



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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MAR 31 2011

Ref: 8EPR-N

Ms. Marcy Romero  
Bureau of Land Management  
Farmington Field Office  
1235 La Plata Highway Suite A  
Farmington, NM 87401

Re: San Juan Basin Energy Connect Project  
Scoping Comments

Dear Ms. Romero:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the San Juan Basin Energy Connect Project in New Mexico and Colorado and the project website. Consistent with our authority under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we respond with the following comments for your consideration as you proceed with the Draft EIS.

### **Project Background**

Tri-State Generation and Transmission Association, Inc., (Tri-State) has requested a right-of-way authorization to construct, operate, and maintain a 230 kilovolt (kV) transmission line from Farmington, NM to Ignacio, CO. The project area covers 174,096 acres of mixed Federal, State, Tribal, and private lands. The Bureau of Land Management (BLM) is the lead agency with the Bureau of Indian Affairs, Southern Ute Indian Tribe, Rural Utilities Service, and Western Area Power Administration serving as cooperating agencies. Project components are: (1) expansion of the existing Shiprock Substation to accommodate the new 230 kV line termination and the installation of additional 345/230 kV transformation equipment; (2) construction of approximately 35 to 40 miles of new double-circuit 230 kV transmission line from the existing Shiprock Substation to the proposed Kiffen Canyon Substation, and 45 to 50 miles of new double and single-circuit 230 kV transmission lines from the proposed Kiffen

Canyon Substation to the proposed Iron Horse Substation near Ignacio, CO; and (3) construction of access roads along the transmission corridor where necessary.

This project was scoped originally as an environmental assessment in 2009. However, public input suggested that an EIS level analysis would be a more appropriate level of NEPA analysis. Input was gathered from the public at scoping meetings in 2009 and route refinement workshops in 2010.

### **Project Purpose, Need, and Alternatives Development**

According to the Macro Corridor Study on the project website, the purpose and need for the project is to meet Tri-State's power supply contractual obligations to its member system, including LaPlata Electric Association, Inc., and to improve the power delivery infrastructure and relieve transmission constraints in the San Juan Basin region of Colorado and New Mexico. The EIS should provide clear and concise documentation that illustrates a deficiency in power delivery infrastructure in the region and must define the transmission constraints. In addition, the EIS should effectively demonstrate that there is substantial planned or existing growth and development in the region that will require the additional electricity provided by the proposed project.

It is important that the project purpose defined in the EIS address the need without too narrowly constraining the range of alternatives. The EIS should rigorously explore and objectively evaluate a reasonable range of alternatives that meet the stated project purpose and need, including alternatives that are outside the legal jurisdiction of the lead agency if they are reasonable.

### **Environmental Concerns**

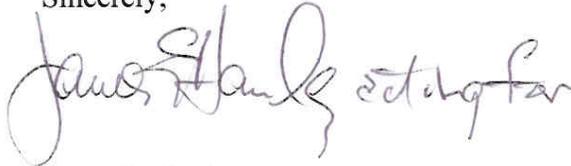
In addition to the issues identified by the BLM in the NOI, EPA has identified seven further environmental concerns for consideration. Based on our current knowledge of the proposed project and the area, we recommend the EIS address the following:

1. Environmental justice
2. Protection of wetlands and riparian areas and associated ecosystems
3. Protection of ground and surface water quality
4. Protection of air quality
5. Effects on fish, wildlife, and vegetation
6. Noxious weeds and invasive plants
7. Greenhouse gas emissions and climate change

Attached are our detailed scoping comments that provide additional information and further discussion of these issues and concerns. The San Juan Basin Energy Connect Project lies within two adjoining states and two EPA regions – Region 8 in Colorado and Region 6 in New Mexico. Both offices have collaborated in developing scoping comments; Region 8 is the lead reviewer.

EPA appreciates the opportunity to provide comments at this early stage of the NEPA process for the San Juan Basin Energy Connect Project. If you have any questions, you may contact me at 303-312-6004, or you may contact Carol Anderson of my staff at 303-312-6058. John MacFarlane of EPA Region 6 also provided comments and can be reached at 214-665-7491.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Svoboda". The signature is written in a cursive style with a large initial "L".

Larry Svoboda  
Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation

Attachment: EPA's Detailed Scoping Comments

**Detailed Scoping Comments by the Environmental Protection Agency  
San Juan Basin Energy Connect Project**

**1. Environmental Justice**

Because the project lies either within or in close proximity to three Indian reservations, EPA has the following recommendations:

- The lead agency should be vigilant about identifying when their actions may have disproportionately high and adverse human health or environmental effects on minority and/or low-income communities.
- This identification should occur as early in the process as possible, preferably during any initial screening exercise. The exercise should identify the presence of minority and/or low-income communities and whether such communities are likely to experience adverse environmental or human health effects as a result of the proposed actions.
- The sensitivity to environmental justice concerns should sharpen the focus of analysis. While the analytical tools to be used are similar, the analysis should focus both on the overall affected area and population and on smaller areas and/or communities within the affected area.
- Individuals tasked with identifying and addressing environmental justice should be familiar with environmental justice issues, public participation mechanisms and outreach strategies, and tribal concerns and issues.
- When proposed actions may affect tribal lands or resources, the lead agency should request that the affected tribe or tribes participate as cooperating agencies. EPA acknowledges that the Southern Ute Indian Tribe is a cooperating agency and would like to know if the members of the Ute Mountain Tribe and the Navajo Nation were also extended an invitation to become cooperating agencies.
- Environmental justice concerns may lead to more focused analyses, identifying significant effects that may otherwise have been diluted by examination of a larger population area. Environmental justice concerns should always trigger the serious evaluation of alternatives as well as mitigation options.
- Identifying the “affected community” is particularly important. The effects of the proposed action will often vary depending on the distance of the affected community from the action and the type or effect created by the action. Effects on the community should be discussed in terms of reasonable increments from the site of the action.
- Community involvement is particularly important in cases involving potential environmental justice issues. Early and sustained communications with the affected community throughout the NEPA process is an essential component of environmental justice.
- For meaningful community involvement to be achieved in circumstances when environmental justice is an issue, technical assistance supplied by the lead agency should be available to the community to assist in their full participation (e.g., interpretation of scientific documents, development of alternatives or mitigation measures).

## **2. Protection of Wetlands and Riparian Areas and Associated Ecosystems**

EPA considers the protection, improvement, and restoration of wetlands and riparian areas to be a high priority. Wetlands and riparian areas increase landscape and species diversity, support many species of western wildlife, and are critical to the protection of water quality and designated beneficial water uses. Potential impacts on riparian areas and wetlands include: water quality, habitat for aquatic and terrestrial life, flood storage, ground water recharge and discharge, sources of primary production, and recreation and aesthetics.

A majority of wetlands in this region occur within the floodplains of the San Juan, Animas, and La Plata Rivers. In addition, there may be spring-fed wetlands throughout the project area. A wetland investigation should be conducted within each corridor and all wetlands delineated so as to avoid impacts. Please consult with the U. S. Army Corp of Engineers to determine if any jurisdictional wetlands are present in the project area and the applicability of Clean Water Act Section 404 permit requirements. EPA suggests that all identified wetland sites be clearly marked, posted, flagged, and/or fenced prior to construction. Such actions should prevent accidental or operator error impacts during construction. Once the project is completed, EPA recommends that a post construction review be held to ensure wetland impacts were avoided.

EPA strongly encourages that transmission structures be placed so that the line spans rivers, streams, arroyos, and wetlands. There should be no construction of transmission poles/lattices in waterways, banks of waterways, or within the riparian zone of any waterway.

## **3. Protection of Ground and Surface Water Quality**

The EIS should clearly describe water bodies and ground water resources within the analysis area that may be impacted by project activities. Water quality impaired waters designated by States under Section 303(d) of the Clean Water Act along the transmission line routing and State efforts to develop or revise Total Maximum Daily Loads should be included in the description. In New Mexico, for example, the preliminary corridors cross segment NM-2402.A\_01 (San Juan River to McDermott Arroyo) of the La Plata River and segment NM-2404\_00 (Estes Arroyo to Colorado border) of the Animas River. Both segments are listed on the New Mexico Environment Department's 2008 303(d) list of impaired waters.

EPA recommends the EIS include an appropriate stormwater pollution prevention plan and a hazardous materials spill plan to ensure protection of these impaired streams and all other water bodies and habitats within, adjacent to, or near any of the proposed alternatives. The EIS should discuss the frequency or likelihood of vehicular spills of hazardous or toxic materials, and describe spill and release response capabilities.

## **4. Protection of Air Quality**

The EIS should evaluate and disclose potential air quality effects of transmission line construction and operation alternatives, including the project's potential effect on: criteria

pollutants under the National Ambient Air quality Standards, including ozone; applicable Prevention of Significant Deterioration increments; visibility impairment and air quality related values in the protection of any affected Class 1 Areas; any significant concentrations of hazardous air pollutants; and protection of public health. The EIS should evaluate effects of any proposed road improvements, new road construction, and general right-of-way (ROW) construction and operation activities on the area. Dust particulates from construction and ongoing operations on roadways are important concerns for public health and the environment. Airborne dust may not only be a visual nuisance, but can be potentially dangerous to asthma sufferers and others with respiratory illnesses. Construction techniques and appropriate dust control methods to reduce airborne dust and sediment runoff from the project area should be considered. Detailed plans for addressing dust control for the project should be included. The plans should include: dust suppression methods, inspection schedules, and documentation and accountability processes. In addition, EPA encourages the use of clean, lower-emissions equipment and technologies to reduce pollution. EPA's final Highway Diesel and Non-road Diesel Rules mandate the use of lower-sulfur fuels in non-road diesel engines beginning in 2007.

## **5. Effects on Fish, Wildlife, and Vegetation**

The effects of project activities on area ecology, including vegetation, fish and wildlife, and associated aquatic and terrestrial habitat, from transmission line construction and operation should be disclosed and evaluated in the EIS. The affected environment section should include current quality and capacity of habitat, usage by wildlife near the proposed project, known wildlife corridors/trails that may be affected, and fisheries resources and aquatic habitat in surface waters that may be affected.

EPA recommends that the threatened and endangered species analysis include an analysis of the speckled dace (*Rhinichthys osculus*) and the roundtail chub (*Gila robusta*) and their preferred habitat as these species have partial status under the Endangered Species Act. Partial status signifies that a species has status in only a portion of its range. EPA recommends that any known or suspected habitat for either species be avoided.

## **6. Noxious Weeds and Invasive Plants**

Among the greatest threats to biodiversity is the spread of noxious weeds and exotic (non-indigenous) plants. Many noxious weeds can out-compete native plants and produce a monoculture that has little or no plant species diversity or benefit to wildlife. Noxious weeds tend to gain a foothold where there is disturbance in the ecosystem. Studies show that new roads and utilities ROWs can become a pathway for the spread of invasive plants.

EPA suggests that a vegetation management plan be prepared to address control of such plant intrusions. The plan should list the noxious weeds and exotic plants that occur in the project area. In areas where noxious weeds are a threat, EPA recommends the EIS detail a strategy for prevention, early detection of invasion, and control procedures for each species. Early recognition and control of new infestations is essential in stopping the spread of infestation and avoiding future widespread use of herbicides, which could correspondingly have more adverse impacts on biodiversity and nearby water quality.

## 7. Greenhouse Gas Emissions and Climate Change

EPA recommends the EIS include an analysis and disclosure of greenhouse gas (GHG) emissions and climate change. We suggest the following approach:

- Quantify and disclose projected annual and total project lifetime cumulative GHG emissions in CO<sub>2</sub>-equivalent terms and translate the emissions into equivalencies that are easily understood by the public (see <http://www.epa.gov/cleanenergy/energy-resources/calculator.html>).
- Qualitatively discuss the link between GHGs and climate change, and the potential impacts of climate change. As discussed in the 2010 CEQ Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions ([http://ceq.hss.doe.gov/nepa/regs/Consideration\\_of\\_Effects\\_of\\_GHG\\_Draft\\_NEPA\\_Guidance\\_FINAL\\_02182010.pdf](http://ceq.hss.doe.gov/nepa/regs/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FINAL_02182010.pdf)), the estimated level of GHG emissions from the project and its alternatives can also serve as a reasonable proxy for assessing potential climate change impacts, and provide decision makers and the public with useful information for a reasoned choice among alternatives.
- Include a summary discussion of ongoing and projected regional climate change impacts relevant to the action area based on U.S. Global Change Research Program assessments. EPA also recommends that the EIS identify any potential need to adapt the proposed action to these effects, as well as any potential impacts from the proposed action that may be exacerbated by climate change.
- Analyze reasonable alternatives and/or potential means to mitigate project-related GHG emissions.