

Comments on the Draft EIS and Responses

FEDERAL AGENCIES



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
P.O. Box 26567 (MC-9)
Albuquerque, New Mexico 87125-6567



IN REPLY REFER TO:

ER 07/371
File 9043.1

June 6, 2007

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Subject: COMMENT – Draft Environmental Impact Statement (DEIS) for the Proposed Phoenix Expansion Project, FERC No. CP06-459-000, San Juan and McKinley Counties, New Mexico, and Yavapai, Maricopa, Mohave and Pinal Counties, Arizona

Dear Ms. Bose:

The U.S. Department of the Interior has reviewed the subject DEIS and provides the following COMMENT for your use in preparing the final document.

SPECIFIC COMMENT

FA1-1 Section 4.2.3 Site-specific Impact and Mitigation, page 4-31, and Appendix F. Transwestern's Upland Erosion Control, Revegetation, and Maintenance Plan - The DEIS indicates the intent to conserve biological soil crusts with the removal and segregation of topsoil. Little is known, however, about the actual durability of disturbed soil crusts. The U.S. Geological Survey suggests, for consideration, the references listed below that may be useful in understanding the viability requirements of this soil feature. Additional related citations are available from the USGS Southwest Biological Science Center at <http://sbse.wr.usgs.gov/>.

REFERENCES

Belnap, J. (2006). The potential roles of biological soil crusts in dryland hydrologic cycles. *Hydrological Processes* 20: 3159-3178.

Belnap J. (2003). Biological soil crusts and wind erosion. In: J. Belnap and O. L. Lange, editors. *Biological Soil Crusts: Structure, Function, and Management, Ecological Studies Series 150, Second Edition*. Springer-Verlag, Berlin, pp.339-347.

Belnap, J., S. L. Phillips, and M. E. Miller. (2004). Response of desert biological soil crusts to alterations in precipitation frequency. *Oecologia* 141(2): 306-316.

Federal Agencies

II-184

FA1-1 Section 4.2.3 has been revised to include additional information regarding potential impacts on soil crusts.

FA1-1
(cont'd)

Belnap J., S. L. Phillips, M. Duniway, and R. Reynolds. (2003). Soil fertility in deserts: A review on the influence of biological soil crusts and the effect of soil surface disturbance on nutrient inputs and losses. In: A. S. Alsharhan, W. W. Wood, A. Goudie, A. R. Fowler, and E. M. Abdellatif, editors. Desertification in the Third Millennium: Lisse, The Netherlands, Swets & Zeitlinger (Balkema), pp.245-252.

Belnap J., and D. A. Gillette. (1998). Vulnerability of desert biological soil crusts to wind erosion: The influences of crust development, soil texture, and disturbance. Journal of Arid Environments 39(2):133-142.

Belnap J., K. T. Harper, and S. D. Warren. (1994). Surface disturbance of cryptobiotic soil crusts: Nitrogenase activity, chlorophyll content, and chlorophyll degradation. Arid Soil Research and Rehabilitation 8:1-8.

Darby, B. J., D. A. Neher, and J. Belnap. (2007). Soil nematode communities are ecologically more mature beneath late- than early-successional stage biological soil crusts. Applied Soil Ecology 35(1): 203-212.

Evans, R. D., J. Belnap, F. Garcia-Pichel, and S. L. Phillips. (2003). Global change and the future of biological soil crusts. Pages 417-429 in J. Belnap and O. L. Lange, editors. Biological Soil Crusts: Structure, Function, and Management, Second edition. Springer-Verlag, Berlin.

Thank you for the opportunity to review and comment on this DEIS. If you have any questions concerning our comment, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at lwoosley@usgs.gov.

Sincerely,



Stephen R. Spencer
Regional Environmental Officer

cc: Regional Environmental Officer, DOI/OEPC, Oakland, CA

II-185

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Transwestern Pipeline Company, LLC) Docket Nos. CP06-459-000
San Juan and McKinley Counties, NM, &)
Yavapai, Maricopa, Mohave and Pinal)
Counties, AZ)

Draft Environmental Impact Statement
and Draft General Conformity Determination
for the Proposed Phoenix Expansion Project

Certificate of Service

I hereby certify that I have this day caused the foregoing document to be served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated on this 6th day of June, 2007.



Stephen R. Spencer
Regional Environmental Officer
U.S. Department of the Interior
PO Box 26567 (MC-9)
Albuquerque, NM 87125-6567

ORIGINAL

June 11, 2007

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

Reference: Docket No. CP06-459-000

Dear Ms. Bose:

Enclosed are comments on the Draft Environmental Impact Statement regarding Phoenix Expansion Proj, Constr & Op of Existing Natural Gas Transmission Pipeline, Right-of-Way Grant & Temporary Use Permit, San Juan & McKinley Counties, NM & Pinal & Maricopa Counties, AZ (20070171). We hope our comments will assist you. Thank you for giving us the opportunity to review this document.

Sincerely,

Brett Howe
Program Analyst
NOAA National Geodetic Survey
SSMC3 8622, NOAA,
N/NGS 1315 East West Highway
Silver Spring, Maryland 20910

Enclosure

II-187

Federal Agencies

2

ORIGINAL

MEMORANDUM FOR: Rodney F. Weiher
NOAA NEPA Coordinator

FROM: David Zilkoski
Director, National Geodetic Survey

SUBJECT: **DEIS Regarding Phoenix Expansion Proj, Constr & Op of Existing Natural Gas Transmission Pipeline, Right-of-Way Grant & Temporary Use Permit, San Juan & McKinley Counties, NM & Pinal & Maricopa Counties, AZ (20070171)**

REFERENCE: **Docket No. CP06-459-000**

FA2-1 The subject statement has been reviewed within the areas of the National Ocean Service (NOS) responsibility and expertise and in terms of the impact of the proposed actions on NOS activities and projects.

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey's home page at the following Internet World Wide Web address: <http://www.ngs.noaa.gov> After entering the this home page, please access the topic "Products and Services" and then access the menu item "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

If there are any planned activities which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation(s) required.

For further information about geodetic control monuments, please contact:

Brett Howe
SSMC3 8622, NOAA, N/NGS
1315 East West Highway
Silver Spring, Maryland 20910

Voice: (301) 713-3197 ext. 115
Fax: (301) 713-4175
Email: Brett.Howe@noaa.gov

Federal Agencies

FA2-1 It would be the responsibility of Transwestern to coordinate the identification of geodetic control monuments and make the proper notifications to the National Geodetic Survey. Funding requirements for any relocation(s) that would be necessary as a result of the project should be coordinated between Transwestern and the National Geodetic Survey.

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APPOINTMENTS:
DEMOCRATIC CAUCUS ENVIRONMENTAL
TASK FORCE CHAIR
DEMOCRATIC PRIVATE CALENDAR OBJECTOR

June 18, 2007

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket # CP06-459-000

Dear Secretary Bose:

FA3-1

It has come to my attention that Transwestern Pipeline, LLC, has proposed to route 25.7 miles of 36 inch-diameter high pressure natural gas transmission pipeline through the Town of Buckeye as a part of the Phoenix Expansion Pipeline Project, Docket # CP06-459-000. The community of Buckeye has expressed their concern about the alignment of the pipeline through the town, and I share their concern.

The purpose of the Phoenix Expansion Project (project) as stated in the application to Federal Energy Regulatory Commission (FERC) is to increase natural gas supplies based upon across-all sectors demand in Arizona. It has been noted however that a majority of the natural gas from this project will be used for natural gas powered electric generating facilities. Historically (2000-2005), 30% of the electricity generated in Arizona is exported outside the state – primarily to Southern California. It has also been noted that Southern California Edison has filed an application with the Arizona Corporation Commission, Docket No. L-00000A-06-0295-00130 for a 500KV alternating current transmission line and related facilities in Maricopa and La Paz Counties originating at the Harquahala Generating Station Switchyard (serving the Redhawk and Sundance natural gas generating stations near Palo Verde Nuclear Plant) and terminating in Riverside County, CA. It is highly likely that the total export of electricity will increase significantly based upon these two complementary projects. Although Southern California will greatly benefit from this project, the disproportionate impacts of the transmission pipeline will be borne by the residents and community of Buckeye. This brings to the fore the possibility of an Environmental Justice issue (EO 12898 – 1994).

Additional issues of concern regarding Transwestern's proposed pipeline alignment through the Town of Buckeye include:

1. The Town of Buckeye has engaged in urban planning to manage growth, including working closely with the development community through the process of master-planned communities, conserved its environmental and cultural resources and has provided a high quality-of-life community for its current and future residents;
2. The pipeline alignment proposed by Transwestern cuts through the Town without regard to the careful planning by the Town and without regard for the future urban nature of the area or quality of life;

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Federal Agencies

FA3-1

The Commission responded separately to this letter on July 3, 2007. The Commission's response is part of the public record for the Phoenix Expansion Project and is available for viewing on the FERC Internet website (<http://www.ferc.gov>) under Docket Number CP06-459.

FA3-1
(cont'd)

3. The pipeline design by Transwestern is insufficient for the planned and permitted residential and commercial development along the proposed route, causing safety concerns;
4. The potential impact radius (PIR) of the pipeline route proposed by Transwestern covers residential and commercial development, including an elementary school, a fire station, an Arizona Public Service substation, two water wells, a worship site, numerous parks and open space recreations areas, and a planned Maricopa County Flood Control District flood-retardant structure; and
5. Transwestern's proposed route is based upon their time and cost consideration and not upon the safest feasible route.

Based upon the fore mentioned information, I would like to strongly state my opposition to the proposed Phoenix Expansion Pipeline Project alignment through the Town of Buckeye.

Thank you for your attention to this matter.

Sincerely,


Raúl M. Grijalva
Member of Congress

RMG:ck

cc: Carol E. Connors, Deputy Director, Division of Congressional and Intergovernmental Affairs

II-190

Federal Agencies

3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 18, 2007

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First St. NE, Room 1A
Washington, DC 20426

Subject: Draft Environmental Impact Statement for the Phoenix Expansion Project,
FERC Docket No. PF06-4-000, (CEQ# 20070171)

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

FA4-1 EPA supports the proposed project and its alignment, provided the project is constructed and operated in accordance with applicable laws, regulations, and proposed mitigation measures. EPA agrees with the Federal Energy Regulatory Commission (FERC) and Agency Staffs' conclusion that the proposed Transwestern Pipeline Company (Transwestern) alignment would result in fewer adverse environmental impacts than the North and South Buckeye alternatives. The Buckeye Alternatives would be approximately 19 miles longer, require 220 more acres of construction right-of-way (ROW), and 115 more acres of permanent ROW compared to the corresponding Transwestern alignment (p. 3-13). Additional construction emissions caused by a longer pipeline would be a significant adverse impact, especially in Maricopa County which is in nonattainment of national air quality standards for ozone and particulate matter.

FA4-2 While we agree that the proposed pipeline alignment may have fewer adverse environmental impacts than other alignments, we remain concerned with potential cumulative impacts to sensitive wetland, riparian, and special status species resources, and to Maricopa County air quality. Our concern is heightened given the many proposed transportation, utility and commercial/residential development projects in the region. Due to these concerns, we have rated the Draft Environmental Impact Statement (DEIS) as EC-2, Environmental Concerns – Insufficient Information (see enclosed "Summary of Rating Definitions").

We have provided recommendations to improve the quality of the information in the document and to further reduce environmental impacts (see enclosed "EPA Detailed Comments"). In summary, our primary recommendations are to: 1) fully analyze alternative pipeline options in the FEIS, 2) identify, and commit to, opportunities for

Federal Agencies

FA4-1 The EPA's comments in support of the proposed project and its alignment provided the project is constructed and operated in accordance with applicable laws, regulations, and proposed mitigation measures are noted. The EPA's support of the Agency Staffs' conclusion that the proposed route through the Buckeye area would result in fewer adverse environmental impacts than the North and South Buckeye Alternatives is also noted.

FA4-2 The EPA's rating of the draft EIS is noted. These general comments are followed by more specific detailed comments and recommendations that are addressed in the responses to comments FA4-3 through FA4-13. One hard copy and two CD ROMs of the final EIS will be sent to the EPA, Region IX at the letterhead address (mailcode: CED-2).

FA4-2
(cont'd)

minimizing cumulative impacts, and 3) identify, and commit to, opportunities for minimizing air quality impacts.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one (1) hard copy and two (2) CD ROMs to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3846 or Laura Fujii, the lead reviewer for this project, at (415) 972-3852 or fujii.laura@epa.gov.

Sincerely,

/s/ by Laura Fujii for

Nova Blazej, Manager
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: Mark Mackiewicz, Bureau of Land Management
Tom Mutz, U.S. Forest Service, Kaibab National Forest
Ken Simeral, U.S. Forest Service, Prescott National Forest
John Pepper, U.S. Department of Transportation, Office of Pipeline Safety
Harrilene Yazzi, Navajo Area Office, Bureau of Indian Affairs
Amy Heuslein, Phoenix Area Office, Bureau of Indian Affairs
Ron Maldonado, Navajo Nation
Daisy Eldridge, U.S. Army Corps of Engineers, Los Angeles District
Deanna Cummings, U.S. Army Corps of Engineers, Albuquerque District

II-192

Federal Agencies

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (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

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 these impacts.

EO – Environmental Objections

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

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. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

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 of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

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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

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 National Environmental Policy Act 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. February, 1987.

EPA DETAILED DEIS COMMENTS PHOENIX EXPANSION PROJECT, NEW MEXICO & ARIZONA, JUNE 18, 2007

Pipeline Alignment Alternatives

FA4-3 EPA agrees that the proposed alignment alternative will result in fewer adverse environmental impacts than the North and South Buckeye Alternatives put forth by Pulte Homes, Stardust-Tartesso and the Town of Buckeye. The proposed Transwestern Pipeline Company (Transwestern) alignment would avoid crossing 50.8 acres of Bureau of Land Management (BLM)-managed land as compared to 0.2 acres of avoidance under the Buckeye alternatives (p. 3-13).

FA4-4 The Buckeye alternatives were proposed to minimize impacts to planned development in the Buckeye Valley. Please note that there is a degree of uncertainty of impacts from this project to planned development. Many of the developments are in the planning phase and have not secured all of their permits and may be subject to change. For example, several of the developments subject to possible impacts from the pipeline have yet to obtain Clean Water Act (CWA) Section 404 dredge and fill permit authorization from the U.S. Army Corps of Engineers (e.g., Desert Creek, Belmont, and several planning areas of the Douglas Ranch development). Thus, the land use plans associated with these developments may be subject to change to comply with the regulatory requirements pursuant to the CWA 404(b)(1) Guidelines.

Similarly, we understand a developer of the Festival Ranch subdivision located along Sun Valley Parkway in Buckeye, has urged the Federal Energy Regulatory Commission (FERC) to place the pipeline in an alternate alignment other than the one proposed by Transwestern.¹ Because Festival Ranch development is currently the subject of litigation before the Ninth Circuit Court of Appeals, White Tank Concerned Citizens v. Strock, for failure to adequately analyze environmental impacts, changes may be required to the land use plans for this development.

Recommendations:

FA4-5 FERC requests that refinement of the Transwestern alignment be completed before construction begins (Chapter 5). EPA supports this recommendation and further recommends that the Final EIS (FEIS) describe and evaluate the final pipeline alignment options, including the Waste Management Arizona Variation and Pinal County El Paso Natural Gas Company Collocation Variation requested by FERC (p. ES-6).

FA4-6 The FEIS should also acknowledge that many of the of the developments potentially impacted by the pipeline have yet to obtain final permits. The land use plans associated with these developments may be subject to change. Thus, the impacts from the proposed project may also change.

¹ See 10,000 West, LLC's June 6, 2006 letter to Kimberly Rose, FERC.

Federal Agencies

FA4-3 The EPA's support of the Agency Staffs' conclusion that the proposed route through the Buckeye area would result in fewer adverse environmental impacts than the North and South Buckeye Alternatives is noted.

FA4-4 Some of the proposed developments in the Buckeye area are still in planning stages and are subject to various federal, state, and local approvals. Also, the build out of the Buckeye area is expected to take several decades; therefore, plans for the area will likely continue to evolve. The Phoenix Lateral would be constructed and operated nearly entirely within an existing powerline easement through this area; would be designed, constructed, and operated in accordance with applicable regulations; and would be built before most of the planned developments are constructed.

10,000 West, LLC supports Transwestern's proposed alignment through Buckeye.

FA4-5 The Waste Management Arizona Variation and the Pinal County EPNG Collocation Variations have been revised as described in sections 3.5.2.4 and 3.5.2.5, respectively.

FA4-6 See the response to comment FA4-4.

Cumulative Impacts

FA4-7 EPA is concerned with potential cumulative impacts to sensitive wetland, riparian and special status species resources, and to Maricopa County air quality. For instance, the DEIS states that the project would likely adversely affect the federally-listed Colorado pikeminnow, razorback sucker, and spokedace. Several projects, including transportation and housing developments are planned in the vicinity of the project and may be constructed within the same time frame (p. 4-210). Thus, cumulative impacts on special status species could occur (p. 4-210). Our concern is heightened given the many proposed transportation, utility and commercial/residential development projects and broad landscape-level change occurring in the region.

Recommendation:

We recommend the FEIS briefly describe and acknowledge the broad landscape-level change occurring in the region. The FEIS should describe how the project will minimize the spatial and temporal cumulative impacts of the proposed project, including how the project will coordinate with other proposed projects to minimize cumulative environmental impacts through project modifications. The FEIS should also identify measures to avoid and minimize simultaneous construction of multiple projects within the habitats of federally listed and sensitive species and within the Maricopa County nonattainment air basin.

Air Quality

FA4-8 **Energy Content of the Imported Natural Gas.** The DEIS does not appear to describe or analyze the energy content of the imported natural gas. Natural gas with a higher Wobbe Index has the potential to increase nitrogen oxides (NOx), carbon monoxide (CO), and unburned hydrocarbon emissions. The burning of increased quantities of high Wobbe Index natural gas in the Phoenix region could substantially increase emissions of NOx, CO, and fine particulate matter (PM2.5), making attainment of the federal air quality standards more difficult to meet.

Recommendation:

We recommend the FEIS describe the composition, quality, and British Thermal Unit (BTU) content of the imported natural gas and include a discussion of the current BTU content normally found in Phoenix's natural gas supply. The discussion should describe existing natural gas specifications and current efforts, if any, to revise those specifications in response to air quality planning efforts or industry improvements.

If applicable, the FEIS should discuss the potential impacts of increasing the BTU content of the gas supply. We recommend the FEIS state whether Transwestern has made a commitment to provide a supply of natural gas within a specific quality range. If not, one option is to require that the natural gas meet, within some reasonable level of variability, the quality of natural gas currently flowing in the existing natural gas transmission pipeline system.

Federal Agencies

FA4-7 See the response to comment PM3-48. The projects listed in table 4.12-1 that could be constructed within a similar time frame and affect similar habitats of federally listed and sensitive species would be required to, as appropriate, obtain permits from the New Mexico Department of Game and Fish (NMDGF) and the AGFD, and consult with the FWS. These agencies would require measures to mitigate impacts on federally listed and sensitive species associated with these other projects. Many of these projects, including the Phoenix Expansion Project, are large-scale projects with construction schedules that span multiple years. In addition, Transwestern has agreements with shippers that require it to meet its proposed schedule or face significant financial loss. The economic feasibilities of other projects listed in table 4.12-1 are also likely to be schedule dependent. It would not be reasonable or practical to expect the project proponents to coordinate to modify their projects to minimize cumulative environmental impacts or adjust their construction schedules to avoid and minimize the simultaneous construction of projects within the habitats of federally listed and sensitive species. Regarding construction activities within the Maricopa County nonattainment area as discussed in section 4.12.7, the project would not result in cumulative impacts on air quality. See also the response to comment FA4-8.

FA4-8 The Phoenix Expansion Project is designed to transport natural gas from the Rocky Mountain and San Juan Basins by way of Transwestern's existing San Juan Lateral and mainline system. As such, the natural gas that would be delivered by the proposed project is not imported natural gas (i.e., not from a liquefied natural gas (LNG) source), which can potentially have a higher Wobbe Index (WI) than domestic supplies. Currently, the Phoenix area is served by a single natural gas infrastructure system, that of EPNG. The natural gas delivered to the project area by the EPNG system also comes from domestic supply sources. Because the natural gas delivered by the proposed project would have a similar WI and heating value as the natural gas currently being supplied to the project area, and is not LNG-source gas, an extensive heat content analysis is unwarranted.

Air quality impacts and mitigation are discussed in section 4.10.1. The project would be in conformance with all applicable federal, state, and local air quality regulations, including the federal General Conformity requirements. The FERC's Final General Conformity Determination (see Appendix Q) was prepared in consultation with the Maricopa Association of Governments (MAG); the Arizona Department of Environmental Quality (ADEQ); and the EPA, Region IX.

FA4-9 Off-Road and Off-Highway Vehicle (OHV) Use. EPA is concerned with the generation of particulate matter (PM10 and PM 2.5) associated with off-road use of trucks and construction equipment and recreational off-highway vehicle (OHV) traffic which may occur on the project right-of-way (ROW). To reduce the potential for interference between pipeline construction activities and OHV users and inappropriate OHV use of the pipeline right-of-way, Transwestern is working with BLM and the Forest Service to develop an access management plan (p. 5-22). Transwestern would conduct emergency and periodic maintenance. Particulate matter emissions could be generated as a result of maintenance activities, off-road use, and recreational OHV use.

Recommendation:

EPA recommends that the access management plan include the following: 1) agency or agencies responsible for implementation and enforcement of the access plan; 2) frequency of monitoring; 3) methodology for reassessing the implemented measures in the future; and 4) enforcement measures.

FA4-10 Construction equipment emissions. Project emissions would be from pipeline construction and associated equipment. Most of the construction equipment would be powered by diesel engine equipment with typical control equipment. Transwestern would also implement other management practices to minimize emissions. Despite these measures, the estimated emissions of NOx, a precursor of ozone, in the ozone nonattainment area in Maricopa County would exceed the general conformity threshold of 100 tons per year (tpy) by 4.4 tpy (pps. 4-182 to 4-183).

Recommendation:

We recommend the FEIS evaluate and, if feasible, commit to the following emission control measures in a Construction Emissions Control Plan.:

- Reduce use, trips, and unnecessary idling from heavy equipment.
- Maintain and tune engines per manufacturer’s specifications to perform at EPA certification levels and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications.
- Prohibit any tampering with engines and require continuing adherence to manufacturers recommendations.
- Require that leased equipment be 1996 model or newer unless cost exceeds 110 percent or average lease cost. Require 75 percent or more of total horsepower of owned equipment to be used by 1996 or newer models. If practicable, lease newer and cleaner equipment meeting the most stringent of applicable Federal or State Standards (see table: <http://arb.ca.gov/msprog/ordiesel/documents/Off-Road%20Diesel%20Stds.xls>). In general, only Tier 2 or newer engines should be employed in the construction phase, given the scale of the construction project and the high background levels of pollutants in the area.
- Utilize EPA-registered particulate traps and other appropriate controls where suitable to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Federal Agencies

FA4-9 Section 4.7.4.1 has been revised to acknowledge the EPA’s concerns and include the recommendation that Transwestern file an Access Management Plan for BLM-managed lands and a revised Forest Service Access Management Plan that includes the frequency of monitoring that would be conducted, the methodology for reassessing the implemented measures in the future, and enforcement measures. A cross-reference to these concerns and the FERC staff’s recommendation in section 4.7.4.1 has also been added to section 4.10.1.3. Because these two plans would be only applicable to BLM-managed and Forest System lands, and the BLM and FS are responsible for enforcing plans that apply solely to federal lands under their jurisdiction, it was not considered necessary to list them in the plans as the agencies responsible for enforcement of their respective plans. Section 2.5 discusses the environmental inspection and mitigation monitoring program that would be implemented to ensure that Transwestern complies with the mitigation measures in its applications, the FERC Certificate, the BLM/FS/U.S. Department of the Interior, Bureau of Reclamation (BOR) Plan of Development (POD), and other permits. As discussed in section 2.5, third-party compliance monitors representing these agencies would be present on each construction spread to monitor compliance with the project mitigation measures and requirements.

FA4-10 Transwestern has not provided a separate plan to control construction-related emissions; however, Transwestern has committed to specific measures suggested by the EPA to minimize emissions from off-road and on-road activities during construction, as discussed in section 4.10.1.3. These measures include: reducing, to the extent practicable, construction-related trips and unnecessary idling; asking contractors to ensure that all certified engines have required control devices (e.g., particulate traps for diesel particulate matter control) and that required maintenance activities are performed; and prohibiting engine tampering.

Regarding the EPA’s suggestion of restricting the age of construction equipment based upon a cost analysis, Transwestern has committed to using the best equipment locally available at the time of project construction. The availability of certain pieces of equipment necessary for the construction activities limits Transwestern’s ability to commit to this measure.

- FA4-10 (cont'd) We recommend the FEIS describe the specific on-road and off-road air emission control measures that will be implemented for this project.
- FA4-11 **General Conformity.** Project facilities would be constructed in portions of Maricopa County designated as non-attainment for ozone and particulate matter. Project analysis indicates that construction emissions would exceed general conformity thresholds for NOx emissions, requiring a general conformity determination (p. 4-180). FERC has requested Transwestern provide documentation addressing general conformity requirements that will enable FERC to make a Final General Conformity Determination (Section 4.10.1 and Appendix Q, p. Q-5).
- Recommendation:**
We recommend that FERC issue a final General Conformity Determination after an affirmative finding of conformity can be made consistent with the 40 CFR Part 93 requirements. We recommend that this final General Conformity Determination be included in the Final EIS.
- Mitigation Measures**
- FA4-12 The DEIS describes a number of mitigation measures proposed by Transwestern and recommended by FERC and the Agency Staffs. Many of these measures are being refined during the Draft EIS comment period (FERC Staff's Recommended Mitigation, pps. 5-17 to 5-23).
- Recommendation:**
We recommend the FEIS include the final mitigation measures with a description of implementation and enforcement measures. We recommend an evaluation of the effectiveness of these measures and their ability to avoid and minimize environmental impacts. For example, include as appendices the final OHV Access Management Plan, Dust Control Plan, Section 7 Biological Opinion, Migratory Bird Protection Plan, Wetland and Waterbody Construction and Mitigation Procedures, and Restoration Plan.
- General Comments**
- FA4-13 Transwestern's Wetland and Waterbody Construction and Mitigation Procedures restricts the storage of equipment and materials within 100 feet of a wetland boundary, location of extra work areas within 50 feet of the water's edge, and requires at least 15 feet of undisturbed vegetation between a parallel waterbody and the construction ROW (Appendix G). These buffer zones appear small, especially given the potential for flash floods along ephemeral washes.
- Recommendation:**
We recommend consideration and evaluation of larger buffer zones between the ROW and sensitive resources and waterbodies.

Federal Agencies

- FA4-11 The FERC has prepared a Final General Conformity Determination (see Appendix Q) in consultation with the MAG; the ADEQ; and the EPA, Region IX. Section 4.10.1.4 has been revised to include a discussion of the Final General Conformity Determination, including details of the methods that were used to demonstrate that the project would be in conformance with the federal General Conformity requirements.
- FA4-12 The final EIS has been revised as a result of comments on the draft EIS and to evaluate refined and new project plans and mitigation measures filed by Transwestern since the draft EIS. A vertical line in the margin of the final EIS identifies text that has been modified and differs from the corresponding text in the draft EIS. The refined and new plans that are included as appendices of the final EIS include the UECRM Plan, Wetland and Waterbody Construction and Mitigation Procedures (WWCM Procedures), Horizontal Directional Drill Plan (HDD Plan), Fire Prevention and Suppression Plan, Noxious Weed Management Plan, Migratory Bird Plan, and Draft Visual Resource Study Technical Report. The Restoration Plan is too voluminous to include in the EIS but can be viewed on the FERC Internet website (<http://www.ferc.gov>) under Docket Number CP06-459.
- The FWS has not yet issued the BO for the Phoenix Expansion Project. When it is received, it will be posted on the FERC Internet website.
- Section 2.5 describes the environmental inspection and mitigation monitoring program that would be implemented to ensure that activities associated with the Phoenix Expansion Project are conducted in compliance with the project mitigation measures and requirements. This includes all mitigation measures proposed by Transwestern throughout the permitting phase of the project and all requirements placed on the project by the FERC, the BLM, the FS, and other applicable agencies as well as the terms and conditions of the FWS' BO.
- FA4-13 The Agency Staffs believe the wetland and waterbody buffer zones included in Transwestern's WWCM Procedures are adequate considering that they are in accordance with the FERC's Wetland and Waterbody Construction and Mitigation Procedures and that Transwestern would be required to install erosion controls as necessary to maintain construction spoil and sediment within the right-of-way and prevent the flow of heavily silt-laden water into wetlands or waterbodies.



DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

18 June 2007

Major Daniel F. Garcia
Chief, Environmental Science Management
56th Range Management Office
7224 N. 139th Dr
Luke AFB AZ 85309-1420

Federal Energy Regulatory Commission
888 First St. NE; Room 1A
Washington, DC 20426

Reference Docket No. CP06-459-000

FA5-1

Thank you for the opportunity to review the draft environmental impact statement for the Phoenix Expansion Project. After reviewing the document the 56th Fighter Wing at Luke Air Force Base does not have any preferences among the proposed action and alternatives as none appear to have potential impacts to our military training mission.

If you have any questions please call me at 623-856-4265, or send e-mail to daniel.garcia@luke.af.mil.

DANIEL F. GARCIA, Maj, USAF
Chief, Environmental Science Management

Federal Agencies

5

FA5-1

The Department of the Air Force's comments that it does not have any preferences among the proposed action and alternatives as none appear to have potential impacts on its military training mission are noted.



United States Department of the Interior
U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 Fax: (602) 242-2513



In Reply Refer to:

AESO/SE
22410-2006-F-0226

ORIGINAL

June 7, 2007

CP06 - 459 - 000

Alisa M. Lykens, Chief
Office of Energy Projects
Federal Energy Regulatory Commission
Washington, D.C. 20426

Dear Ms. Lykens:

2007 JUN 15 A 10:20
U.S. DEPARTMENT OF THE INTERIOR
FEDERAL ENERGY COMMISSION
WASHINGTON, DC 20426

FA6-1

Thank you for your letter of May 4, 2007, and biological assessment, received by our office on May 9, requesting initiation of formal consultation under section 7 of the Endangered Species Act (ESA) as amended (16 U.S.C. 1531 et seq.) for the proposed Phoenix Expansion Project. You have determined the proposed action may affect the Colorado pikeminnow (*Ptychocheilus lucius*), spikedeace (*Meda fulgida*), and the razorback sucker (*Xyrauchen texanus*). After follow-up discussions with Mike Martinez of my staff, and verified in a May 29 email message, your effect determination for the spikedeace critical habitat, has also been changed to "may affect, likely to adversely effect."

You requested our concurrence with your determination that the proposed action may affect, but is not likely to adversely affect the lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), bald eagle (*Haliaeetus leucocephalus*), southwestern willow flycatcher (*Empidonax traillii eximus*), Yuma clapper rail (*Rallus longirostris yumanensis*), and least tern (*Sterna antillarum*). You have also requested concurrence for the yellow-billed cuckoo (*Coccyzus americanus*), a candidate for listing under the ESA. Candidate species are not subject to the section 7 consultation provisions, though we do encourage development and implementation of proactive conservation measures.

At this time, we believe we can concur with all your effect determinations. We will provide the rationales for our concurrences in an appendix to the biological opinion. All the information necessary to initiate formal consultation was either included with your request or is otherwise accessible for our consideration and reference. Therefore, formal section 7 consultation for the proposed Phoenix Expansion Project was initiated on May 9, 2007. The regulations governing Interagency Cooperation (50 CFR Part 402.14e) provide 90 days to conduct formal consultation and an additional 45 days within which to deliver a biological opinion. Therefore, our biological opinion for the Phoenix Expansion Project will be delivered on or before September 21, 2007, unless an extension is mutually agreed to by our agencies. We have assigned file number 22410-2006-F-0226 to this consultation. Please refer to that number in future correspondence.

Federal Agencies

FA6-1

The FWS' comments concurring with the FERC's determinations of effects on listed species as modified via e-mail on May 29, 2007 are noted. The May 9, 2007 date for the initiation of formal consultation and September 21, 2007 date for completion of the BO unless an extension is mutually agreed to by the FERC and the FWS are also noted. The assigned log number will be included on all future correspondence regarding the proposed project.

Ms. Alisa Lykens

2

- FA6-2 | As a reminder, the ESA requires that after initiation of formal consultation, a Federal action agency may not make any irreversible or irretrievable commitment of resources that limit future options. This practice insures that agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.
- FA6-3 | In keeping with our trust responsibilities to Native American Tribes, the FWS by this letter notifies tribes and the Bureau of Indian Affairs (BIA) and encourages FERC and Transwestern to invite the BIA and any affected tribes to participate in this consultation. We also encourage you to coordinate review of this project with the Arizona Game and Fish Department and the New Mexico Fish and Game Department.

If you have any questions or concerns regarding this consultation, please Melissa Kreutzian (505) 761-4728 in New Mexico, or Mike Martinez (x224) or Debra Bills (x239) in Arizona.

Sincerely



for Steven L. Spangle
Field Supervisor

cc: Field Supervisor, New Mexico Ecological Services, Albuquerque, NM
Assistant Field Supervisor, Fish and Wildlife Service, Flagstaff, AZ
Chief, Habitat Branch, Arizona Game and Fish Department, Phoenix, AZ
Director, New Mexico Department of Game and Fish, Santa Fe, NM
Area Manager, Bureau of Indian Affairs, Phoenix, AZ (Attn: Amy Heuslin)
Chairman, Ak-Chin Indian Community, Maricopa, AZ (Attn: Kendra Tso)
Governor, Gila River Indian Community, Sacaton, AZ (Attn: E. Lee Thompson)
President, Navajo Nation, Window Rock, AZ (Attn: Gloria Notah-Tom)
President, Yavapai-Prescott Tribe, Prescott, AZ (Attn: Charles Bonnaha)

W:\Mike Martinez\PhoExpProj\30dayletter.docxgg

Federal Agencies

6

- FA6-2 | It is noted that a federal action agency may not make any irreversible or irretrievable commitment of resources that limit future options after the initiation of formal consultation.
- FA6-3 | The Bureau of Indian Affairs (BIA) and the Navajo Nation are participating in the environmental review of the project and preparation of the EIS as cooperating agencies. The FERC and Transwestern have coordinated with other Native American tribes and the NMDGF and AGFD as appropriate.

TRENT FRANKS
ARIZONA

JUDICIARY COMMITTEE
RANKING MEMBER
SUBCOMMITTEE ON THE CONSTITUTION

ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON STRATEGIC FORCES



Congress of the United States

Washington, DC

June 27, 2007

CP06-459-000
1237 LONGWORTH BUILDING
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(202) 225-4576

www.house.gov/franks

Federal Agencies

Mr. Joseph Kelliher
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket # CP06-459-000

Dear Chairman Kelliher,

OFFICE OF
EXTENSION
2007 JUL -9 P 1:58

FA7-1

It has come to my attention that Transwestern Pipeline, LLC, has proposed to route 25.7 miles of 36 inch-diameter high pressure natural gas transmission pipeline through the Town of Buckeye as a part of the Phoenix Expansion Pipeline Project, Docket # CP06-459-000. It is my understanding that Buckeye, along with other municipalities and interests, have expressed their concern about the alignment of the pipeline through the town and has identified a feasible alternative route for consideration.

I respectfully request the FERC Commissioners provide careful and deliberate consideration to the east-west alternative route for the Phoenix Expansion Pipeline Project Buckeye alignment. I commend your interest in addressing this situation and encourage an objective resolution that provides an appropriate solution for the parties involved in this matter. I appreciate your fair and thoughtful analysis of the facts associated with this issue and look forward to your response.

Most sincerely,

Trent Franks
Member of Congress

2007-00160

PRINTED ON RECYCLED PAPER

FA7-1

The Commission responded separately to this letter on July 25, 2007. The Commission's response is part of the public record for the Phoenix Expansion Project and is available for viewing on the FERC Internet website (<http://www.ferc.gov>) under Docket Number CP06-459.

II-201

JON KYL
ARIZONA
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COMMITTEES
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CHAIRMAN
SENATE REPUBLICAN CONFERENCE

United States Senate
WASHINGTON, DC 20510-0304

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TUCSON, AZ 85704
(520) 575-8633

June 26, 2007

Ms. Rebecca Schaffer
Director
Federal Energy Regulatory Commission
Office of External Affairs
825 North Capitol Street NE
Washington, DC 20426

Dear Ms. Schaffer:

FA8-1

The enclosed information is sent for your consideration. Please forward to me the necessary information for response to my constituent, Buckeye, Arizona Mayor Bobby Bryant.

Naturally, I do not expect any action to be taken in this matter that would contravene existing rules and regulations.

Thank you for your assistance in this matter.

Sincerely,



JON KYL
United States Senator

JK: aj
enclosure

Federal Agencies

FA8-1

The Senator's letter did not include the correspondence from Buckeye, Arizona Mayor Bobby Bryant, which is referenced as an attachment.

The Town of Buckeye and other Buckeye area stakeholders have made their concerns known through participation in the NEPA process, which included a technical conference held in Buckeye on December 14, 2006. In response to these concerns, the Agency Staffs examined two route alternatives that would potentially reduce impacts on the Buckeye planning area. As discussed in detail in section 3.4.2.5, the Agency Staffs concluded that neither alternative represented an environmentally preferable or economically viable alternative to the proposed route through the Buckeye area. The Agency Staffs also responded to all comments on the draft EIS filed by the Buckeye area stakeholders (see most notably the response to comment letter LA2).

The proposed route would be located within an existing easement for nearly the entire length through the Buckeye area and, therefore, would not require significant new right-of-way. The proposed pipeline would also be designed, constructed, and operated in accordance with applicable standards and regulations and thus would not pose a significant risk to public safety. The applicant, Transwestern, would be required to monitor development in proximity to the pipeline, including in the Buckeye area, and would be required to implement more stringent safety measures as surrounding areas develop. Transwestern has committed to working with the Town of Buckeye and other stakeholders to reduce the impact of the project on the community.

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June 26, 2007

The Honorable Bobby Bryant
Mayor
Town of Buckeye
100 North Apache
Buckeye, AZ 85326

Dear Mayor Bryant:

Thank you for contacting my office with your concerns.

In an effort to be of help, I have taken the liberty of forwarding your correspondence to officials at the Federal Energy Regulatory Commission to ask that your comments be given appropriate consideration as the agency decides how to proceed.

Please feel free to contact me if I may be of assistance with any other federal matters.

Sincerely,



JON KYL
United States Senator

JK:aj

Federal Agencies