

US EPA ARCHIVE DOCUMENT



**UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
REGION IX**

75 Hawthorne Street  
San Francisco, CA 94105

February 8, 2013

Joe Incardine, Sun Valley-Morgan Project  
Hassayampa Field Office, BLM  
21605 North 7<sup>th</sup> Avenue  
Phoenix, Arizona 85207-2929

Subject: Proposed Sun Valley to Morgan 500/230 kV Transmission Line Project Draft Environmental Impact and Harquahala Resource Management Plan Amendment, Maricopa County, AZ (CEQ#20120356)

Dear Mr. Incardine:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for the proposed Sun Valley to Morgan 500/230 kV Transmission Line Project and Draft Resource Plan Amendment pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA supports the project purpose to enable the delivery of renewable energy to meet the Arizona Public Service Company's Renewable Energy Standard, Arizona Public Service Company's system reliability and provide extra capacity to accommodate load growth in the rapidly growing northwest Phoenix region.

We have rated the DEIS as *Environmental Concerns – Insufficient Information* (EC-2), due to the lack of sufficient information to determine the extent of direct, indirect and cumulative impacts to waters of the U.S. Please see the enclosed "Summary of EPA Rating Definitions." Our detailed comments are enclosed.

We appreciate the opportunity to review this DEIS and are available to discuss our comments. Please send a hard copy of the FEIS to this office when it is officially filed with EPA's new electronic EIS submittal tool: *e-NEPA*. If you have any questions, please contact me at (415) 972-3521, or contact Scott Sysum, the lead reviewer for this project, at (415) 972-3742 or [sysum.scott@epa.gov](mailto:sysum.scott@epa.gov).

Sincerely,

/s/

Kathleen Martyn Goforth, Manager  
Environmental Review Office (CED-2)

Enclosures:

- (1) Summary of EPA Rating Definitions
- (2) EPA's Detailed Comments

## SUMMARY OF EPA RATING DEFINITIONS\*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement.

### ENVIRONMENTAL IMPACT OF THE ACTION

#### *“LO” (Lack of Objections)*

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

#### *“EC” (Environmental Concerns)*

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

#### *“EO” (Environmental Objections)*

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

#### *“EU” (Environmentally Unsatisfactory)*

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. The EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality.

### ADEQUACY OF THE IMPACT STATEMENT

#### *Category “1” (Adequate)*

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

#### *Category “2” (Insufficient Information)*

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

#### *Category “3” (Inadequate)*

The EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

**US EPA DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED SUN VALLEY TO MORGAN 500/230 KV TRANSMISSION LINE PROJECT AND HARQUAHALA RESOURCE MANAGEMENT PLAN AMENDMENT, MARICOPA COUNTY, AZ, FEBRUARY 8, 2013**

Waters of the U.S.

*Clean Water Act Section 404*

The Draft Environmental Impact Statement lists a Clean Water Act Section 404 permit as a permit that may be required (p. 1-13). The Draft EIS also states that the proponent, Arizona Public Service, had an initial Project kick-off meeting with the U.S. Army Corps of Engineers in August 2012 at which it was agreed that a Preliminary Jurisdiction Delineation would be conducted for the Project between the Draft EIS and Final EIS process (p. 3-165).

The DEIS states that, although construction-related disturbances would occur throughout the Right of Way and, thus, would be done within or proximate to ephemeral drainages, APS does not plan to place transmission line structures, anchors, or other permanent structures within the drainage channels. Instead, all washes would be spanned (p. 4-176). Elsewhere, the DEIS states that the Proposed Action route would cross 552 drainages, for a total of 25.3 acres of drainage channel potentially directly disturbed by the line. Similarly, it was estimated that the Proposed Action access road construction (not including the center line road, which is included in the above disturbance calculation) would cross 55 drainages, for a total of 0.4 acres of disturbance from this source, giving a total acreage of potentially disturbed drainage channels of approximately 25.7 acres.

For the purposes of the National Environmental Policy Act, it is difficult to determine the extent of direct, indirect and cumulative impacts to waters if the delineation is not conducted until completion of the DEIS. Also, it is difficult to determine the *Least Environmentally Damaging Practicable Alternative* and compliance with CWA 404 without this baseline information. The statement of a broad estimate of potential impact to waters at 25.7 acres seems in conflict with other statements in the DEIS that APS plans to avoid discharges related to the power line construction.

*Recommendations:*

For the FEIS, expand and clarify the discussion of impacts to jurisdictional waters to include an estimate of type(s) and acreage, and include a discussion of impact avoidance measures, mitigation availability, and compliance with the Guidelines and Mitigation Rule.

Based on the results of the Preliminary Jurisdiction Delineation, the FEIS should include a table and clear narrative on the direct, indirect/secondary and temporary impacts to waters, including wetlands.

## Ephemeral Washes and Other Water Resources

### *Ephemeral Washes*

The FEIS should include additional detailed information on the functions and locations of ephemeral washes that may be impacted. Natural ephemeral washes perform a diversity of hydrologic and biogeochemical functions that directly affect the integrity and functional condition of higher-order waters downstream. Healthy ephemeral waters with characteristic plant communities control rates of sediment deposition and dissipate the energy associated with flood flows. Ephemeral washes also provide habitat for breeding, shelter, foraging, and movement of wildlife. Many plant populations are dependent on these aquatic ecosystems and adapted to their unique conditions. Potential damage that could result from disturbance of flat-bottomed washes includes alterations to the hydrological functions that natural channels provide in arid ecosystems: adequate capacity for flood control, energy dissipation, and sediment movement, as well as impacts to valuable habitat for desert species.

#### *Recommendations:*

The FEIS should quantify the likely impacts to ephemeral streams from the proposed project, and project alternatives, and discuss potential mitigation.

The FEIS should commit to avoiding, if possible, or minimizing direct and indirect impacts to ephemeral streams (such as erosion, migration of channels, and local scour).

Provide, in the FEIS, additional information on the functions and locations of ephemeral washes in the project area that may be impacted and their hydrologic and biogeochemical roles in relationship to higher-order waters downstream.

### *Flooding and Debris Flow*

The new 500/230 kV transmission line would result in the placement of between two and five towers within the 100 year flood hazard area (p. 4-179). These structures could impede flood flows or redirect flood flows to areas not currently within a flood hazard area by raising the base flood elevation. While the DEIS includes Best Management Practices to provide diversion structures that would be designed to minimize potential destabilization and erosion of adjacent and down gradient drainages, no additional details are provided.

#### *Recommendation:*

The FEIS should identify any areas subject to flash floods where structures are likely to be placed, discuss the impacts of the project on flood flows and demonstrate how flows will not be impeded and flood debris will not obstruct flows or result in scouring.

## Air Quality

### *General Conformity*

The General Conformity Rule ensures that Federal actions comply with the national ambient air quality standards. In order to meet this Clean Air Act requirement, a Federal agency must demonstrate that every action that it undertakes, approves, permits or supports will conform to the appropriate State Implementation Plan. Currently, the General Conformity Rule applies to all Federal actions that are taken in designated nonattainment or maintenance areas. The DEIS states that areas of Maricopa County have been designated as nonattainment for PM10 and ozone and there is a carbon monoxide attainment area with a maintenance plan (p. 3-11). The DEIS states that emissions calculations for the Construction and Operational phases of the Project demonstrate that PM10, NOx, and VOC emissions would be below de minimis levels for SIP Conformity. Conformity is not demonstrated for carbon monoxide, though a review of Tables 4.22 and 4.26 show that the CO emissions would also be below de minimis levels.

#### *Recommendation:*

The FEIS should also discuss the emissions of carbon monoxide with respect to de minimis levels and SIP Conformity.

### Invasive Species

We note the numerous Best Management Practices proposed by APS to control and prevent the spread of noxious and invasive plants and commend BLM for the additional mitigation measures presented in Appendix A (p. 2A-5). The EPA recommends that priority be given to alternative management practices that limit herbicide use, focusing, instead, on other methods to limit invasive species vegetation and decrease fire risk.

#### *Recommendations:*

In order to consolidate the numerous BMPs and mitigations and to strengthen the effort, the EPA recommends the development of an invasive plant management plan. If pesticides will be used to manage vegetation, the DEIS should disclose the projected quantities and types of chemicals to be used. The plan should also describe post-construction activities that will be required, such as surveying for invasive species following restoration of the construction site and measures that will be taken if infestations are found.

### Cultural Resources and Coordination with Tribal Governments

The Tribes that were consulted have expressed some concerns with the Project and potential impacts to ancestral prehistoric sites. It is especially important that effective tribal consultation continue to occur, and the EPA commends the BLM on its consultation efforts conducted so far. Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the

development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

*Recommendation:*

The FEIS should discuss how any concerns raised by the Tribes were addressed and resolved. Provide an update on the status of the coordination with the Tribes and whether it is still ongoing. We recommend that any measures to reduce impacts to tribal and cultural resources that are developed be adopted in the ROD.

Miscellaneous Edits

On page 3-11, the DEIS states, “There is also a carbon dioxide attainment area with a maintenance plan.”

*Recommendation:*

The FEIS should replace the word dioxide with the word monoxide.

On page 4-17 in Table 4.2-7, the total for PM10 is 28.6 Tons/Month and for PM2.5 6.1 Tons/Month; these appear to be incorrect.

*Recommendation:*

The FEIS should replace PM10 total with 4.25 Tons/Month and the PM2.5 with 1.06 Tons/Month.