Project (Project) located outside of the previously granted ROW and is the subject of the February 17, 2023 Final Environmental Impact Statement (FEIS). The proposed amendment, consistent with the original ROW grant, would include up to two 500-kilovolt (kV) transmission lines located on federal, state, and private lands between Torrance County, NM, and Pinal County, Arizona (AZ). The Applicant identified opportunities for rerouting portions of the Project through the U.S. Fish and Wildlife Service (USFWS)-administered Sevilleta National Wildlife Refuge (NWR), or through lands managed by the USFS Cibola National Forest in NM. The proposed alternatives provide opportunities for co-locating portions of the 2015 Selected Route with newly constructed transmission infrastructure in Socorro, Valencia, and Torrance Counties, NM. Additionally, Component 3 alternatives presented opportunities to address ongoing military concerns associated with the White Sands Missile Range (WSMR) Northern Call-Up Area (NCUA), to address issues with obtaining private property ROWs, to reduce costs associated with undergrounding transmission infrastructure, and to identify a better siting location for the SunZia East Substation.

The BLM considered the Applicant's ROW application to amend its ROW grant pursuant to the authority of the Secretary of the Interior to "grant, issue, or renew rights-of-way...for generation, transmission, and distribution of electric energy" (43 United States Code [U.S.C.] § 1761(a)(4); 43 Code of Federal Regulations (CFR) (Part 2800)). This Record of Decision (ROD) provides the rationale for the BLM's Selected Alternative and the BLM's decision to issue an amended ROW grant under the Federal Land Policy and Management Act of 1976 (FLPMA) for the construction, operation, and maintenance of the proposed Project facilities on BLM administered lands under certain terms and conditions. In addition, the BLM has chosen to amend the Socorro Resource Management Plan (RMP) for nonconforming actions resulting from amending the ROW for the Project.

In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations, the Department of the Interior's (DOI) NEPA regulations, and other applicable authorities, the BLM analyzed the environmental impacts of the proposed Project and a reasonable range of alternatives. The Notice of Intent (NOI) to prepare the Project Environmental Impact Statement (EIS) was published in the *Federal Register* on June 4, 2021 (86 FR 30066). The Notice of Availability (NOA) of the Draft EIS was published in the *Federal Register* on May 2, 2022 (87 FR 25653), and the Final EIS NOA was published on February 17, 2023 (88 FR 10373).

The BLM's Selected Alternative is the Preferred Alternative described in the Final EIS (BLM 2022y) as modified by incorporation of certain additional mitigation measures as described in Section 2.4 of this ROD and subject to conditions, stipulations, and receipt of any required federal, state, local, and private approvals or express written permissions. This decision does not authorize the Applicant to commence construction of any Project facilities or to proceed with other ground-disturbing activities in connection with the Project on federal lands. Therefore, the Applicant shall not commence construction or proceed with ground disturbing activities until the Applicant, in accordance with 43 CFR 2807.10, receives and accepts the ROW grant, and also receives a written Notice to Proceed (NTP), which will consist of separate work authorizations that must be approved by the BLM's Authorized Officer. The NTP with construction will not be granted until all other land use authorizations on non-BLM land have been obtained. Although the Project includes a ROW in both NM and AZ, and although the decision in this ROD is being made by the Principal Deputy Assistant Secretary, Land and Minerals Management, the BLM Authorized Officer remains the BLM NM State Director. The Selected Alternative authorizes the amendment of the existing ROW grant to the Applicant to use BLM administered lands to allow for the Applicant's proposed Project with a lease term of the original ROW grant, subject to a new grant of renewal. Approval of the Selected Alternative requires a plan amendment to the Socorro RMP to address non-conformance pursuant to FLPMA (43 U.S.C. §§ 1712, 1732(a); 43 CFR 1610.5-3). The BLM analyzed proposed plan amendments as part of the NEPA process and also followed the procedural requirements for plan amendments under the BLM's planning regulations (43 CFR Subpart 1610). This ROD documents the rationale for the BLM's Selected Alternative, the BLM's decision to issue an amended ROW grant under FLPMA, and approval of the Socorro RMP plan amendment.

The BLM Selected Alternative is as follows:

- **Component 1:** Localized Route Modifications 1–5, and the 2015 Selected Route (the no action alternative in the Final EIS) for Local Route Modification 6 in the Pinal Central Area.
- **Component 2:** All access roads and temporary workspaces outside the granted ROW.
- **Component 3:** Alternative Route 2 with Subroute 2A-1 and Alternative Route 3 with Subroute 3A-1, which include crossing the Sevilleta NWR as well as co-locating the SunZia transmission line with the Western Spirit transmission line at the Rio Grande crossing. For Subroute 3A-1, the agency Selected Alternative includes Local Alternative 3B-2 to avoid two private residences in close proximity to the Project.
- **Component 4:** The 2015 Selected Alternative co-locates the ground disturbance associated with the High-Voltage Direct-Current (HVDC) converter station (the SunZia West Substation) with the existing development and ground disturbance associated with the Salt River Project Pinal Central Substation.

The analysis contained in the Final EIS did not replace the Project description, information, and analysis provided in the previous Final EIS/RMP Amendment (BLM 2013a), the SunZia ROD (BLM 2015a), or the 2016 ROW grant (BLM 2016c). The Final EIS provides additional and revised analysis for the four Project components contained within SunZia's application to amend the existing ROW authorization, including consideration of any land use plan amendments necessary to ensure plan conformance for the new ROW components. The Final EIS does not revisit or reanalyze the previously analyzed and approved route from 2015 unless conditions have changed that warrant new analysis. As a result, the Final EIS is tiered to the BLM's 2013 Final EIS and 2015 ROD and this ROD only applies to the ROW amendment application and any land use plan amendments.

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# 1 INTRODUCTION/BACKGROUND

The Applicant submitted an application to the BLM NM State Office on March 27, 2020, to request amendment of their existing ROW grant on public land (BLM Serial Number NM-114438, cross references BLM AZA-35058) issued September 2016; updated applications were subsequently submitted on December 21, 2020, and September 14, 2021. The application to amend the existing ROW grant authorization includes proposed ROW components of the Project located outside of the previously granted ROW, and is the subject of the Project ROW Amendment Final EIS. The proposed amendment, consistent with the original ROW grant, would include up to two 500-kV transmission lines located on federal, state, and private lands between Torrance County, NM, and Pinal County, AZ.

This document is the ROD of the BLM, providing the rationale for the BLM's decision to issue an amended ROW grant and temporary ROW grants for the Project. This ROD was prepared consistent with NEPA, FLPMA, and other applicable federal laws and regulations. The BLM has prepared this ROD based on information contained in the Final EIS for Project-related actions affecting BLM lands. Under Title V of FLPMA, the BLM may authorize activities only on BLM-managed public lands. This ROD, therefore, does not authorize use of lands managed by other federal agencies, including the USFWS and USFS, which are left to the discretion of those agencies. The USFWS will evaluate any applications it receives.

Prior environmental documents include a Final EIS (DOI-BLM-NM-0000-2009-0081-EIS) in 2013, a subsequent Environmental Assessment (DOI-BLM-NM-900-2015-1) and Finding of No New Significant Impact in 2015 to accommodate burial of approximately five miles of the transmission line in three locations within the WSMR NCUA, and a ROD in 2015. The BLM issued a ROW grant to the Applicant in 2016, authorizing use of a 400-foot-wide ROW across 183 miles of BLM administered lands. Construction of the lines has not begun. Along with the analysis in the Final EIS, those prior NEPA analyses are incorporated herein by reference.

The Applicant's purpose of the Project is to transport up to 4,500 megawatts of primarily renewable energy from NM to markets in AZ and California. The permitted route originates at a planned substation in Torrance County, NM, and terminates at the existing Pinal Central Substation in Pinal County, AZ (see Figure 1). The Project crosses portions of Lincoln, Socorro, Sierra, Luna, Grant, Hidalgo, Valencia, and Torrance counties in NM and Graham, Greenlee, Cochise, Pinal, and Pima counties in AZ. The 2015 Selected Route has four segments:

- Segment 1: Pinal Central Substation to Willow 500-kV Substation
- Segment 2: Willow 500-kV Substation to SunZia South Substation (Segment 2a in AZ, Segment 2b in NM)
- Segment 3: SunZia South Substation to New Mexico Institute of Mining and Technology (New Mexico Tech) and
- Segment 4: New Mexico Tech to SunZia East Substation

The alternative transmission routes analyzed involve rerouting Segment 4 of the Project through the Sevilleta National Wildlife Refuge (Refuge) or through lands managed by the Cibola National Forest.

The proposed amendments to the ROW consist of these four components and their alternatives:

- **Component 1:** Approximately 40 miles of localized route modifications in Pinal County, AZ, and Hidalgo, Luna, Sierra, and Socorro Counties, NM
- **Component 2:** Access roads and temporary work areas (TWAs) outside the granted ROW in Greenlee, Graham, Cochise, Pima, and Pinal Counties in AZ, and Hidalgo, Grant, Luna, Sierra, Socorro, Torrance, and Lincoln Counties, NM
- **Component 3:** A reroute of the 2015 Selected Route within Socorro, Valencia, and Torrance Counties, NM
- **Component 4:** The alternate location of the SunZia West HVDC substation in Pinal County, AZ

**Components 1 and 2:** As a result of further landowner coordination, advanced project design, and engineering review since the ROW grant was issued in 2016, the Applicant has identified localized transmission line route modifications in Segments 1, 2, and 3 and refined the location and design of access roads and TWAs in Segments 1, 2, and 3 to improve constructability and minimize variances during construction.

**Component 3:** One of the ongoing challenges of the Project has been the location of Segment 4 (2015 Selected Route), a segment of the proposed transmission line alignment within the WSMR NCUA, which necessitated a plan for undergrounding approximately 5 miles of the transmission line (BLM 2015b: Section 3.5.2.6). As identified in the 2015 ROD, the 2015 Selected Route was selected to maximize the use of existing utility corridors, minimize impacts to sensitive resources, minimize impacts at river crossings, minimize impacts to residential and commercial land uses, and minimize impacts to military operations in the restricted airspace north of the WSMR. The WSMR, approximately 3,200 square miles, is the Department of Defense (DoD)'s largest domestic range providing support of missile development and test programs critical to national defense and security. The WSMR conducts very-low-altitude test-flight profiles for drones, missiles, and other unmanned vehicles launched from the WSMR or received from launches from off-installation locations. The airspace associated with WSMR is a complex of restricted airspace from surface to unlimited designated to ensure the separation of non-participating aircraft from potentially hazardous operations (Office of the Assistant Secretary of Defense 2022). Areas to the north and west of the WSMR (referred to as "call-up areas") can be used by the WSMR temporarily if needed for specific missions that cannot be accomplished within the boundaries of the range. From late 2017 through 2019, the Applicant and DoD had numerous discussions about the impacts of the 2015 Selected Route along Segment 4 on the DoD's "test range infrastructure needed to support emerging technologies and systems identified in the National Defense Strategy" (McMahon 2018). The Applicant and DoD had continuing discussions about potential alternative routes that could reduce or eliminate such impacts. The DoD has acknowledged the national security benefits of reducing impacts to WSMR operations that could result from the Applicant pursuing potential alternative routes for Segment 4 that would relocate the Project's proposed transmission line and associated facilities outside of the WSMR NCUA (McMahon 2018; Office of the Assistant Secretary of Defense 2022).

Coincident with this was the development of the permitted Western Spirit 345-kV Transmission Line Project (Western Spirit Project) located north of Segment 4 of the 2015 Selected Route. The Applicant plans to use the Project as the primary transmission system for the electricity generated at wind-generation projects in eastern NM, including the Corona area (Lincoln, Torrance, and Guadalupe Counties). The construction of the Western Spirit Project presented a new opportunity

for siting a reroute of Segment 4 of the Project to partially parallel the Western Spirit Project. SunZia also identified that rerouting Segment 4 to partially parallel the Western Spirit Project could help to minimize impacts to WSMR operations that might result from the 2015 Selected Route. This is consistent with Section 503 of FLPMA (43 U.S.C. § 1763), which encourages use of common utility ROWs in order to minimize adverse environmental impacts and the proliferation of separate ROWs.

Further, the Applicant has proposed alternative routes across the Refuge that address issues raised in the previous EIS. In Section 2.3.3.1 of the 2013 Final EIS (BLM 2013a), the BLM eliminated from detailed analysis several alternatives crossing through the Sevilleta NWR on the basis that such alternatives would conflict with the Sevilleta NWR management policy and restrictions that prohibit commercial uses, as stated in the Sevilleta NWR land grant deed. (BLM 2013a:2-28 through 2-36). However, co-location with the existing utility lines was not considered at that time. El Paso Electric Company (EPE) has a 345-kV transmission line in a 100-foot-wide easement and Tri-State Generation and Transmission Association Inc. (Tri-State) has a 115-kV transmission line in a 50-foot-wide easement. Due to existing easement widths, only one new SunZia transmission line could be routed within each easement for Alternative 2 and Alternative 3, requiring modification and replacement of each transmission line. Tri-State and EPE would need to request use of Refuge lands outside of existing easement footprints for construction and long-term maintenance and operations. Co-location with existing utility lines within existing easements would allow the USFWS and BLM to reconsider alternative routes that would cross the Sevilleta NWR.

**Component 4:** The Applicant also identified the need for an HVDC substation, the SunZia West Substation, at a newly identified west-end receiving terminal in AZ (Segment 1). A Direct Current (DC) transmission line would require equipment at each DC terminus location to convert the power from Alternating Current (AC) to DC (SunZia East HVDC converter) and DC to AC (SunZia West HVDC converter). As engineering and design for the Project has progressed, the operation and interconnection capabilities for the west-end HVDC receiving terminal could be better served at a dedicated and separate site rather than near Salt River Project's Pinal Central Substation, as previously proposed. Based on how market conditions evolve, the SunZia West HVDC converter may ultimately be constructed and operate within the previously analyzed location near the Pinal Central Substation.

The project area includes lands administered by four BLM Field Offices (Tucson, Safford, Rio Puerco, and Socorro) and the Las Cruces District Office. As proposed, the Project is not in conformance with the Socorro RMP; therefore, the BLM identified a plan amendment that would be needed for any of the alternatives that are fully analyzed. The proposed Project components conform with all other BLM RMPs.

The BLM, through its NM State Office, was the lead federal agency for preparing the EIS and published its NOI to prepare the EIS in the *Federal Register* on June 4, 2021 (86 FR 30066). The NOA for the Draft EIS and RMP Amendment for the Project was published in the *Federal Register* on May 2, 2022 (87 FR 25653). The NOA for the Final EIS and RMP Amendment was published in the *Federal Register* on February 17, 2023 (88 FR 10373).



## 1.1 BLM PURPOSE AND NEED

In accordance with FLPMA, public lands are to be managed for multiple uses including the long-term needs for renewable and non-renewable resources, unless otherwise provided by law (43 U.S.C. § 1732(a)). The BLM is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electrical energy (43 U.S.C. § 1761(a)(4)). Taking into account the BLM's multiple-use mandate, the BLM's purpose and need for this action is to respond to the FLPMA ROW application submitted by the Applicant under Title V of FLPMA (43 U.S.C. § 1761) to modify the existing ROW grant NM114438 for the construction and operation of two 500-kV transmission lines located on federal, state, and private lands between central NM and central AZ, in compliance with FLPMA, BLM ROW regulations, DOI NEPA regulations, and other applicable federal and state laws and policies, including the BLM NEPA Handbook (BLM 2008). The BLM should also consider guidelines from the Energy Policy Act of 2005, which recognizes the need to improve domestic energy production, and development of energy resources.

Pursuant to 43 CFR 2801.2, the BLM's objective is to grant ROWs and to control their use on public lands in a manner that: (a) protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity; (b) prevents unnecessary or undue degradation to public lands; (c) promotes the use of ROWs in common, considering engineering and technological compatibility, national security, and land use plans; and (d) coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

The BLM must also consider existing RMPs in its decision of whether to issue a ROW grant amendment, in accordance with 43 CFR 1610.5-3. RMPs allocate public land resource use and establish management objectives. Portions of the proposed transmission line alternatives would not conform with certain RMP management objectives. As such, proposed RMP amendments were analyzed in the Draft and Final EIS (BLM 2022x and 2022y, respectively) pursuant to 43 CFR 1610.5-5. Specifically, portions of the proposed transmission line alternatives would not conform with Visual Resource Management (VRM) objectives, would cross areas designated as ROW avoidance or exclusion areas in the Socorro RMP (BLM 2010), or would impact an Area of Critical Environmental Concern (ACEC), thus requiring amendments to this plan for portions of the Project. To the extent practicable and consistent with the laws governing the administration of the public lands, the BLM must coordinate the land use inventory, planning, and management activities with other federal departments and agencies and of the states and local governments, in accordance with Section 202(c)(9) of FLPMA.

## 1.2 DECISION

The BLM has decided to grant the Applicant an amendment to their ROW as reflected in the Selected Alternative to construct, operate, maintain, and decommission the Project facilities on BLM-managed lands as explained in Section 1.4 of this ROD and subject to conditions, stipulations, and receipt of any required federal, state, local, and private approvals or express written permissions. In addition, the BLM has chosen to amend the Socorro RMP for nonconforming actions resulting from the granting of the ROW for the Project as detailed in Section 2.3 of this ROD.

In accordance with the CEQ's 2022 NEPA Implementing Regulations 43 CFR 1505.2, and

informed by the summary of the submitted alternatives, information, and analyses in the final environmental impact statement, together with any other material in the record I determine to be relevant, I hereby certify that the BLM has considered all of the alternatives, information, analyses, and objections submitted by State, Tribal, and local governments and public commenters for consideration by the BLM and cooperating agencies in developing the EIS.

### 1.3 SELECTED ALTERNATIVE

The BLM has identified parts of the four proposed Project components as the agency's Selected Alternative. The agency's Selected Alternative is as follows:

- **Component 1:** Localized Route Modifications 1–5, and the 2015 Selected Route (the no action alternative in the Final EIS) for Local Route Modification 6 in the Pinal Central area.
  - Route Modification 1: Mavericks Area (reference FEIS Appendix A, Map 66)
  - Route Modification 2: SunZia South Area (reference FEIS Appendix A, Maps 81-83)
  - Route Modification 3: Macho Springs Area (reference FEIS Appendix A, Maps 86-90)
  - Route Modification 4: Las Palomas Area (reference FEIS Appendix A, Maps 103-105)
  - Route Modification 5: Highlands Area (reference FEIS Appendix A, Maps 119-120)
- **Component 2:** All access roads and temporary workspaces outside the granted ROW.
- **Component 3:** Alternative Route 2 (Subroute 2A-1) and Alternative Route 3 (Subroute 3A-1), which include crossing the Sevilleta NWR as well as co-locating the SunZia transmission line with the Western Spirit transmission line at the Rio Grande crossing. For Subroute 3A-1, the agency Selected Alternative includes Local Alternative 3B-2 to avoid two private residences in close proximity to the Project.
- **Component 4:** The 2015 Selected Alternative co-locates the ground disturbance associated with the HVDC converter station (the SunZia West Substation) with the existing development and ground disturbance associated with the Salt River Project Pinal Central Substation.

This decision incorporates additional mitigation measures as described in Section 2.4 of this ROD. The Selected Alternative grants the Applicant an amended ROW across BLM administered lands to allow for the Applicant's proposed Project with a term of the original ROW grant.

The approved transmission line route, shown in Figure 1, would originate at a new substation (SunZia East) in Lincoln County, NM, and terminate at the Pinal Central Substation in Pinal County, AZ. The Project would be located in Lincoln, Socorro, Sierra, Luna, Grant, Hidalgo, and Torrance counties in NM; and Graham, Greenlee, Cochise, Pinal, and Pima counties in AZ. The BLM Selected Alternative is approximately 550 miles long, with approximately 174 miles on BLM-administered public lands.

### 1.4 PUBLIC INVOLVEMENT

The NOI for this project was published in the *Federal Register* on June 4, 2021, notifying the public of the BLM's intent to prepare an EIS and RMP amendment (BLM 2021a:A-1 through A-3). The NOI also signified the beginning of the 30-day scoping period, ending July 6, 2021. In addition to the NOI, various outreach methods were utilized, which included a pre-NOI postcard mailed to the BLM's interested party list, online project information, a media release, and a project

newsletter (also mailed to the BLM’s interested party list) announcing the publication of the NOI and public scoping meetings (BLM 2021a: Appendix B). The BLM hosted three virtual public meetings, on June 22, 23, and 24, 2021.

Following the scoping period, the BLM received 186 submissions from the public. Of these 186 submissions, 130 were from individuals, 26 were from organizations or businesses, and eight were from agencies, with some entities providing more than one submission (BLM 2021a:5). Once comment-level coding took place, 835 total comments were identified. Approximately 167 comments were coded as out of scope, 137 comments were coded for wildlife resources, and 101 comments were coded for alternatives (BLM 2021a:6–7). Remaining comments were coded for issues such as socioeconomics, the NEPA process, purpose and need, climate change, etc. (BLM 2021a:6–7). Scoping comments have been used to identify issues and resource conflicts for analysis in the EIS. The SunZia Southwest Transmission Project EIS Scoping Report (Scoping Report) was published in July 2021 (BLM 2021a) and was available on the BLM’s ePlanning website.

The BLM published an NOA for the Draft EIS in the *Federal Register* on April 29, 2022. The NOA announced the release of the Draft EIS and the beginning of a 90-day comment period. The BLM held virtual public meetings on June 21, 28, and 29, 2022. A total of 125 submittals (letters, emails, and telephone messages) were received by the BLM during the 90-day comment period. All comments on the Draft EIS were given careful consideration with necessary changes incorporated into the Final EIS. The BLM published an NOA for the Final EIS in the *Federal Register* on February 17, 2023. The comments and the agency’s responses to comments are provided in the Final EIS, Appendix I (BLM 2022y).

The BLM has reviewed and considered the comments received during each of these comment periods in reaching the decision to amend the ROW grant, subject to BLM mitigation measures, conditions, and applicable stipulations.

The BLM received nine protest letters regarding the proposed plan amendment to the Socorro RMP during the 30-day protest period ending on March 19, 2023. The protest procedures for a proposed plan amendment and the applicable criteria are provided in 43 CFR 1610.5-2. The BLM evaluated all protest letters to determine which protest letters were complete and timely, and which persons held standing to protest. Of the nine letters received, six met these criteria. Three letters were dismissed from consideration due to lack of standing. Three of the nine timely filed protests were dismissed because they provided comment but did not present valid issues. Three of the letters had valid protest issues regarding the following topics: consistency with the National Wildlife Refuge System Improvement Act of 1997; unnecessary and undue degradation; impacts analysis; range of alternatives; reasonably foreseeable future actions; public involvement; and Section 106 consultation-Tribal consultation. Responses to these issues are provided in the Protest Resolution Report, and each of these three protests was denied.

## **1.5 CONSULTATION WITH OTHER GOVERNMENTS AND AGENCIES**

Consultation and coordination with American Indian tribes, Federal, State, local and intergovernmental agencies, organizations, and interested groups of individuals was conducted to ensure that data was gathered and employed for analyses, and that agency and public sentiment and values were considered and incorporated into decision making. Formal and informal efforts

were made by the BLM to involve these groups in the scoping process and in subsequent public involvement activities, formal consultation, and review of the EIS.

The BLM, through its NM State Office, is the lead Federal agency responsible for preparing the Final EIS and associated analyses. As lead agency, the State Office is responsible for consultations required by Section 7 of the Endangered Species Act of 1973 (ESA), as amended, and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and all other relevant federal laws. Cooperating agencies include the USFS (Cibola National Forest and National Grasslands); U.S. Army Corps of Engineers (USACE); U.S. Department of the Army, Fort Huachuca; U.S. Department of the Army, WSMR; U.S. Department of Energy; USFWS; National Park Service (NPS); Arizona Game and Fish Department (AZGFD); Arizona State Land Department (ASLD); New Mexico Department of Game and Fish (NMDGF); NM Office of Military Base Planning and Support; New Mexico State Land Office (NMSLO); Graham County, AZ; Pinal County, AZ; Grant County, NM; Lincoln County, NM; Luna County, NM; Socorro County, NM; Valencia County, NM; Claunch-Pinto Soil and Water Conservation District; and the City of Belen, NM.

On July 29, 2021, this Project became a Fixing America's Surface Transportation Act (FAST-41) project pursuant to Title 41 of the Act. FAST-41 status means this project is closely monitored by Federal agencies and the Federal Permitting Improvement Steering Council (FPISC) at the national level. The Project can be viewed on the FAST-41 Dashboard at:

<https://www.permits.performance.gov/permitting-project/sunzia-southwest-transmission-project>.

The following agencies were identified as participating or cooperating agencies under FAST-41: Advisory Council on Historic Preservation (ACHP) (participating), and USFS (Cibola National Forest and National Grasslands), USACE, U.S. DoD Siting Clearinghouse, U.S. Environmental Protection Agency (EPA) Region 6, USFWS, and NPS (cooperating).

The BLM hosted weekly meetings with the Federal cooperating agencies in 2021 leading up to the preparation of the Draft EIS. Agencies that regularly participated in these meetings include the USFWS, Cibola National Forest, and NPS. The DoD joined these meetings in Q3 of 2021. The USACE joined these meetings in Q4 of 2021. The BLM also hosted quarterly meetings with all cooperating agencies, including the non-Federal agencies. The cooperating agencies reviewed the Administrative Draft EIS in January 2022 and the Administrative Final EIS in November 2022. The cooperating agencies have also reviewed the Initial Action Worksheets, the Resource Reports prepared by POWER Engineers, Inc., the Scoping Report, and the Alternatives Development Report in preparation for the Administrative Draft EIS review.

Consultation with the USFWS is required under Section 7 of the ESA (16 U.S.C. § 1531 et seq.) when a project that is carried out, funded, or authorized by a federal agency may affect species listed under the ESA. The BLM requested early input from the USFWS to identify ESA-listed species and other sensitive biological resources and prepared a Biological Assessment (BA) in support of the ROW amendment request, in consultation with USFWS. The consultation was completed with the issuance of a Biological Opinion (BO) by USFWS on January 23, 2023. A detailed description of the Section 7 consultation is in Section 5.1 of this ROD.

The NHPA (54 U.S.C. § 306108) requires federal agencies to consider the potential effects of a proposed undertaking on historic properties eligible for or listed on the National Register of Historic Places (NRHP) and provide the ACHP with an opportunity to consider such effects prior

to approving the undertaking. The regulations implementing the NHPA require agencies to inventory and evaluate historic properties potentially affected by a proposed undertaking, and seek to resolve potential adverse effects on such properties through consultation with consulting parties, including the AZ and NM State Historic Preservation Offices (SHPOs), the ACHP, and potentially affected Indian tribes (see 36 CFR Part 800). The Section 106 regulations allow federal agencies to satisfy Section 106 compliance through an alternative process established in a Programmatic Agreement (PA) (36 CFR 800.14(b)(3)). The BLM and required signatories executed a PA for the SunZia Project on December 17, 2014. On November 28, 2022, the signatory parties amended the PA to cover SunZia's proposed amendments to the ROW authorized in 2015. A detailed description of the Section 106 consultation is in Section 5.2 of this ROD.

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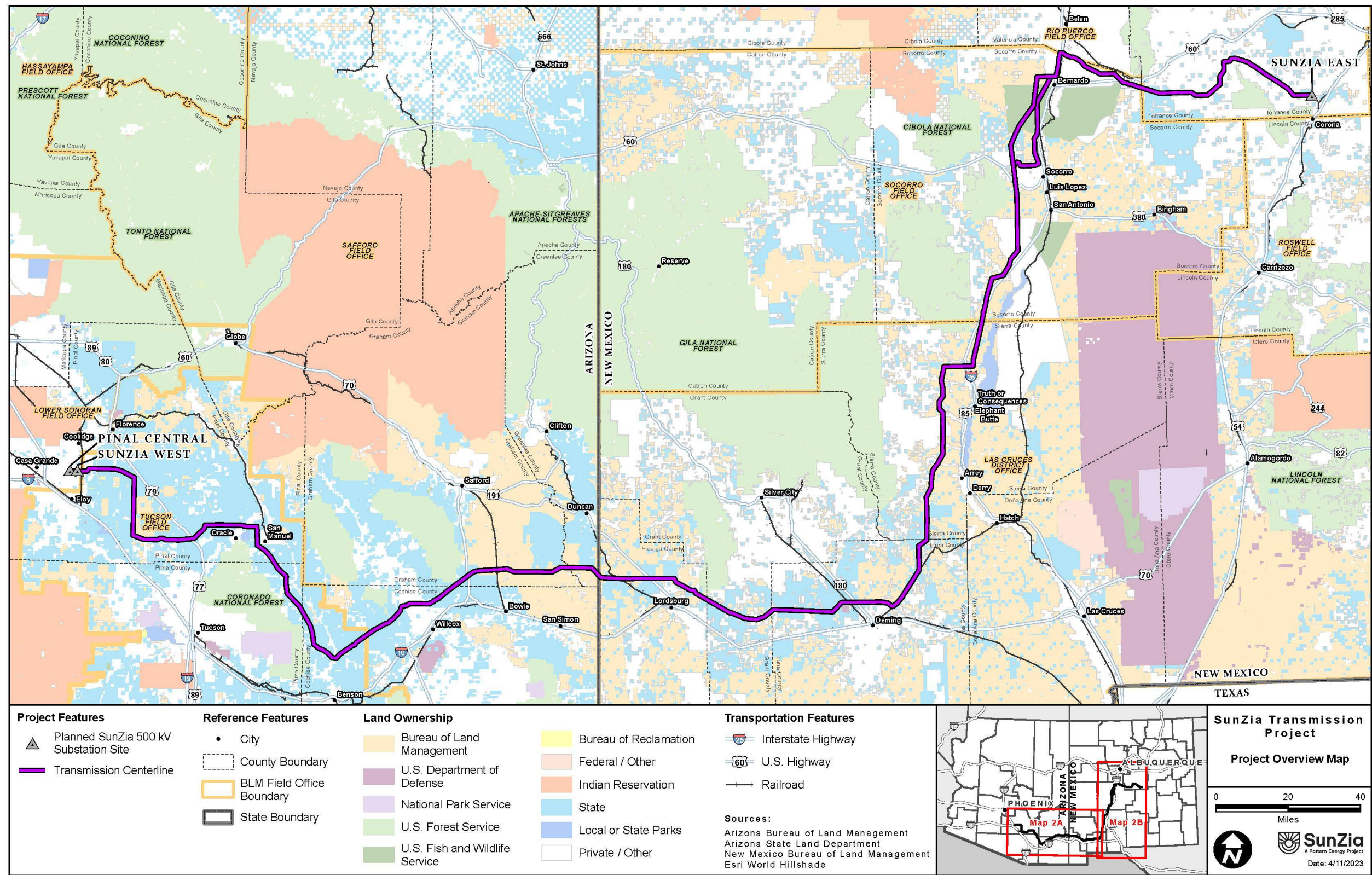


Figure 1. Bureau of Land Management Selected Alternative



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## 2 DECISION

### 2.1 AUTHORITY

The BLM will issue a ROW amendment for the transmission line and associated facilities addressed in the EIS, pursuant to Title V of FLPMA (43 U.S.C. § 1761 et seq.) as amended. FLPMA provides the BLM with discretionary authority to grant ROWs on lands the BLM administers, taking into consideration impacts on natural and cultural resources (including historical resources). In doing so, the BLM must endeavor “to minimize damage to scenic and aesthetic values and fish and wildlife habitat and otherwise protect the environment” through avoidance or mitigation (43 U.S.C. § 1765(a)).

The BLM is also amending the Socorro RMP. Section 202 of FLPMA requires that “[t]he Secretary shall, with public involvement...develop, maintain, and when appropriate, revise land use plans that provide by tracts or areas for the use of the public lands” (43 U.S.C. § 1712). The regulations for making and modifying land use plans and planning decisions are found in 43 CFR Part 1600. The proposed plan amendment follows the required procedures set forth in 43 CFR Subpart 1610, Resource Management Planning.

These decisions affect only those lands in the Project area administered by the BLM. However, the effects to public lands managed by the BLM, as well as the effects to private lands and those managed by agencies other than the BLM, were considered in making this decision.

### 2.2 BLM UTILITY ROW AMENDMENT

Based on a review of the analysis as documented in the Final EIS (BLM 2022y), a ROW amendment will be granted to SunZia to allow for the construction and operation of two 500-kV transmission lines, including access roads and other ancillary facilities, following the route of the BLM Selected Alternative as shown in Figure 1. A detailed description of the Selected Alternative is in Section 3.4.1 of this ROD. The BLM will authorize the ROW grant amendment and ROW authorization(s) for the term of the original ROW grant. However, the project facilities would have a useful life up to 75 years. Once the ROW expires per the expiration date of the original ROW grant, the ROW holder would determine whether the holder still wants to operate/maintain the facilities. If the holder determines there is a continued need for the transmission line, they would be required to submit an application to renew the ROW grant. Upon termination or abandonment of the ROW grant, the ROW holder would be required to decommission and remove the facilities and remediate and restore the ROW area.

The typical ROW width will be 200 feet wide per transmission line (for a total of 400 feet wide) (Section 2.3 of the Final EIS, BLM 2022y). The ROW will cross approximately 174 miles of BLM administered lands. Legal descriptions for the portions of the Project that would cross BLM administered lands in NM and AZ under the jurisdictions of the Rio Puerco, Socorro, Safford, and Tucson field offices and the Las Cruces district office are included in the ROW grant.

#### **Agency Standards**

The ROW grant and temporary ROW grants must comply with agency (BLM) stipulations described and referenced in this ROD.

## **Bonding**

The applicant/holder must obtain a ROW Surety Performance and Reclamation bond(s). The bond(s) must be submitted and accepted by the BLM Authorized Officer prior to the grant being issued and/or prior to a NTP as stipulated in the grant. The bond is to cover the construction, Section 106 PA requirements, operation, maintenance, and termination/reclamation of the grant; therefore, the bond would remain in place to cover everything over the life of the grant. Should the bond delivered under this grant become unsatisfactory to the BLM Authorized Officer, the holder shall, within 30 calendar days of demand, furnish a new bond. In the event of non-compliance with the terms and conditions of this grant, the BLM will notify the holder that the surety bond is subject to forfeiture and will allow the holder 25 calendar days to respond before action is taken to forfeit the bond and suspend or terminate the ROW authorization.

The holder agrees that any bond held as security for the holder's performance of the terms and conditions of this grant may, upon failure of the holder's part to fulfill any of the requirements herein set forth or made a part hereof, be retained by the United States, to be applied as far as may be needed to the satisfaction of the holder's obligation assumed hereunder, without prejudice whatever to any other rights and remedies of the United States.

## **Decommissioning on Federal Lands**

Upon termination of the ROW, all facilities on BLM administered lands will be decommissioned in accordance with an abandonment plan that will be reviewed by the BLM. Decommissioning, as captured in the abandonment plan and reflected in 43 CFR 2807.19(b), requires the holder to remediate and restore the ROW area to the BLM's satisfaction. All access roads not required to meet Federal transportation needs will be removed and the sites reclaimed to agency standards.

## **State and Federal Legal Requirements**

This ROD also requires the Applicant to meet the requirements of the other authorizing agencies for this project concerning any necessary Federal and State permits, licenses, and/or approvals and consultation requirements on Federal lands as identified in Table 3 of the Project Plan of Development (POD). As noted below, the Applicant shall not initiate construction or other surface disturbance associated with the ROW grant and temporary ROW grants as reflected in this ROD until BLM issues a written NTP. The requirements to receive a NTP shall include obtaining all Federal, State, county, local, and private authorizations or express written permissions necessary for the entire Project and complying with all requirements outlined in the ROW grant.

## **Compliance and Monitoring**

The Applicant will provide compliance environmental inspectors/monitors for construction, access road upgrades, and aboveground facility construction on BLM administered lands. These monitors will report directly to the BLM. Their role and responsibility is to ensure compliance with all terms, conditions, and stipulations of the ROW grant and temporary ROW grants, and other permits, approvals and regulatory requirements as described in the POD. The environmental inspectors/monitors shall follow Section 2.1.4 of the POD. The Applicant will also be responsible for monitoring the reclamation and stabilization of the transmission line corridor over the long term. Included in this requirement, among other things, is the monitoring of the ROW for invasive plants and, if necessary, spraying as outlined in the Noxious Weed Management Plan included in Appendix B2 of the POD.

### **Terms, Conditions, and Stipulations**

This decision is contingent on meeting all terms, conditions and stipulations included in this ROD and the ROW grant and temporary ROW grants, including, but not limited to the following:

The Applicant shall receive all necessary Federal, State, local, and private authorizations and express written permissions.

The Applicant shall follow the construction procedures and mitigation measures described in its application and supplements as identified in the Final EIS. These mitigation measures are included with this ROD as Appendix A.

The Applicant shall comply with the standard stipulations of the ROW grant and temporary ROW grants.

The Applicant shall comply with the standard stipulations of the Amended PA (Appendix B).

Prior to any construction or other surface disturbance associated with the ROW grant and temporary ROW grants, the Applicant shall receive written NTPs from the Authorized Officer or delegated agency representative. Any NTP shall authorize construction or use only as therein expressly stated and only for the particular location, segment, area, and use described.

In accordance with 43 CFR Part 2800, the Applicant has provided the BLM with a POD dated May 2023 detailing how the transmission line and associated facilities will be constructed in compliance with the ROW and temporary ROW terms, conditions, and stipulations. The Applicant shall comply with all required Environmental Protection Measures (EPMs) outlined in the POD to the satisfaction of the BLM and USFWS. These measures include the standard stipulations of the ROW grant and temporary ROW grants.

The Applicant shall construct, operate and maintain the facilities, improvements and structures within the ROW and areas authorized by the temporary ROW grants in strict conformity with the POD dated May 2023, which is part of the grant. Any relocation, additional construction or use that is not in accordance with the approved POD shall not be initiated without the prior written approval of the Authorized Officer.

The Applicant shall implement all activities described in the Description of the Proposed Action and the Terms and Conditions of the BO written by the USFWS found in Appendix C of this ROD.

The Applicant shall implement the biological resource conservation measures described in the Agreement Between the SunZia Southwest Transmission, LLC and the AZ Game and Fish Commission Providing Certain Mitigation and Conservation Commitments Related to the Project as amended (Arizona Game and Fish Commission 2016 and Arizona Game and Fish Commission 2018).

The Applicant shall implement the Migratory Bird Conservation Plan (MBCP) and the Avian Protection Plan (APP).

The Applicant will provide funding to rehabilitate and enhance pastures and habitat along the Project corridor. The BLM and the Applicant will develop an agreement on the timing and amount of such funding before the finalization of POD.

## NTP

This Decision does not authorize the Applicant to commence construction of any project facility or proceed with other ground-disturbing activities in connection with the Project until the Applicant, in accordance with 43 CFR 2807.10, receives a written NTP from the BLM's Authorized Officer. To receive an NTP, the Applicant shall obtain all necessary Federal, State, county, local, and private authorizations or express written permissions and satisfy all other necessary conditions and consultations associated with the Project as identified in this ROD and/or included in the ROW. Although the Project includes a ROW in both NM and AZ, and although the decision in this ROD is being made by the Assistant Secretary, Land and Minerals Management, the BLM Authorized Officer remains the BLM NM State Director.

## 2.3 SOCORRO RMP AMENDMENT

Based on the review of the analysis as documented in the Final EIS (BLM 2022y), the following decision is hereby made to amend portions of the Socorro RMP to allow a 400-foot-wide corridor for construction and operation of two transmission lines in areas of non-conformance. See Figure 2. This RMP amendment is necessary as portions of the Selected Alternative cross areas identified as ROW avoidance areas. Avoidance areas may be used for future ROWs only when no feasible alternative route is available. The Selected Alternative does not impact ROW exclusion areas, the Ladron Mountain Devil's Backbone Complex ACEC, or any VRM classes.

Consideration of this plan amendment was fully integrated with the NEPA process for this Project, including the scoping and public comment period on the EIS. A land use plan protest process was completed on the proposed plan amendment and is described in Section 6.2.1 of this ROD. The BLM is approving the Socorro plan amendment because it is necessary for the approval of the Selected Alternative and there is no feasible alternative that avoids the ROW avoidance areas.

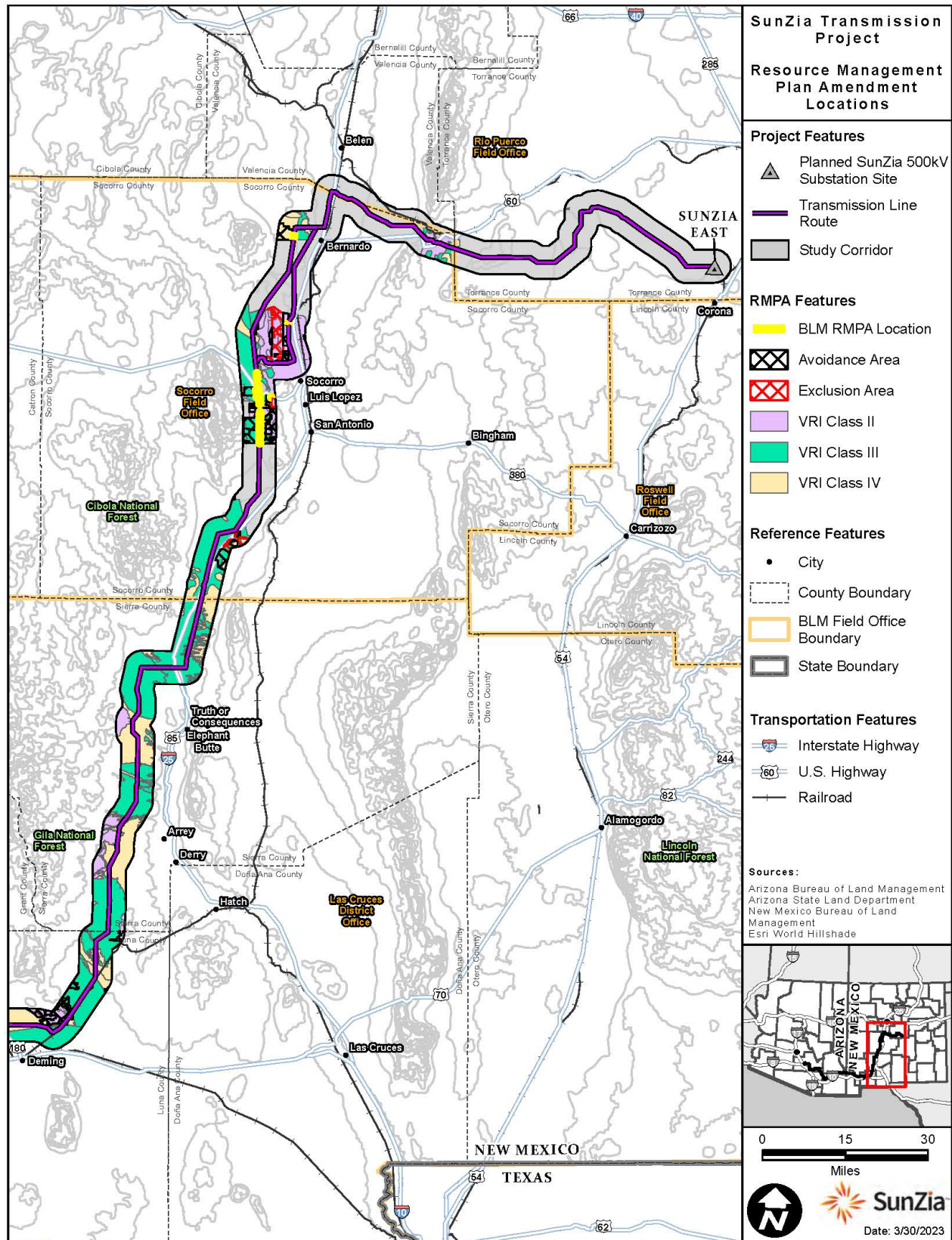
### Amended ROW Avoidance

The Socorro RMP (BLM 2010) is amended where Component 2 (access roads and TWAs) and Component 3 (Segment 4 selected reroutes) cross amended ROW avoidance areas. Approximately 176 acres of avoidance areas (less than 0.1%) will now be open within the Socorro Field Office to ROW development. The Socorro RMP (pages 19 and 28 and Map 2, BLM 2010) is amended to reflect the reduction in amended ROW avoidance.

**Table 2.1 Summary of Socorro RMP Plan Amendment**

<b>Project Component Selected</b>	<b>Reason for Amendment</b>	<b>Existing RMP</b>	<b>Plan Amendment</b>
Component 2	Avoidance area*	48 acres avoidance area	Decrease avoidance area by 48 acres
Alt Route 2 with Subroute 2A-1	Avoidance area*	69 acres avoidance area	Decrease avoidance area by 69 acres
Alt Route 3 with Subroute 3A-1 and Local Alternative 3B-2	Avoidance area*	59 acres avoidance area	Decrease avoidance area by 59 acres

\* Avoidance areas are established for the Bighorn Sheep Corridor and to protect sensitive resource areas.



**Figure 2. Bureau of Land Management Socorro Resource Management Plan Amendment**

## 2.4 MITIGATION AND MONITORING

### Mitigation and Residual Impacts

Mitigation includes specific means, measures, or practices that would reduce or eliminate effects of a proposed action or alternatives and may be used to reduce or avoid adverse impacts to environmental resources, whether or not they are significant in nature. Design features, which were referred to as standard mitigation (ST) measures in the 2013 Final EIS (BLM 2013a:2-88 through 2-99) were incorporated in the impact analysis for all alternatives. These design features typically address specific environmental policies, Best Management Practices (BMPs), planning guidelines, or regulatory requirements. Design features are listed in the Final EIS Appendix C (BLM 2022y).

Applicant-committed EPM's, which were referred to as selective mitigation measures in the 2013 Final EIS (BLM 2013a:2-88 through 2-99), are intended to reduce or minimize impacts in specific locations. A list of the EPMs is provided in the Final EIS Appendix C (BLM 2022y).

Biological resources conservation measures were developed in collaboration with the BLM, USFWS, and the Applicant during ESA Section 7 consultation to address and mitigate adverse effects to federally listed species. The biological resource conservation measures incorporate by the reference the *Agreement Between the SunZia Southwest Transmission, LLC and the Arizona Game and Fish Commission Providing Certain Mitigation and conservation Commitments Related to the SunZia Southwest Transmission Project* as amended (Arizona Game and Fish Commission 2016 and Arizona Game and Fish Commission 2018). A list of the biological resource conservation measures is provided in the Final EIS Appendix C (BLM 2022y).

Residual impacts are the environmental effects that remain after EPMs are applied. The level of residual impact is determined by how effective the mitigation is in reducing or avoiding the initial impact. Locations and intensities of potential residual impacts anticipated to occur from the Project were assessed for each alternative and described for each issue statement in the Final EIS. The disclosure of impacts in the Final EIS predominantly focused on residual impacts because it is assumed all necessary design features and EPMs would be applied, where appropriate. Refer to Final EIS Appendix C (BLM 2022y: SunZia Design Features, EPMs, and Biological Resources Conservation Measures (“Mitigation”)) regarding EPMs and mitigation effectiveness.

The following additional measures, terms, and conditions have been adopted as requirements of the ROW grant to implement all practical means to avoid or minimize potential environmental harm resulting from the Project, as described in the Final EIS and related documents.

- Reasonable and prudent measures and terms and conditions to minimize the take of threatened or endangered species, mitigation measures, and conservation recommendations as provided in the BO (Appendix C).
- Monitoring and mitigation measures for cultural resources, including terms and conditions provided in the PA (Appendix B) and the Historic Properties Treatment Plan (HPTP) (in development).
- Monitoring and mitigation measures for BLM sensitive species, including terms and conditions that meet the mitigation policies reflected in Mitigation Manual Section 1794

and Handbook H-1794-1, which BLM reinstated through Instruction Memorandum (IM) 2021-046 (BLM 2021c).

- Standard terms, conditions, and stipulations (43 CFR Part 2800).
- The MBCP will include measures to offset the loss of unavoidable impacts to migratory bird habitat. Such measures will include acquisition of conservation lands or easements, additional research and monitoring, and other means of compensation to replace migratory bird habitat service losses. Lands set aside for compensation may also fulfill replacement habitat for threatened and endangered species or critical habitat as stipulated in the BO.
- The Applicant will provide funding to rehabilitate and enhance pastures and habitat along the Project corridor. The BLM and the Applicant will develop an agreement on the timing and amount of such funding before the finalization of the POD.
- The Applicant must complete a final POD, subject to BLM approval, that will include provisions for site-specific mitigation and monitoring during construction, operation, and maintenance of the Project.
- The Applicant will satisfy the requirements set forth in the PA, including posting a financial security (such as a surety bond, irrevocable letter of credit, etc.) with the BLM in an amount sufficient to cover all post-fieldwork costs associated with implementing the HPTP, or other mitigation activities, to be required by the Applicant when they contract for services in support of the PA and for reclamation requirements and activities.
- The Applicant will also fund an independent environmental Compliance Inspection Contractor (CIC), to be approved by the BLM, to represent the BLM during the construction and reclamation phases of the Project. The CIC will report directly to the BLM. The primary role and responsibility of the CIC is to monitor daily construction related activities to ensure compliance with all terms, conditions, and stipulations of the ROW grant, POD, and other permits, approvals, and regulatory requirements as described in Section 1.12 of the 2013 Final EIS (BLM 2013a).

## **3 ALTERNATIVES CONSIDERED IN THE FINAL EIS**

### **3.1 NO ACTION ALTERNATIVE**

Under the no action alternative, the Project would continue to be authorized through the 2015 ROD and the 2016 ROW grant (Serial Number NM-114438). The 2016 grant was authorized to allow for the construction, operation, maintenance, and termination of two 500-kV transmission lines, including access roads and other ancillary facilities, following the route of the 2015 BLM Selected Route. The term of the 2016 ROW is for 50 years, followed by decommissioning at the end of the useful life of the Project, subject to a new grant of renewal. The typical ROW width is 200 feet per transmission line, for a total width of 400 feet.<sup>1</sup> However, according to design conditions, the ROW width may be up to 1,000 feet in certain situations, such as terrain conditions, separation criteria,

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<sup>1</sup> The project, including the 2015 Selected Route, would be constructed in two phases and ultimately include two new, 500 kV transmission lines located within separate rights-of-way on BLM land.



and final design (BLM 2013a:2-64). The granted ROW crosses approximately 183 miles of BLM administered public lands.

Under the no action alternative, the BLM and other federal decision makers would not approve the localized route modifications, access roads and TWAs outside the granted ROW, or the Segment 4 reroute.

The 2015 Selected Route is described in the 2015 ROD as Subroutes 1A2, 3A2, and 4C2c (BLM 2015a:20–25). As noted in Section 2.2 of the Final EIS (BLM 2022y), a total of 5 miles of the 2015 Selected Route would be buried through the WSMR NCUA. As stated in the ROD, “In response to Mitigation measures proposed by Department of Defense (Mitigation Proposal), and to mitigate potential impacts to DoD military readiness and operations, BLM has incorporated into the preferred alternative the burial of at least 5 miles along three different segments of the 500-kV transmission lines north of the WSMR in the NCUA. The underground segments will be located in the BLM preferred alternative study corridor, Subroute 1A2 (BLM 2013a: Figure 2-4), in portions of Tarrant and Socorro Counties. Six transition stations will also be constructed to connect the underground cables with the overhead conductors at each terminal of the underground segments” (BLM 2015a:20).

### **3.2 ALTERNATIVE PLAN AMENDMENTS**

According to BLM regulations, an amendment shall be initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances, or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions and decisions of the approved plan (43 CFR 1610.5-5).

Each of the alternative routes for the Project was evaluated for conformance with existing BLM RMPs. The Project area includes lands administered by four BLM Field Offices (Tucson, Safford, Rio Puerco, and Socorro) and the Las Cruces District Office. The proposed action was not in conformance with the Socorro RMP; therefore, the BLM identified a plan amendment would be needed for any of the alternatives that were fully analyzed in the Final EIS. The proposed project components conformed with all other BLM RMPs. The three types of plan amendments analyzed in the Final EIS that may be required to conform to RMPs are specific to compliance with VRM classes, crossing an ACEC, and avoidance/exclusion areas for ROWs.

In addition to the alternative transmission line routes described in the EIS, two plan amendment alternatives were identified for the Socorro RMP, as follows:

- No Action: If no action is taken, then the amendment for the Project would not be granted and no amendment to the Socorro RMP would be granted.
- 400-foot-wide ROW: Dependent on the alternative route, the affected RMP could be amended to designate a 400-foot-wide ROW for the proposed Project through the BLM ROW avoidance areas and one exclusion area associated with an ACEC. The VRM classes would be modified and the Ladron Mountain-Devil’s Backbone Complex ACEC would be reduced by up to 4.7 acres to accommodate the ROW.

Impacts associated with the plan amendment alternatives are described in Chapter 4 of the Final EIS (BLM 2022y). Impacts resulting from corridor plan amendments, including impacts of additional ROW and facilities, are documented in Section 4.1 of the Final EIS (BLM 2022y).



ROW avoidance area locations are described in Section 3.4.27 of the Final EIS (BLM 2022y), VRM classifications are shown in Section 3.4.24 of the Final EIS (BLM 2022y), and the analysis of plan amendment alternatives can be found in Section 4.1 of the Final EIS (BLM 2022y). The locations of the plan amendment for the BLM Preferred Alternative are presented in Figure 2.

### 3.3 ALTERNATIVE TRANSMISSION LINE ROUTES

A range of alternative routes was analyzed in the Draft and Final EIS, including the BLM Preferred Alternative and the No Action alternative. The alternatives development process focused on resource conflicts and routing concerns expressed during internal and external scoping for Component 3 (Segment 4 reroutes). Components 1 and 2 represent micrositing, access road, work area, and routing refinement efforts for the 2015 Selected Route. No issues arose during scoping (internal or external) regarding elements of these two components. Component 4 is new to the Project from the 2015 Selected Route. Therefore, the alternative transmission routes involve rerouting Segment 4 of the Project through the Refuge or through lands managed by the Cibola National Forest.

Issues noted during public and agency scoping in early to middle 2021 were used to develop agency alternatives. The agency alternatives do not constitute wholesale route alternatives, but rather are local alternatives that provide additional route options addressing specific identified resource conflicts or conflict areas. Routes considered by SunZia as well as alternatives suggested during scoping, led to the development of a preliminary range of alternatives. The range of alternatives was then refined with consideration of federal cooperating agency and BLM Interdisciplinary Team feedback. Finally, the BLM screened alternatives using the described screening criteria and presented a final range of alternatives to cooperating agencies for review. While the BLM has a responsibility under NEPA to consider alternatives on lands outside its jurisdiction, the ultimate authority regarding the ROW across USFWS-managed lands will be the USFWS's responsibility.

The BLM Preferred Alternative route was modified in response to comments received on the Draft EIS as described in the Final EIS (BLM 2022y:ES13). Three alternative routes with various combinations of subroutes were carried forward for detailed analysis in the Final EIS. These alternatives include the proposed alternatives and subroutes proposed by the Applicant in the ROW amendment request to BLM in 2021 and additional local alternatives identified during internal and external scoping. Local alternatives are site-specific, exchangeable segments that do not require the creation of a new alternative route or subroute. One alternative route (Alternative Route 1) would site typical project facilities and ROW configurations across BLM, Cibola National Forest, state, and private lands. Two alternative routes (Alternative Routes 2 and 3) propose to co-locate within existing transmission line corridors that pass north-south through the Sevilleta NWR. Both alternative routes across the Sevilleta NWR would be necessary for the Applicant's proposed project; however, there is the potential that only one of either Alternative Route 2 or Alternative Route 3 crossing the Sevilleta NWR would be selected in combination with a single transmission alternative on Cibola National Forest (Alternative Route 1). Alternative 1 has 4 alternate subroutes and one local alternative, Alternative 2 has 4 alternate subroutes and Alternative 3 has 4 alternate subroutes and 2 local alternatives.

The *SunZia Southwest Transmission Project Right-of-way Alternatives Development Report* (BLM 2021b) summarizes the routes that were considered in detail, the routes considered but

eliminated from detailed analysis, and the supporting rationale in more detail.

### **Alternative Route 1**

Alternative 1 reflects the discussions between the Cibola National Forest and the Applicant to avoid conflict and interference with existing and future military training activities already authorized by the USFS (POWER 2020). Discussion of the potential impacts to DoD mission areas were addressed by the Office of the Secretary of Defense Military Aviation and Installation Assurance Siting Clearinghouse (DoD 2020). The DoD identified potential stipulations that would minimize impacts and allow military training operations to continue unabated.

Alternative Route 1 would cross lands managed by the BLM, USFS, NMSLO, and private land. All Alternative Route 1 subroutes would cross the 0.1 mile of the Ladron Mountain-Devil's Backbone Complex ACEC using Local Alternative 1A-7. Alternative Routes 1A-1 and 1A-4 would cross the Rio Grande immediately to the south of the constructed Western Spirit Project transmission line.

### **Alternative Route 2**

Where Alternative Route 2 would cross the Sevilleta NWR, the easement width would be reduced to 100-foot width to conform with the existing EPE 345-kV transmission line easement (100 feet wide). A self-supporting H-frame structure is proposed to co-locate the existing EPE 345-kV and proposed 500-kV circuits within the existing EPE 345-kV existing easement. The existing 98 wooden H-frame structures would be replaced with monopole or H-frame steel structures. The majority of the new structures would be offset either ahead on-line or back on-line by 20 to 30 feet from the existing structures to allow for foundation micro-pile driving to occur while the 345-kV EPE line remains energized. The two towers located in the Rio Salado Wash and the two sets of dead-end towers would most likely be drilled pier foundations (SunZia 2021).

Construction crews would need to make temporary use of areas outside of the existing EPE 345-kV transmission line facilities footprint. Crews would use the existing roads and the 200 × 200-foot structure work areas proposed for the new line whenever possible, with 250 × 250-foot structure work areas for dead-end or angle structures. These TWAs would be reclaimed shortly after completion of construction activities following the methods described in the *Reclamation Plan for the Sevilleta National Wildlife Refuge* (see SunZia 2021). For a description of all project facilities and construction proposed within the Sevilleta NWR, see Section 3.1.12 of the Draft POD (POWER Engineers, Inc. 2022) and the Project Preliminary Construction Plan for the Sevilleta NWR (SunZia 2021), which have been provided by SunZia on behalf of EPE.

Alternative Route 2A-1 and 2A-4 would cross the Rio Grande immediately to the south of the constructed Western Spirit Project transmission line.

### **Alternative Route 3**

Where Alternative Route 3 would cross the Sevilleta NWR, the easement width would be reduced to 50 feet to conform with the existing Tri-State 115-kV transmission line easement (50 feet wide). A double-circuit, monopole structure (see Figure 10 in the Draft POD, POWER Engineers, Inc. 2022) is proposed to co-locate the existing Tri-State 115-kV and proposed 500-kV circuits within the existing Tri-State 115-kV easement. The existing 94 wooden H-frame structures would be replaced with approximately 68 double-circuit monopole structures. The proposed design allows for a reduced number of permanent structure locations. In areas where the existing 94 wooden H-

frame structures are not located in the new structure work area, a 50 × 70-foot TWA is needed to dismantle and remove all infrastructure associated with the wooden H-frame structures. Existing structures located in steep terrain and dead-end 3-pole structures may require additional area to set up the crane and safely remove the old wooden poles (SunZia 2021). The USFWS requested that the National Renewable Energy Laboratory (NREL) conduct an informal study on the planned design of the transmission lines through the Refuge. The NREL study and SunZia review of that study (NREL 2022 and SunZia 2022) found that due to the width of the Tri-State 115-kV easement, line sway could occur outside of the 50-foot wide easement. Analysis of the design concluded that there may be up to 9.3 feet of line sway beyond the 50-foot easement at mid-span with the conductor approximately 40 feet in the air (SunZia 2022).

Similar to Alternative Route 2, construction crews would need to make temporary use of areas outside the existing Tri-State transmission line facilities footprint. Crews would use the existing roads and the 200 × 200-foot structure work areas proposed for the new line whenever possible, with 250 × 250-foot structure work areas for dead-end or angle structures. These TWAs would be reclaimed shortly after completion of construction activities following the methods described in the *Reclamation Plan for the Sevilleta National Wildlife Refuge* (see SunZia 2021). For a description of all project facilities and construction proposed within the Sevilleta NWR, see Section 3.1.12 of the Draft POD (POWER Engineers, Inc. 2022) and the Project Preliminary Construction Plan for the Sevilleta NWR (SunZia 2021), which have been provided by SunZia on behalf of Tri-State.

Alternative Route 3 has two Local Alternatives, 3B-1 and 3B-2, which are short segments of the alternative that are exchangeable. The Alternative Route 3 Local Alternatives provided options for avoiding a BLM ROW avoidance area or private landowner concerns in Figure 2-5 of the Final EIS (BLM 2022y:ES13).

Alternative Route 3A-1 and 3A-4 would cross the Rio Grande immediately to the south of the constructed Western Spirit Project transmission line.

## 3.4 SELECTION OF THE PREFERRED ALTERNATIVE

### 3.4.1 BLM Preferred Alternative

The BLM has identified parts of the four proposed Project components as the agency's Preferred Alternative. The agency's Preferred Alternative is as follows:

- **Component 1:** Localized Route Modifications 1–5, and the 2015 Selected Route (the no action alternative in the Final EIS) for Local Route Modification 6 in the Pinal Central Area.
- **Component 2:** All access roads and temporary workspaces outside the granted ROW.
- **Component 3:** Alternative Route 2 with Subroute 2A-1 and Alternative Route 3 with Subroute 3A-1, which include crossing the Sevilleta NWR as well as co-locating the SunZia transmission line with the Western Spirit Project transmission line at the Rio Grande crossing. For Subroute 3A-1, the agency preferred alternative includes Local Alternative 3B-2 to avoid two private residences in close proximity to the Project.
- **Component 4:** The 2015 Selected Alternative co-locates the ground disturbance associated with the HVDC converter station (the SunZia West Substation) with the existing development and ground disturbance associated with the Salt River Project Pinal Central Substation.

Subroute 2A-1 begins at the eastern intersection of Subroutes 2A-2, 2A-3, and 2A-4 located approximately 0.65 miles northeast from the intersection of U.S. 60 and State Road (SR) 47. The route continues northwest paralleling an existing 115-kV transmission line and crossing three existing pipelines, then turns west crossing SR 47 and three existing pipelines. The route continues west-northwest crossing through the Abo Arroyo, enters Valencia County, then parallels the Western Spirit Project for approximately 3 miles. The route continues northwest crossing SR 304, the Rio Grande, a BNSF railroad, SR 116, and Interstate 25 (I-25). The route then turns south entering Socorro County and west crossing an existing 115-kV transmission line, a pipeline, then terminates at the western intersection of Subroutes 2A-2, 2A-3, and 2A-4 along the Rio Puerco approximately 3.75 miles northwest of the intersection of I-25 and U.S. 60.

Subroute 3A-1 begins at the eastern intersection of Subroutes 3A-2, 3A-3, and 3A-4 located approximately 0.65 mile northeast from the intersection of U.S. 60 and SR 47. The route continues paralleling an existing 115-kV transmission line and crossing three existing pipelines, then turns west crossing SR 47 and three existing pipelines. The route continues west-northwest crossing through the Abo Arroyo, entering Valencia County then parallels the Western Spirit Project for approximately 3 miles. The route turns southwest then west-northwest crossing SR 304, the Rio Grande, a BNSF railroad, SR 116, and I-25. The route then turns south entering Socorro County and terminates at the western intersection of Subroutes 3A-2, 3A-3, and 3A-4 located approximately 2.5 miles north of the intersection of U.S. 60 and I-25.

Subroute 3B-2 begins at the northern intersection of Subroute 3B-1 located approximately 0.6 mile northwest of the intersection of I-25 frontage road and SR 408. The route continues southwest, south, then southeast and terminates at the southern intersection of Subroute 3B-1 located approximately 1.4 miles southwest of the intersection of I-25 and Calle de Lemitar Road.

The rationale for the Selected Alternative includes the following reasons:

- For Component 1, it would avoid existing landowner conflicts and constraints that have developed along the six localized route modifications since the 2015 Selected Route was identified.
- For Component 2, it would accommodate the necessary, additional ROWs for the Applicant to successfully access, construct, and operate the Project.
- For Component 3, the agency preferred alternative is
  - the shortest route within Segment 4 to connect the eastern terminus of the Project with the 2015 Selected Route for Segment 3;
  - avoids impacts to the Ladron Mountain-Devil's Backbone Complex ACEC;
  - uses two separate existing transmission ROWs within the Sevilleta NWR<sup>2</sup> and parallels existing infrastructure and transmission lines, including:
    - co-location (on the same transmission structures) with 14 miles of the EPE transmission line (Alternative Route 2) and 12 miles of the Tri-State transmission line (Alternative Route 3) within the Sevilleta NWR, and
    - co-location (on separate transmission structures, but in the same area) with 33 miles of the Western Spirit Project north of the Sevilleta NWR, across the Rio Grande, and through portions of the eastern end of Segment 4; and
  - and avoids impacts to military operations associated with the WSMR NCUA.

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<sup>2</sup> Each existing right-of-way through the Sevilleta NWR can only accommodate one SunZia transmission line; therefore both existing transmission line rights-of-way are needed for proposed project Component 3.

### 3.4.2 Environmentally Preferable Alternative

As required by 40 CFR 1505.2(a)(2), an agency preparing an EIS must state in its ROD the environmentally preferable alternative. Typically, this is the alternative that causes the least damage to the biological and physical environment and that best protects, preserves, and enhances historic, cultural, and natural resources. To determine the Environmentally Preferable Alternative, BLM considered the results of the environmental impact analyses presented in Final EIS Chapter 3. Each alternative was evaluated in terms of potential adverse environmental impacts and other considerations such as:

- Co-location with other transmission lines and linear infrastructure
- Surface disturbance estimates as presented in Final EIS Table 2-14
- Avoidance of conflicts with current and planned developments.

The BLM has identified parts of the four proposed project components as the environmentally preferable alternative, as follows:

- **Component 1:** The 2015 Selected Route (the no action alternative in the 2023 Final EIS) for Local Route Modifications 1, 2, 4, and 6. Local Route Modifications 3 and 5 as described in the 2023 Final EIS.
- **Component 2:** All access roads and temporary workspaces outside the granted ROW.
- **Component 3:** Alternative Route 2 with Subroute 2A-4 and Alternative Route 3 with Subroute 3A-4.
- **Component 4:** The 2015 Selected Alternative co-locates the ground disturbance associated with the HVDC converter station (the SunZia West Substation) with the existing development and ground disturbance associated with the Salt River Project Pinal Central Substation.

The environmentally preferable alternative was identified by the BLM with the following rationale:

- **Component 1:** The 2015 Selected Route is the shortest distance and would result in the lesser amount of ground disturbance for Local Route Modifications 1, 2, 4, and 6.
  - For Local Route Modification 3, the route identified in the 2023 Final EIS is longer, but it would also avoid conflicts with the Macho Springs Solar Facility. Environmental impacts can be compounded when incompatible facilities are not properly planned and spaced.
  - For Local Route Modification 5, the route identified in the 2023 Final EIS is shorter than the 2015 Selected Route and would result in lesser ground disturbance.
- **Component 2:** The access roads and temporary workspaces identified in the 2023 Final EIS and this ROD are a refinement of the modeled, estimated access roads and temporary workspaces analyzed in the previous, 2013 Final EIS. As a result, the refinement to this project component avoids resource conflicts to the extent possible and would be implemented following the design features, EPMs, and biological resources conservation measures found in the 2023 Final EIS Appendix C.
- **Component 3:** Alternative Route 2 with Subroute 2A-1 and Alternative Route 3 with Subroute 3A-1 would be co-located with the Western Spirit Transmission Line at the Rio Grande crossing, thereby reducing the environmental impacts of construction and operation along the river corridor. Subroutes 2A-1 and 3A-1 also avoid conflicts and potential environmental impacts with planned residential developments. These subroutes

also would result in fewer acres of ground disturbance when compared with the Alternative Route 1 alternatives analyzed in the 2023 Final EIS (see Table 2-14 in the Final EIS).

- **Component 4:** The 2015 Selected Alternative co-locates the ground disturbance associated with the HVDC converter station (the SunZia West Substation) with the existing development and ground disturbance associated with the Salt River Project Pinal Central Substation.

While BLM is required to identify an Environmentally Preferable Alternative in the ROD, the agency is not required to select the Environmentally Preferable Alternative in its decision. The BLM Selected Alternative (see ROD section 3.4.1) best achieves the balance required to limit environmental impacts and provides the best opportunities for mitigation while achieving the BLM's purpose and need and minimizing impact to DoD mission capability across the NCUA.

## **3.5 MANAGEMENT CONSIDERATIONS**

### **3.5.1 Meeting the BLM's Purpose and Need**

As described in Section 1.1 of this ROD, approval of the ROW grant amendment for the Selected Alternative meets the BLM's purpose and need, in part, by responding to the Applicant's application pursuant to FLPMA consistent with the BLM's multiple-use mandate and ROW objectives outlined in 43 CFR 2801.2. Additionally, the Selected Alternative meets the BLM's purpose and need of advancing legislative and policy goals by allowing the Applicant to use federal lands to construct, operate, maintain and decommission two new 500-kv transmission lines that will increase transmission capacity, help to improve reliability, and encourage renewable energy generation.

### **3.5.2 Consideration of the Issues**

The CEQ regulations at 40 CFR 1500.4(i) direct that the scoping process should be used "not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the [NEPA] process accordingly." 40 CFR 1501.9(f)(1) requires the lead agency to "identify and eliminate from detailed study the issues that are not significant or have been covered by prior environmental review(s) . . . , narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere." Through scoping, 21 issues were identified for Analysis in Detail (AID) and 26 issues were identified for Analysis in Brief (AIB). These issues were vetted and reviewed by the cooperating agencies and are presented in the Final EIS Table 1-1. An additional eight issues were dismissed from analysis with the rationale provided in Final EIS Table 1-2 (BLM 2022y).

Analyses presented in the 2013 Final EIS and 2015 ROD (BLM 2013a, 2015a) were reviewed for adequacy and incorporated by reference into this Final EIS. Issues that were adequately covered in the 2013 Final EIS have not been carried forward into this Final EIS (40 CFR 1501.9) or are incorporated by reference (40 CFR 1501.12). BLM collected input from the USFWS, USFS, other Cooperating Agencies, and the public during the public scoping period to identify significant environmental issues deserving of study and insignificant issues where narrowing the scope of the EIS would be consistent with CEQ's NEPA Implementing Regulations (40 CFR 1500.4). Issue statements AIB reflect those issue statements considered less significant, where impacts can be

analyzed concisely while ensuring an informed federal decision per CEQ NEPA regulations (40 CFR 1500.1 and 1500.3). The impacts for AIB issues are not expected to be deciding issues in determining whether the ROW amendment request (or one of the alternatives) is approved and are discussed in the Final EIS (BLM 2022y). The issues in AID were developed to inform a reasoned choice between alternatives; to determine significance; to disclose if there is disagreement about the best way to use a resource; or if there is conflict between resource impacts or uses.

The Final EIS provides additional and updated analysis for the four Project components contained within the application to amend the existing ROW authorization. The overall typical project design characteristics; pre-construction and construction activities; and operation, maintenance and decommissioning activities have not changed since the 2013 Final EIS was written; however, site-specific changes were evaluated in the Final EIS.

From the inclusive list of issues identified in scoping and public involvement, many issues are addressed by design features of the Project or were found not to be substantive through the effects analysis conducted for the Project. However, several planning issues proved to be pivotal to Project development and critical to the decision for the BLM Selected Alternative; these are described in the following sections.

Appendix C of the Final EIS (BLM 2022y) provides a full list of design features, EPMs, and biological resources conservation measures. Design features are specific means, measures, or practices that would reduce or eliminate effects of the proposed action or alternatives (BLM 2008:44). Design features apply to all proposed project components. These measures typically address specific environmental policies, BMPs, planning guidelines, or regulatory requirements. Design features and EPMs are based on industry standard practices intended to minimize or mitigate impacts that cannot be avoided, consistent with BLM policies (IM 2021-046 reinstating Mitigation Manual Section 1794 and Handbook H-1794-1 [BLM 2021c]).

Applicant-committed EPMs were developed in collaboration with the BLM and cooperating agencies and include measures or techniques recommended or required by the agencies or landowners. These measures would be modified as appropriate, to reduce impacts associated with specific resource concerns (e.g., cultural, biological, visual) associated with the selected route, and included prior to Project construction in the Final POD. The 2013 Final EIS referred to selective mitigation measures instead of EPMs (BLM 2013a:2-88 through 2-99).

Biological resources conservation measures were developed in collaboration with the BLM, USFWS, and the Applicant during ESA Section 7 consultation to address and mitigate adverse effects on federally listed species.

### **3.5.2.1 Climate Change**

Equipment associated with construction, operation, maintenance, and decommissioning would contribute incrementally to greenhouse gas (GHG) emissions within the analysis area and indirectly to global climate change as a result of the Selected Alternative. Additionally, during the operational phase, sulfur hexafluoride could potentially be released as fugitive emissions from the proposed SunZia West Substation.

Although it is uncertain to what degree the Project would offset fossil fuel-fired electricity generation with renewable energy generation, the Project is an important incremental step towards

meeting state and national climate change goals. Therefore, despite short-term increases in GHG emissions during construction and minor levels of ongoing operational emissions, it is anticipated that the proposed project components would result in beneficial effects with respect to climate change through offsetting of fossil fuel–fired electric generating unit emissions over the life of the Project.

Incremental impacts from the proposed project components would contribute a relatively small amount of GHG emissions over the 75-year life of the Project. Air quality impacts from reasonably foreseeable transmission line, solar farms, wind projects (such as the Corona Wind Project [planned] and Western Spirit Wind Project [existing] in Torrance and Lincoln Counties, NM), and residential subdivision development would mainly occur during construction, similar to the proposed project components (described above). The impacts from such projects would result in temporary construction emissions and long-term, ongoing operational emissions which are low in magnitude. Overall, it is not likely that emissions from such projects would result in cumulatively significant increases in GHG emissions.

### **3.5.2.2 Biological Resources**

Direct impacts to vegetation include the removal of plants during construction of new or modified access and spur roads and at structure sites. Vegetation removal for structure foundations, as well as roads designated to remain open for maintenance, would be permanent. Indirect impacts associated with vegetation removal may include erosion, reduction of soil water retention, invasive plant colonization, loss of wildlife habitat, and habitat fragmentation.

Design features, EPMs and biological resources conservation measures will be applied to reduce, avoid, or otherwise provide compensation for impacts to sensitive vegetation. Where vegetation is disturbed or cleared, vegetation loss would be minimized by (1) reducing the area to the extent practicable, (2) plant salvage and revegetation in areas of temporary disturbance, and (3) closure and restoration of any access roads not required for Project maintenance or access. Closure of temporary access roads and the limiting of access through gating or other means would reduce indirect impacts to vegetation caused by recreational travel, including off-road vehicle travel beyond the Project ROW. Tree-cutting would be conducted to meet the National Electrical Safety Code<sup>4</sup> and an appropriate level of safety, but will be minimized.

Linear features such as access roads and the transmission lines could fragment wildlife habitat, adversely affecting species reluctant to cross areas of open ground. Related to this are edge effects, which may reduce the effective size of habitat blocks for those species by limiting connectivity and dispersal among blocks.

Species-specific design features, applicable EPMs and biological resources conservation measures are developed and listed in Table 3-79 Final EIS (BLM 2022y). The following impacts to general wildlife and special status species may occur with construction and operation of the BLM Selected Alternative:

- Southwestern Willow Flycatcher. Impacts may occur to Southwestern Willow Flycatcher and designated critical habitat at the Rio Grande crossing. Impacts also may occur to designated critical habitat at the San Pedro River crossing.
- Yellow-billed Cuckoo. Component 1 permanent project activities would result in impacts to suitable habitat for yellow-billed cuckoo outside of designated critical habitat.



- Chihuahua Scurfpea. About 5 acres of habitat for the Chihuahua scurfpea may be impacted by ground disturbance in western NM and the San Simon Valley, AZ.
- Sonoran Desert Tortoise. Road construction and habitat loss may impact the Sonoran desert tortoise from the San Pedro River Valley to the vicinity of the Tortolita Substation and near the Picacho Mountains. On February 8, 2022, the USFWS issued a 12-month finding on a petition to list the Sonoran desert tortoise under the ESA where the USFWS determined that listing of the tortoise was not warranted (USFWS 2022). The Sonoran desert tortoise is listed as a BLM-AZ sensitive species. As described in the Biological Resources Report (POWER Engineers, Inc. 2021b), the BLM categorizes Sonoran desert tortoise habitat into three management categories in order to maintain viable populations. There is no Category 1 habitat within the analysis area. The only Category 2 habitat in the analysis area is in the northern Picacho Mountains, approximately 1 mile south of Segment 1. Approximately 128,960 acres of Category 3 habitat are present throughout the analysis area west of Benson, AZ. Category 3 habitats are areas not essential to maintenance of viable populations, with stable or decreasing populations (BLM 1988). Impacts to Sonoran desert tortoise Category 3 habitat would occur due to Component 2 access roads (permanent project activities) and TWAs and the SunZia West Substation in the AZ portion of the project area. The other project components would not impact Category 3 habitat. Overall, less than 0.1% of Category 3 habitat within the analysis area would be affected, and tortoises could be relocated to nearby habitat if needed. Since Category 3 habitats are not essential to the maintenance of viable populations, the proposed action is not expected to affect the Sonoran desert tortoise population. Design features and EPMs (see Table 3-39) would minimize impacts to individual tortoise and their habitat by decreasing surface disturbance, reducing traffic, and controlling weeds in Sonoran desert tortoise habitat. The potential for direct mortality would also be reduced by restricting construction to periods when the Sonoran desert tortoise is typically underground (November 1 through March 1; EPM 12) unless a monitor is present and in coordination with the BLM, per the AZGFD agreement. Additionally, an environmental monitor would ensure the application of the *Recommended Standard Mitigation Measures for Projects in Sonoran Desert Tortoise Habitat* (Arizona Interagency Desert Tortoise Team 2008) ahead of construction and any overland travel. If avoidance is not possible, Sonoran desert tortoises would be relocated in accordance with *Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects* (AZGFD 2014). The design features and EPMs would minimize the extent and degree of residual impacts in Category 3 habitat by restoring habitat quality and restricting road access during operations.
- Monarch Butterfly. For the monarch butterfly, a USFWS candidate species, construction activities that remove vegetation within the Riparian Woodland and Shrubland and the Marsh, Wet Meadow, and Playa vegetation communities would resultantly remove available habitat for monarchs. Use of access roads and increased vehicle and construction equipment traffic could result in mortalities caused by collisions and create fugitive dust, especially during construction activities when use of access roads is anticipated to be highest. Monarch butterfly habitat availability and quality would be reduced. There would be no impacts to the species associated with project Components 1 or 4, and low-severity impacts associated with project Components 2a, access roads, including those related to fugitive dust. Specifically, approximately 6 acres of permanent project activities would occur across less than 3 miles of access roads under Component 2a. This is less than 1% of the mapped monarch butterfly habitat in the respective analysis areas for Component 2a

across both land cover types that represent monarch butterfly breeding and foraging habitat. Impacts to monarchs would be concentrated near the San Pedro River, relative to Components 2a and 2b, and at the Rio Grande, relative to Component 3 as both rivers contain known breeding and foraging habitat for monarchs and also serve as migratory corridors. Impacts from the proposed action are anticipated to be less than the no action alternative, as there would be fewer river crossings and less total acreage of monarch butterfly breeding and foraging habitat removed overall.

- Cactus Ferruginous Pygmy-owl. The cactus ferruginous pygmy-owl has the potential to occur in the analysis area where suitable habitat occurs. Its suitable habitat modeled using its current distribution, elevational range, and preferred biotic communities in AZ is intersected by Components 2 and 4 (POWER Engineers, Inc. 2021b; USFWS 2021).
- Northern Mexican Gartersnake. The species is known to occur within the analysis area in proximity to the San Pedro River and has a potential to occur near other suitable water bodies. No critical habitat exists within the analysis area.
- Rio Grande Silvery Minnow. The species is known to occur throughout its designated critical habitat within the Middle Rio Grande Corridor, which is crossed by selected project components. The species analysis area is intersected by Component 3 of the project.
- Rio Grande Cutthroat Trout. The Rio Grande cutthroat trout is known to exist within upstream tributaries of the Rio Grande which is crossed by selected project components. The species analysis area is intersected by Component 3 of the project.
- Bald and Golden Eagle. Both bald and golden eagle habitat are known to exist within the analysis area and eagle habitat is intersected by Components 1, 2, and 3.

In compliance with Section 7 of the ESA, BLM worked with the USFWS on the development of a BA for the ROW amendment request. The BA for the ROW amendment was accepted by the USFWS on September 9, 2022; a BO was issued on January 23, 2023, which concluded Section 7 consultation. Section 5.1 of this ROD includes more details on Section 7 consultation. Three conservation measures were identified for Southwestern Willow Flycatcher and Western Yellow-Billed Cuckoo. These measures are considered non-discretionary and must be undertaken by the BLM as conditions of the ROW grant amendment (or any other BLM permits issued for this Project).

SunZia worked with the USFWS and BLM to prepare a MBCP and APP (EPG 2018), both of which have been reviewed and approved by the USFWS. As described in the APP, pre-construction nest clearance surveys for all migratory birds would be required within the ROW and access roads if construction occurs during the nesting season. Any active nests found would be avoided by a specified buffer until no longer active, thus disturbance during the breeding season would be minimized. Preconstruction surveys for yellow-billed cuckoo and southwestern willow flycatchers were conducted in 2021; protective measures for confirmed locations of these species are provided in the BO (Appendix C).

SunZia has proposed the deployment of the Avian Collision Avoidance System (ACAS) ultraviolet power line illumination and collision prevention/minimization technology. This new technology is intended to reduce, minimize, and/or prevent collisions by sandhill cranes and other large-bodied birds (e.g., waterfowl), which are generally at higher risk of collision than small birds (e.g., passerines). Because the ACAS has not yet been tested in the Desert Southwest or on high-

voltage transmission lines, SunZia has proposed to conduct seasonal post-construction mortality monitoring and additional testing of the efficacy of ACAS at the Rio Grande crossing.

Development of a MBCP includes measures to offset the loss of or unavoidable impacts to migratory bird habitat. Compensatory mitigation measures under the MBCP can include “acquisition of conservation lands or easements, additional research and monitoring, and other means of compensation to replace migratory bird habitat service losses.” Since 2016, SunZia has been actively engaged in identifying parcels of land that could be used to replace migratory bird habitat service losses. This includes approximately 1,200 acres of land located within the Middle Rio Grande Valley.

To address the mitigation of potential avian collision and mortality, an APP will be also developed to the satisfaction of the USFWS.

Native vegetation communities would be impacted as a result of the proposed action. Adverse impacts include: a loss of vegetative cover within native vegetation communities from surface-disturbing activities, potential for loss and alteration of seed banks, reduced soil productivity, potential loss of biological soil crusts, increased erosion potential and surface runoff, and created edge effects. Desert vegetation communities, riparian areas, wet vegetation types like marshes, wet meadows, and playas, as well as sagebrush ecosystems are all more sensitive to disturbance than other native vegetation communities impacted by the proposed action. Each of the four project components would result in long-term impacts to these sensitive vegetation communities as follows:

- Component 1, Localized Route Modifications, would impact up to 6 acres of desert vegetation communities. No riparian areas, marshes, wet meadows, playas, or sagebrush communities would be affected via ground disturbance and vegetation removal.
- Component 2, Access Roads and TWAs outside of the granted ROW, would impact up to 1,863 acres of desert vegetation communities, up to 24 acres of riparian areas and marshes, wet meadows, and playas, via ground disturbance and vegetation removal. No sagebrush communities would be affected.
- Component 3, Alternative Route 2 would impact up to 847 acres of desert vegetation communities, up to 24 acres of acres of riparian areas and marshes, wet meadows, and playas, and up to 10 acres of sagebrush communities. Alternative Route 3 would impact up to 912 acres of desert vegetation communities, up to 23 acres of riparian areas and marshes, wet meadows, and playas, and up to 10 acres of sagebrush communities. Impacts would be due to ground disturbance and vegetation removal.
- Component 4, No impact.

Project design features and EPMs as well as the APP would be applied to the Selected Alternative to reduce impacts to present wildlife and vegetation species. Project design features and EPMs which reduce surface disturbance and avoid sensitive time periods would reduce the severity of impacts related to behavioral changes and increased fragmentation resulting from habitat loss. The established APP also includes procedures for nest management, operations and maintenance procedures during avian breeding seasons, mortality reduction measures, a suite of adaptive measures (such as the use of line marking devices) that may be implemented if problem areas of the line are identified, as well as procedures for monitoring and reporting avian incidents.

A detailed Project reclamation plan would be developed to mitigate site-specific impacts in

riparian areas and wetlands, in addition to standard reseeding and recounting.

The Applicant will provide funding to rehabilitate and enhance pastures and habitat along the Project corridor. The BLM and the Applicant will develop an agreement on the timing and amount of such funding before the finalization of the POD.

### **3.5.2.3 Cultural Resources**

Consultation with appropriate land management agencies, tribes, and SHPOs is ongoing. Project-specific procedures for complying with the NHPA, including procedures to follow during the execution of the Project, are documented in the Amended PA (Appendix B of this ROD). Intensive pedestrian inventories of the BLM Selected Alternative route, associated access roads, substations, and associated ancillary facilities have been completed. All cultural and historic resources identified during these inventories have been evaluated for eligibility to the NRHP. Resources determined eligible for the NRHP are called historic properties (36 CFR 800.16(*l*)(1)).

Direct impacts to historic properties can be effectively avoided or minimized through project engineering and micro-siting. Adverse effects that cannot be avoided or minimized are subject to mitigation. EPMs 1–2, 4, 6, 8–11 and 13 will be applied to avoid or minimize impacts to historic properties. For example, in designated areas, structures will be placed to avoid or span historic properties. Cultural resources will continue to be considered during post-EIS phases of Project implementation in accordance with the executed PA, as amended, and the HPTP for each state. As required by the Amended PA, the Proponent must prepare HPTPs to ensure the proper recovery of data from historic properties that will be adversely affected prior to construction, in order to resolve the adverse effects of the undertaking. The Proponent will also be required to monitor construction activities near some historic properties to ensure avoidance during construction or to detect undiscovered remains that may be sensitive pursuant to the Amended PA and HPTP.

Components of the project may impact historic properties and/or unevaluated sites via surface disturbance. However, adverse effects on historic properties per Section 106 of the NHPA will be resolved through implementation of the HPTP. The Amended PA sets forth the process to resolve adverse effects which requires that unsurveyed portions of the Project footprint be inventoried for historic properties, and if the agency finds that the Project will have an adverse effect on a historic property, that those adverse effects be resolved via the mitigation methods outlined in the HPTP.

Measures to resolve adverse effects on historic properties are currently being developed in the HPTPs for AZ and NM in consultation with the AZ and NM SHPOs, affected land managers or landowners, Tribes, and other consulting parties per the Project's original PA signed in December 2014 (also see ST Measure 15 in the 2015 ROD [BLM 2015a: Appendix E, Table 2-1). On November 28, 2022, the signatories executed an amended PA to account for current changes to the Project's description analyzed in the EIS.

### **3.5.2.4 Visual Resources**

Concern for changes to existing viewsheds and modifications that would alter the landscape character of natural lands are the primary factors related to visual resources. To meet BLM Manual 8431 (BLM 1986b) requirements and to form a consistent baseline across the Project, 67 Key Observation Point (KOP) locations were identified throughout the analysis area. The list of KOP

locations is included in the Final EIS Appendix F (BLM 2022y), with their associated project component, rationale for selection, indication of whether a visual simulation was completed in the 2013 Final EIS (BLM 2013a), and if there is an updated or new simulation prepared for the Final EIS. A total of 21 visual simulations were prepared from 16 agency-approved KOP locations to illustrate impacts on viewing locations and conformance with agency visual management objectives. Many of the KOP locations are associated with NSTs, National Historic Trails (NHTs), and trails that are deemed suitable for designation (Butterfield Overland Mail and Stage Route).

Most of the Localized Route Modifications (Component 1) would have similar impacts as the no action alternative and would meet BLM VRM Class objectives where BLM land is traversed. Increased impacts are anticipated on scenery and on views where the route modifications would deviate from paralleling the existing transmission lines that had otherwise decreased visual contrast associated with the no action alternative alignment. None of the Localized Route Modifications impact Class I or Class II areas.

The impacts associated with access roads and TWAs outside of the granted ROW (Component 2) would incrementally increase those described for the no action alternative through additional ground disturbance, clearing of vegetation, and the introduction of geometric forms similar to those proposed under the no action alternative. The construction, operation, and maintenance of access roads and TWAs would be consistent with BLM VRM Class II, III, and IV objectives as analyzed from 14 KOP locations. The Lake Valley Backcountry Byway is within the Component 2 analysis area, and it offers scenic views and recreation values. Approximately 43 miles of proposed access roads under Component 2 would overlap the backcountry byway, although no road improvements would be needed. Component 2 would not interfere with the management prescriptions applicable to the byway.

The Project would meet BLM VRM Class IV objectives where BLM lands are crossed by Alternative Route 2 and Alternative Route 3, therefore no plan amendment would be required for these alternatives and their associated subroutes.

Views from the Salinas Pueblo Missions National Monument (including the Abo, Gran Quivira Unit of Salinas Pueblo Missions National Monument, and Quarai Units) would be minimally impacted by the Project.

The application of EPMs was considered on a case-by-case basis to reduce impacts on scenery and views as well as areas initially not compliant with BLM VRM Classes to bring the Project into conformance (see Appendix C of the EIS, BLM 2022y). EPMs were identified to reduce contrast introduced by the Project during construction, operation, and maintenance. These design features and EPMs were developed considering measures and techniques identified in BLM Manual 8431 (BLM 1986b).

### **3.5.2.5 Land Use and NHTs**

The Project is to be constructed across lands owned by Federal, State, private, or other entities. Approximately 31 percent of the BLM Selected Alternative route crosses public lands managed by the BLM (174 miles); state lands in NM and AZ constitute approximately 41 percent (227 miles) of the route; and the remaining 28 percent (154 miles) crosses private or other land. The ROW would be acquired on lands that are generally used for grazing, farming, recreation, and

open space. BLM and state lands are primarily used for grazing or recreation in open space areas. Residential uses are located on private lands in rural areas and near small cities and towns in the study area.

The Rio Grande Valley supports farming, tourism, and the population centers of Socorro, San Antonio, Truth or Consequences, and Elephant Butte. Other population centers in the study area include Corona, Deming, and Lordsburg. The WSMR and other military installations conduct operations in the air space surrounding the range.

In AZ, population centers include San Simon, Safford, Willcox, Benson, Vail, San Manuel, Oracle, Marana, Tucson, and Eloy. Farming is concentrated in the Sulphur Springs Valley, San Pedro River Valley, Santa Cruz River Valley, and in Pinal County. Davis-Monthan Air Force Base, Fort Huachuca, the Western Army National Guard Aviation Training Site, and other military installations conduct training and testing operations in air space in the study area.

A major interstate utility corridor that contains transmission lines, communication facilities, and pipelines is located generally along Interstate-10 through southern NM and southeastern AZ. Other utility corridors are located in the Rio Grande Valley, and a pipeline corridor crosses the San Pedro River Valley between Cochise and Pinal counties. Approximately 229 miles of the route would be parallel to existing transmission lines, and an additional 102 miles would be parallel to existing pipelines or designated utility corridors, including the BLM-designated West-wide Energy Corridors.

In general, land use impacts are minimized where linear utilities are constructed in established or designated corridors. The alignment of the BLM Selected Alternative route was sited to maximize the use of established utility corridors and to avoid conflicts with incompatible land uses such as wilderness, national parks and monuments, special management areas, wildlife refuges, densely populated areas, and military installations. Impacts to land uses would occur along portions of the route that cross irrigated agricultural lands, residential subdivisions, and areas used for industrial or military testing and training. Mitigation measures and BMPs are necessary to avoid or minimize direct impacts with land uses in most conditions. SE mitigation measures 1–5, 7–10, 13–14, and 16 will be applied to reduce or avoid impacts to land use or recreation resources. There will be no direct displacement of residential, business, or industrial structures. There will be a minimal loss of grazing land. Construction of underground segments as identified in the Mitigation Proposal will require coordination with affected ranchers and landowners to minimize impacts to ranching operations. Temporary impacts associated with construction of three underground segments as identified in the Mitigation Proposal include increased traffic along access roads, and temporary modifications to fencing, gates, and water facilities.

RMPs outline BLM management guidelines, including ROW exclusion or avoidance designations. A proposal to construct a new utility crossing a ROW avoidance area could require an RMP amendment where there is no viable alternative. The BLM Selected Alternative crosses ROW avoidance areas that require such amendments in the Socorro Field Office planning area in NM. As described in Section 2.3 of this ROD, the BLM-selected RMP amendments provide a 400-foot-wide corridor where the Project crosses ROW avoidance or noncompliant VRM land classification areas.

Most of the Localized Route Modifications (Component 1) would have similar or reduced impacts,

compared with the no action alternative, except for the El Camino Real NHT in Route Modification Area 5. The Project would highly impact a 4-mile-long segment of the El Camino Real de Tierra Adentro NHT (El Camino Real NHT) auto tour route (and El Camino Real National Scenic Byway) northeast of the Fort Craig Rest Area, where the Project would introduce tall, repeating, vertical transmission line structures parallel to the road. This would not limit the agency's ability to manage the trails for the purpose of identifying and protecting the historic route or its historic remnants and artifacts for public use and enjoyment. The Project would not substantially interfere with these trail's nature and purposes. In general, all Component 3 alternatives would begin to locally compromise the El Camino Real NHT's nature and purpose where areas of high impacts would occur along the Rio Grande Corridor, including views from the NPS auto tour route. Subroute 2A-1 and 3A-1 would parallel the existing Western Spirit Project, resulting in reduced impacts on trail resources, including views from the NPS-designated auto tour route. Subroute 2A-1 and 3A-1 would result in reduced moderate-high impacts as the Project would not directly cross in front of the historic site. Alternative Route 3, since it more closely parallels the Rio Grande Valley, would introduce additional impacts on the El Camino Real NHT, including views from the auto tour route near Polvadera and the modification of the trail's setting between La Joya and Lemitar, where the landscape is more visually intact. Based on these impacts, the Project could result in substantial interference with the trail's nature and purpose.

### **3.5.2.6 Sevilleta NWR**

Alternative Route 2 (all subroutes) would result in 83 acres of permanent impact within the Sevilleta NWR outside of the existing EPE transmission line footprint. Alternative Route 3 (all subroutes) would result in 58 acres of permanent impact within the NWR outside of the existing Tri-State transmission line footprint. Based on an independent review of the proposed reclamation activities for the Sevilleta NWR, there is a high level of uncertainty that the surface disturbance caused by the proposed project would be reclaimed to pre-construction conditions with the methods as proposed in the Sevilleta NWR Reclamation Plan (SunZia 2021). These long-term impacts would translate to adverse impacts to wildlife habitat at the same locations. Therefore, the impacts within the Sevilleta NWR under Alternative Routes 2 and 3 would be long term and adverse. The Sevilleta NWR Reclamation Plan includes a long-term monitoring and adaptive management approach that would allow for revised reclamation activities, as determined necessary by the USFWS.

### **3.5.3 Consideration of Public Comments and Concerns**

The NOI for this project was published in the *Federal Register* on June 4, 2021, notifying the public of the BLM's intent to prepare an EIS (BLM 2021a:A-1-A-3). The NOI also signified the beginning of the 30-day scoping period, ending July 6, 2021. In addition to the NOI, various outreach methods were utilized, which included a pre-NOI postcard mailed to the BLM's interested party list, online project information, a media release, and a project newsletter (also mailed to the BLM's interested party list) announcing the publication of the NOI and public scoping meetings (BLM 2021a: Appendix B). Additionally, project introduction letters were sent on December 7, 2020, to 29 tribes (BLM 2021a:4).

The BLM hosted three virtual public scoping meetings, on June 22, 23, and 24, 2021. The public, agencies, and tribes also had the opportunity to submit comments during the scoping period through the BLM's ePlanning website, by mailing individual letters to the BLM NM State Office,

providing telephone messages to the BLM project manager or project hotline, or emailing the BLM's project manager.

Following the scoping period, the BLM received 186 submissions from the public. Of these 186 submissions, 130 were from individuals, 26 were from organizations or businesses, and 8 were from agencies, with some entities providing more than one submission (BLM 2021a:5). Once comment-level coding took place, 835 total comments were identified. Approximately 167 comments were coded as out of scope, 137 comments were coded for wildlife resources, and 101 comments were coded for alternatives (BLM 2021a:6–7). Remaining comments were coded for issues such as socioeconomics, the NEPA process, purpose and need, climate change, etc. (BLM 2021a:6–7). Scoping comments were used to identify issues and resource conflicts for analysis in the EIS.

The BLM published an NOA for the Draft EIS in the *Federal Register* on April 29, 2022. The NOA announced the release of the Draft EIS and the beginning of a 90-day comment period.

The BLM held three public meetings to present the Draft EIS and answer questions on June 21, June 28, June 29, 2022, with a total of 220 individuals in attendance. The public was able to submit comments in person at several locations (BLM State Offices in NM and Arizona, the BLM Las Cruces District Office and the Socorro, Safford, and Tucson Field Offices, Cibola National Forest Supervisor's Office, and Refuge) or comments could be submitted via mail, email, telephone or online via BLM's ePlanning. A total of 125 submittals (letters, emails, and telephone messages) were received by the BLM during the 90-day comment period.

Each letter was parsed out into individual comments and each comment was coded by topic. A total of 609 comments were coded from 125 submittals. There were 118 unique senders, and no form letters were received. Appendix I of the Final EIS (BLM 2022y) provides a table with a summary of comments received, by topic, a table of all comments received, and BLM's response to the comments. All comments on the Draft EIS were given careful consideration with necessary changes incorporated into the Final EIS. The BLM published an NOA for the Final EIS in the *Federal Register* on February 17, 2023.

Based on agency and public comments received, some expansion of discussions and the addition of information to the Draft EIS were determined to be warranted. Also, in response to agency and public comments received on the Draft EIS and additional information received since the Draft EIS was published, modifications to the BLM Preferred Alternative were developed for analysis in the Final EIS. The additional alternative route and route modifications are described in Section ES13 of the Final EIS (BLM 2022y). Chapters 2 and 3 of the Final EIS (BLM 2022y) include updated analysis reflecting these changes.

The BLM utilized the NEPA process to help fulfill the public involvement process under the NHPA (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action was used to assist the BLM in identifying and evaluating impacts to such resources. The BLM consulted with Native American Tribes on a Nation-to-Nation basis in accordance with Executive Order (EO) 13175 Consultation and Coordination With Indian Tribal Governments (Clinton 2000) and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will continue to be given due consideration. Additional details are provided in Section 5.3 of this ROD.



### 3.6 ALTERNATIVES CONSIDERED BUT NOT STUDIED IN DETAIL

An alternative may be eliminated from detailed analysis if: (1) it is ineffective (i.e., it would not respond to the agency’s purpose and need); (2) it is technically or economically infeasible; (3) it is inconsistent with management objectives for the area (i.e., it does not conform with land use plans); (4) its implementation is remote or speculative; (5) it would be substantially similar in design (function and purpose) to another alternative already analyzed; or (6) it would have substantially similar effects to another alternative already analyzed. Alternatives that were considered but eliminated from detailed analysis included alternative transmission line routes, alternative transmission line technologies, and alternatives to the construction of a new transmission line.

Input from the public and various agencies resulted in the addition, modification, or elimination of alternative transmission line routes and alternative transmission technologies evaluated during the scoping process, as described in Section 2.3 of the Final EIS (BLM 2022y).

As a requirement of CEQ regulations, an EIS must “evaluate reasonable alternatives to the proposed action, and for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination” (40 CFR 1502.14(a)). In addition to the BLM screening criteria listed above, alternatives were also screened considering the BLM, USFS, and the USFWS’s purpose and need (see Section 1.4 of the Final EIS); and the Applicant’s objectives (see Section 1.3 of the Final EIS).

The BLM identified six alternatives that have various combinations of 16 subroutes or local alternatives to be carried forward for detailed analysis. The remainder of preliminary alternatives and subroutes (Subroutes 1A-9, 3A-5, 3A-6, and 3A-7) were eliminated from detailed analysis. Following is a brief summary of the alternatives to the proposed project that were considered but eliminated from detailed analysis. The *SunZia Southwest Transmission Project ROW Alternatives Development Report* (BLM 2021b) summarizes these routes and the supporting rationale in more detail.

- Subroute 1A-9 was developed as a potential solution to avoid or minimize impacts to military use areas north and east of the Ladron Mountain-Devil’s Backbone Complex ACEC along the Applicant’s proposed route (Subroute 1A-1). Ultimately this route is not a solution that avoided or minimized impacts to military use areas on the BLM-managed land in the Socorro Field Office, and it is substantially similar in design to an alternative that is proposed for detailed analysis (Subroute 1A-1).
- Subroutes 3A-5, 3A-6, and 3A-7 were developed as potential alternatives to the Applicant’s proposed alternatives across the Sevilleta NWR (Alternative Routes 2 and 3). These three subroutes were considered as options to provide routing alternatives that roughly parallel I-25 through the Sevilleta NWR and parallel existing infrastructure (a highway) along the border of the western unit of the Refuge. These three routes are anticipated to have greater environmental impacts than the combination of Alternatives 2 and 3 proposed for detailed analysis; they would likely not result in a compatible land use to the NWR due to the addition of two new high-voltage transmission lines being added to the landscape of the Sevilleta NWR outside of existing easements, in addition to the existing Tri-State and EPE lines (for a total of four transmission lines in the NWR, if approved); and existing deed

restrictions prohibit new development outside pre-existing easements on the Sevilleta NWR. Ultimately these routes are substantially similar in design to either Alternative Route 2 or 3 and do not avoid or minimize impacts to the Sevilleta NWR.

## 4 COMPLIANCE WITH RMPs AND OTHER LAWS

### 4.1 FLPMA COMPLIANCE

Section 302(a) of FLPMA (43 U.S.C. § 1732(a)) requires the BLM to manage public lands in accordance with the land use plans developed and adopted under Section 202 of FLPMA. Land use plans provide goals and objectives to the BLM to administer lands that would be affected by an action. The Project area includes lands administered by four BLM Field Offices (Tucson, Safford, Rio Puerco, and Socorro) and the Las Cruces District Office. The Selected Alternative necessitates an amendment to portions of the Socorro RMP and BLM will require amendments as identified in Section 2.3 of this ROD and as specified by 43 CFR 1610.5-3.

Pursuant to 43 CFR 1610.3-2(e) and FLPMA, governors of states involved in the process are afforded a 60-day Governor's Consistency review of the BLM's proposed RMP amendments. The BLM requested the governor of NM review the proposed amendments to ensure consistency with state or local plans, policies, or programs. The Governor's consistency review period ended April 19, 2023. The New Mexico Governor's Office provided consistency review comments on April 13, 2023. The comments indicated the SunZia Final EIS and the amendments it would make to the existing approved route for the SunZia Project provides consistency between BLM RMPs and applicable state laws, policies, and programs. The state of New Mexico supports the BLM's February 17, 2023, Final EIS and Proposed RMP Amendments for the SunZia Project.

Additionally, the BLM received nine protest letters from the public pursuant to 43 CFR 1610.5- 2, which were addressed as described in Section 6.2.1 below.

In accordance with FLPMA, public lands are to be managed for multiple uses including the long-term needs for renewable and non-renewable resources. The BLM is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electrical energy (FLPMA 43 U.S.C. § 1761(a)(4)). Taking into account the BLM's multiple-use mandate, the BLM's purpose and need for this action is to respond to the FLPMA ROW application submitted by the Applicant under Title V of FLPMA (43 U.S.C. § 1761 et seq.) to modify the existing ROW grant NM114438 for the construction and operation of two 500-kV transmission lines located on federal, state, and private lands between central NM and central AZ, in compliance with FLPMA, BLM ROW regulations, the BLM NEPA Handbook (BLM 2008), DOI NEPA regulations, and other applicable federal and state laws and policies.

#### 4.1.1 New Mexico

*Las Cruces District Office, Mimbres Resource Management Plan* (BLM 1993). This plan formally records the BLM's decisions for managing approximately 3 million acres of public land in Doña Ana, Grant, Luna, and Hidalgo counties. The Selected Alternative is in conformance with the Mimbres RMP.

*Las Cruces District Office, White Sands Resource Area Resource Management Plan* (BLM 1986a); amended by McGregor Range RMP in 2006 (BLM 2006). This plan establishes land use

decisions, terms, and conditions for guiding and controlling future management actions in Sierra and Otero counties. The Selected Alternative is in conformance with the White Sands RMP.

*Rio Puerco (Albuquerque) Resource Management Plan Revision and Environmental Impact Statement* (BLM 2012). This plan formally records the BLM’s decisions for managing approximately 8.6 million acres of land; including 896,480 acres of public land in Bernalillo, Cibola, Torrance, Valencia, Sandoval, McKinley, and Santa Fe counties. The Selected Alternative is in conformance with the Rio Puerco RMP.

*Socorro Field Office, Socorro Resource Management Plan and Record of Decision* (BLM 2010). This plan was prepared to allocate resources and provide a comprehensive framework for the BLM’s management of 1.5 million acres of public land in Socorro and Catron counties. The Socorro RMP has been amended to reduce the acreage of ROW avoidance areas.

#### **4.1.2 Arizona**

*Phoenix District - Phoenix Field Office, Phoenix Resource Management Plan and Final Environmental Impact Statement* (BLM 1988). This plan guides the BLM in its management of the Phoenix Resource Area, which consists of approximately 911,000 acres of public land in two distinct geographic regions of AZ, and includes portions of Pima and Pinal counties located in the Project study corridors. This area is now managed by the Tucson Field Office. The Selected Alternative is in conformance with the Phoenix RMP.

*Gila District (Safford District Office), Safford District Resource Management Plan and Environmental Impact Statement* (BLM 1991). This plan has been prepared to guide the management of 1.4 million acres of public land in the Safford District (southeastern AZ), including Graham, Greenlee, Cochise, Pinal, Pima, and Gila counties. The Selected Alternative is in conformance with the Safford RMP.

#### **4.1.3 Cibola National Forest and National Grasslands Land and Resource Management Plan (LRMP)**

The 2022 Cibola National Forest LRMP provides direction for management of Cibola National Forest lands. The selected route is in conformance with the 2022 LRMP (USFS 2022).

#### **4.1.4 Sevilleta NWR Comprehensive Conservation Plan (CCP)**

The 2000 Refuge CCP provides management tools, directions, and priorities for the 230,000-acre Sevilleta NWR. Decisions made within the CCP “are guided by the established purposes of the refuge, the goals and compatibility standards of the System, and other Service policies, plans, and laws directly related to refuge management.” (USFWS 2000:17). The established purpose of the refuge is guided by the 1972 warranty deed (USFWS and The Nature Conservancy 1973), which states the purpose is “to preserve and enhance the integrity and the natural character of the ecosystems of the property by creating a wildlife refuge managed as nearly as possible in its natural state, employing only those management tools and techniques that are consistent with the maintenance of natural ecological processes.”

Subject to pre-existing rights, the warranty deed and CCP state that the:

- property not be subject to commercial exploitation;
- property shall not be sold, exchanged, transferred, or abandoned, nor shall it be leased or used for any commercial purpose other than where deemed appropriate by the USFWS and The Nature Conservancy for the purpose of sound wildlife management; and that the
- Grantor may grant exceptions to [certain enumerated] restrictions that apply to all or any part of the Sevilleta NWR property, provided that any such exception does not impair the natural character of the area (see USFWS 2000:69).

The USFWS will review proposals to utilize easements held by Tri-State and EPE that burden the Refuge in accordance with applicable law, regulation, and policy, including, but not limited to, the terms of the easements and the 1972 warranty deed.

## **4.2 OTHER LAWS**

### **4.2.1 ESA**

Consultation with the USFWS is required under Section 7 of the ESA, when a project that is carried out, funded, or authorized by a federal agency may affect species listed under the ESA. BLM's ESA compliance efforts are detailed in Section 5.1 of this ROD.

### **4.2.2 Clean Air Act**

In accordance with their responsibilities under Section 309 of the Clean Air Act, NEPA, and the CEQ Regulations for implementing NEPA, the EPA Region 6 office in Dallas, Texas, and the Region 9 office in San Francisco, California, completed reviews of the Final EIS. In a letter from the EPA's Compliance Assurance and Enforcement Division to the BLM State Director dated July 15, 2013, the EPA stated that it has no objection to the proposed action as described in the Final EIS (EPA 2013).

The approved project components will be located in areas that are in attainment with the National Ambient Air Quality Standards (NAAQS), Arizona Ambient Air Quality Standards (AAAQS), and New Mexico Ambient Air Quality Standards (NMAAQs) for all criteria pollutants except for in the following areas: Rillito PM<sub>10</sub> (Particulate matter equal to or less than 10 microns in diameter) nonattainment area (located in northeastern Pinal County, AZ); West Pinal County PM<sub>10</sub> nonattainment area (located in western Pinal County, AZ); San Manuel sulfur dioxide maintenance area (located in southeast Pinal County, AZ); and Tucson/Pima County carbon dioxide maintenance area (located in northeast Pima County, AZ) (ADEQ 2021). The General Conformity Rule applies to the portions of the Project that would occur within the nonattainment and maintenance areas listed above. Based on the impact evaluation completed for the 2013 Final EIS, impacts from the proposed action would not be expected to cause or contribute to an exceedance of the NAAQS, AAAQS, and NMAAQs, except for with respect to the minor changes to the access roads and work areas in the West Pinal County nonattainment area associated with Component 2. However, this would not significantly change impacts previously disclosed in the 2013 Final EIS for the transmission line construction within Pinal County (209.1 µg/m<sup>3</sup>) because the hourly emission rate per mile from the transmission line is not anticipated to change substantially (BLM 2013a: Appendix F, pp. F-18; POWER Engineers, Inc. 2021a).

### **4.2.3 Clean Water Act, EO 11988, and EO 11990**

The Project has been designed to comply with the requirements of EO 11988 Floodplain Management (Carter 1977a), EO 11990 Wetland Protection (Carter 1977b), and Sections 401 and 404 of the Clean Water Act (see Section 3.5.1 of the Final EIS (BLM 2022y)).

### **4.2.4 EO 12898**

EO 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Clinton 1994) requires Federal agencies to address high and disproportionate environmental impacts on minority and low-income populations. Should potentially significant and adverse impacts attributable to the Project fall disproportionately on these populations, environmental justice impacts would result. An analysis of this Project indicated that no significant impacts to environmental justice populations are expected as a result of the construction or operation of the BLM Selected Alternative (see Section 3.4.37 of the Final EIS (BLM 2022y)).

### **4.2.5 Migratory Bird Treaty Act**

In addition to the EPMS, the Applicant worked closely with the USFWS and BLM to prepare a MBCP and APP, both of which have been reviewed and approved by the USFWS (POWER Engineers, Inc. 2021b:13). The plans include design features, mitigation measures, and standard operating procedures to avoid disturbance of eagles and other migratory birds that could result in “take” under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (POWER Engineers, Inc. 2021b:13). The MBCP includes measures to offset the loss of or unavoidable impacts to migratory bird habitat. Such measures include acquisition of conservation lands or easements, additional research and monitoring, and other means of compensation to replace migratory bird habitat service losses (POWER Engineers, Inc. 2021b:6–13). The APP will be updated following an additional avian risk assessment that will inform structure design modifications that will go above and beyond the Avian Power Line Interaction Committee (APLIC) engineering design guidance. The risk assessment will review additional data (ongoing telemetry studies, etc.) to inform the locations of bird flight diverters, ACAS installation locations, structure design, and other measures to further minimize collision risk. The adjusted design of the river crossing transmission structures would be developed to match the risk space height over and above the APLIC recommendations. Additional mitigation measures, including ACAS, will be described in detail in the MBCP and APP (POWER Engineers, Inc. 2021b:105–106).

Implementation of the MBCP and the APP will be required as a stipulation of the amended federal ROW grant.

### **4.2.6 NHPA**

The NHPA (54 U.S.C. § 306108) requires Federal agencies to consider the potential effects of a proposed undertaking on historic properties eligible for or listed on the NRHP and provide the ACHP with an opportunity to consider such effects prior to approving the undertaking. The regulations implementing the NHPA require agencies to inventory and evaluate historic properties potentially affected by a proposed undertaking, and seek to resolve potential adverse effects to such properties through consultation with consulting parties, including the SHPO, the ACHP, and potentially affected Indian tribes (See 36 CFR Part 800). NHPA compliance efforts are detailed in Section 5.2 of this ROD.

## 5 CONSULTATION

The BLM is required to prepare an EIS in coordination with any studies or analyses required by the Fish and Wildlife Conservation Act (16 U.S.C. § 661 et seq.), ESA (16 U.S.C. § 1531 et seq.), and the NHPA, as codified (54 U.S.C. § 300101 et seq.). In accordance with EO 13175 Consultation and Coordination with Indian Tribal Governments (Clinton 2000), the BLM also must consult with American Indians, on a nation-to-nation basis, to ensure the tribes are informed of any actions that may affect them.

### 5.1 CONSULTATION UNDER SECTION 7 OF THE ESA

Under provisions of Section 7(a)(2) of the ESA, a Federal agency that carries out, permits, licenses, funds, or otherwise authorizes an activity must consult with the USFWS as appropriate, to ensure the action is not likely to jeopardize the continued existence of any species listed as threatened or endangered, and not likely to result in the destruction or adverse modification of designated critical habitat. As part of formal consultation under Section 7 of the ESA, the BLM submitted a BA to the USFWS to address species with the potential to occur in the area of the BLM Preferred Alternative for the Project. SunZia submitted a supplemental information memo to the USFWS on October 5, 2022. The USFWS reviewed the BA and issued a Biological and Conference Opinion and Conference Report on January 23, 2023. (USFWS Consultation No. USFWS/R2/ES/02ENNM00-2021-F-1539).

The Biological Opinion (BO) provides reasonable and prudent measures and certain terms and conditions to minimize take of the affected species. Section 7(a)(1) of the ESA directs Federal agencies to utilize their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of endangered and threatened species. Conservation recommendations are discretionary agency activities to minimize or avoid adverse effects of a proposed action on listed species or critical habitat to help implement recovery plans, or to develop information.

The BO recommends conservation measures that are identified in Appendix C as ST Measures, which were developed as a part of the Project description in the Draft EIS and BLM POD. ST Measures would be applied Project-wide, wherever the applicable affected resource occurs. ST Measures typically include BMPs or address widely distributed resources. Selective Mitigation Measures were also identified in Appendix C, which are used to reduce or avoid site specific impacts. Additional detail is provided in the BO for implementation of Standard and Selective Mitigation Measures as conservation measures for each of the affected species. USFWS recommended that the BLM work with the USFWS, AZGFD, NMDGF, the Bureau of Reclamation, and other partners to implement conservation and recovery actions for the following species:

- Southwestern Willow Flycatcher
- Western Yellow-billed Cuckoo

### 5.2 CONSULTATION UNDER SECTION 106 OF THE NHPA

The Section 106 process for the initial ROW request was initiated in May 2009 with the publication of the NOI. The Section 106 process was coordinated with the 2009–2015 NEPA process starting with public scoping in 2009. As noted in the 2013 Final EIS (see Chapter 5, page 5-11, BLM

2013a), due to the scope and complexity of the SunZia Project, and because the “effects on historic properties cannot be fully determined prior to the approval of an undertaking” 36 CFR 800.14(b)(1)(ii)), the BLM determined early in the process that the undertaking would have an “adverse effect” on historic properties and that, because of the complexity of the Project, a PA would be needed to govern the resolution of adverse effects (36 CFR 800.14(b)(3)). In accordance with 36 CFR 800.6(a)(1), the ACHP was notified of the “adverse effect” determination, concurred with the determination, and agreed to participate in the development of the PA.

The PA was then developed in consultation with the ACHP, BLM, AZ SHPO, NM SHPO, affected Tribes, other Federal and State agencies, and other consulting parties. The final PA was executed on December 17, 2014. Execution of the PA set forth the steps for meeting the requirements of Section 106. Eleven parties signed the 2014 PA—the BLM NM State Office, AZ SHPO, NM SHPO, ACHP, USACE, Bureau of Indian Affairs, San Carlos Irrigation Project, NMSLO, the Arizona State Museum, ASLD, and SunZia (see Appendix B, BLM 2015).

The BLM has provided annual reports from 2015 to current (2022 as of the writing of this ROD) to the consulting parties and tribes listed in the 2013 Final EIS Section 5.3.2 (BLM 2013a), as required by the 2014 PA (Stipulation X.A.3, BLM 2014). The annual report includes an update on the Project schedule and status, as well as other updates required in Stipulation X.A.3 (BLM 2014). The annual reports for 2020-2022 have included updates on the ROW amendment NEPA process as well as updates on implementation of the PA.

Three additional Class III inventory reports were completed for the Project in 2022, in both NM and AZ. Two reports were sent to the consulting parties for review on October 6 and one on October 31, 2022. For the proposed ROW amendment request, the BLM developed an amendment to the 2014 PA and, in accordance with PA stipulation X.I.V.A, sent to the signatories and concurring parties to the 2014 PA for review and signature on October 24, 2022. The signed PA amendment was then sent to ACHP for execution on November 28, 2022. The amendment to the PA included adding the USFWS and USFS as Invited Signatories; amending and updating the description of the undertaking; and amending and updating the operation and maintenance stipulations to ensure that the USFS is responsible for ensuring that the stipulations in their ROW authorizations and easements are enforced on lands they administer.

Before the BLM will issue an NTP for construction, the Applicant, per the amended PA, must post a financial security (such as a surety bond, irrevocable letter of credit, etc.) with the BLM. This security must be an amount sufficient to cover all post-fieldwork costs associated with implementing the HPTP or other mitigation activities, as negotiated by the Applicant where they contract for services in support of the amended PA. Such costs may include, but are not limited to, treatment, fieldwork, post-field analyses, research and report preparation, interim and summary reports preparation, and the curation of Project documentation and artifact collections in a BLM-approved curation facility.

### **5.3 NATION-TO-NATION TRIBAL CONSULTATION**

The United States has a unique legal relationship with American Indian tribal governments as set forth in the Constitution of the United States, treaties, EOs (e.g., EO 13175 (Clinton 2000)), Federal statutes, Federal policy, and Tribal requirements, which establish the interaction that must take place between Federal and Tribal governments. An important basis for this relationship is the

trust responsibility of the United States to protect tribal sovereignty, self-determination, tribal lands, tribal assets and resources, and treaty and other federally recognized and reserved rights. Nation-to-nation consultation is the process of seeking, discussing, and considering views on policy, and/or, in the case of this Project, environmental and cultural resource management issues.

### **Tribal Consultation and Coordination**

Nation-to-nation consultation was conducted in accordance with guidance provided in BLM Manual 1780 (BLM 2016). Consultation efforts were coordinated by the BLM as lead agency for Tribal consultation and consultation under Section 106 of the NHPA. All records of coordination and consultation efforts, including logistical support for meetings and preparation of materials, are part of the administrative record.

Extensive Tribal consultation and coordination were conducted for the initial ROW application and in support of the first EIS process from 2009–2015. That outreach is summarized in Chapter 5, Section 5.3.2 of the 2013 Final EIS (BLM 2013a).

For the current ROW amendment, in support of this current EIS, additional outreach has been conducted. In December 2020, the BLM contacted the following federally recognized tribes to notify them of the requested ROW amendment, to re-initiate nation-to-nation consultation, invite them to participate as cooperating agencies in preparation of the EIS, and to participate in the Section 106 consultation. Twenty-nine federally recognized Tribes were contacted in December 2020:

- Ak-Chin Indian Community
- Apache Tribe of Oklahoma
- Caddo Indian Tribe
- Comanche Indian Tribe
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community
- Hopi Tribe,
- Jicarilla Apache Nation
- Kiowa Tribe of Oklahoma
- Mescalero Apache Tribe
- Navajo Nation
- Pascua Yaqui Tribe
- Pueblo of Acoma, Pueblo of Isleta
- Pueblo of Jemez
- Pueblo of Laguna
- Pueblo of Sandia
- Pueblo of Santo Domingo
- Pueblo of Taos,
- Pueblo of Tesuque
- Pueblo of Zuni
- Salt River Pima-Maricopa Indian Community
- San Carlos Apache Tribe
- Tohono O'odham Nation
- Tonto Apache Tribe, White Mountain Apache,
- Wichita and Affiliated Tribes



- Yavapai-Apache Nation
- Ysleta del Sur Pueblo

Subsequent outreach includes: the Scoping Report (as described in Section 1.7) was sent to the Tribes listed above on August 5, 2021. The alternatives report (as described in Section 2.7) was made available to the Tribes listed above in spring 2022. The Tribes listed above were also provided notice that the Draft EIS and associated files were published on April 29, 2022. As indicated in the following section, the BLM has had continued coordination with the Tribes (and other consulting parties) via submittal of annual reports from 2015 to current (2022), inventory reports, HPTPs and more (see Section 5.4 of the Final EIS). One tribe, the Tohono O'odham Nation, was designated, at their request, as a Signatory to the 2014 PA but declined to sign. On February 16, 2023, BLM provided participating Tribes advanced notice of and access to the Final EIS. The 16 Tribes contacted are as follows:

- Ak-Chin Indian Community
- Comanche Nation of Oklahoma
- Fort Sill Apache Tribe of Oklahoma
- Gila River Indian Community
- Hopi Tribe, Kiowa Tribe of Oklahoma
- Mescalero Apache Tribe
- Pascua Yaqui Tribe,
- Pueblo of Isleta, Pueblo of Sandia
- Pueblo of Ysleta del Sur
- Pueblo of Zuni
- Salt River Pima-Maricopa Indian Community
- San Carlos Apache Tribe
- Tohono O'odham Nation
- White Mountain Apache

Responses were received from the San Carlos Apache, the Ak-Chin Indian Community and the Hopi Tribe, via electronic mail. The San Carlos Apache sent an internal form indicating concurrence with the report and that they defer to the Tohono O'odham Nation. The Ak-Chin responded by letter and commented “that consultation with tribes on any cultural and natural resources or places of significance are considered.” The Hopi Tribe did not provide a letter in response to recent correspondence but provided copies of letters sent in the past (nine letters dated from 2009 to 2020). The most recent letter states that the Hopi Tribe is interested in consulting on any proposal that has the potential to adversely affect prehistoric sites in NM and AZ” and that they appreciate BLM’s “continuing solicitation of our input and your efforts to address our concerns.”

BLM has continued to engage the tribes named above when the consulting parties are contacted (see Section 5.4 of the Final EIS).

## **6 PUBLIC INVOLVEMENT**

### **6.1 SCOPING PROCESS**

As required by the NEPA, the BLM conducted scoping in the early stages of the preparation of the EIS with cooperating agencies to encourage public participation and solicit agency and public comments on the scope and significance of the proposed action (40 CFR 1501.9). The public was notified of the Project and upcoming scoping meetings through the NOI and other means. The NOI for this project was published in the *Federal Register* on June 4, 2021, notifying the public of the BLM's intent to prepare an EIS and RMP amendment (BLM 2021a: A-1 through A-3). The NOI also signified the beginning of the 30-day scoping period, ending July 6, 2021. In addition to the NOI, various outreach methods were utilized, which included a pre-NOI postcard mailed to the BLM's interested party list, online project information, a media release, and a project newsletter (also mailed to the BLM's interested party list) announcing the publication of the NOI and public scoping meetings (BLM 2021a: Appendix B). Additionally, project introduction letters were sent on December 7, 2020, to 29 Tribes (BLM 2021a:4). The letters provided an overview of the proposed action and invited each Tribe to enter into formal nation-to-nation consultation as well as inviting them to become cooperating agencies.

The BLM hosted a total of three virtual public meetings, on June 22, 23, and 24, 2021 (one per day). Project history, a description of the Project, an overview of the NEPA process, and information and methods for providing formal comments were presented by PowerPoint. Following the presentation was a live question and answer period which provided opportunity for the public to ask questions and provide comments on issues to be addressed in the EIS. The public, agencies, and Tribes also had the opportunity to submit comments during the scoping period through the BLM's ePlanning website, by mailing individual letters to the BLM NM State Office, by providing telephone messages to the BLM project manager or project hotline, or by emailing the BLM's project manager.

Following the scoping period, the BLM received 186 submissions from the public. Of these 186 submissions, 130 were from individuals, 26 were from organizations or businesses, and eight were from agencies, with some entities providing more than one submission (BLM 2021a:5). Once comment-level coding took place, 835 total comments were identified. Approximately 167 comments were coded as out of scope, 137 comments were coded for wildlife resources, and 101 comments were coded for alternatives (BLM 2021a:6–7). Remaining comments were coded for issues such as socioeconomics, the NEPA process, purpose and need, climate change, etc. (BLM 2021a:6–7). Scoping comments have been used to identify issues and resource conflicts for analysis in the EIS. A detailed Scoping Report was published in July 2021 (BLM 2021a) and is available on the BLM's ePlanning website.

EIS Chapter 5 provides a summary of consultation and coordination efforts that have occurred for the proposed project. The Amended PA developed to comply with Section 106 of the NHPA and consultation activities under Section 7 of the ESA are described in EIS Section 5.4 and summarized in Section 5 of this ROD.

## **6.2 PUBLIC REVIEW PROCESS**

### **6.2.1 Public Protests Received on the Proposed Plan Amendments**

The BLM received nine protest letters during the 30-day protest period, which ended on March 19, 2023. The protest procedures and criteria for the proposed plan amendments are set forth 43 CFR 1610.5-2. All valid protest issues received on the Final EIS and Proposed RMP Amendments

have been addressed in the Director's Protest Resolution Report, incorporated by reference herein and posted at:

[http://www.blm.gov/wo/st/en/prog/planning/planning\\_overview/protest\\_resolution/protestreports.html](http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html)

Three letters were dismissed from consideration due to lack of standing. Three of the nine timely filed protests were dismissed because they provided comment but did not present valid issues.

Three of the valid protests presented comments on issues regarding the following topics: (1) FLPMA – consistency with the National Wildlife Refuge System Improvement Act of 1997; (2) FLPMA – unnecessary and undue degradation; (3) NEPA – impacts analysis; (4) NEPA – range of alternatives; (5) NEPA – reasonably foreseeable future actions; (6) NHPA – public involvement; (7) NHPA – Section 106 consultation-Tribal consultation. Responses to these issues are provided in the Protest Resolution Report, and each of these three protests was denied.

## 7 CONTACT PERSON

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## **Appendix A – Mitigation Measures**

## **Appendix B – Amended Programmatic Agreement**

## **Appendix C – Biological Opinion**