

Comments on the Draft EIS and Responses

STATE AGENCIES

State Agencies



BILL RICHARDSON
GOVERNOR

State of New Mexico
ENVIRONMENT DEPARTMENT
Office of the Secretary
Harold Runnels Building
1190 St. Francis Drive, P.O. Box 26110
Santa Fe, New Mexico 87502-6110
Telephone: (505) 827-2855
Fax: (505) 827-1396



RON CURRY
SECRETARY

CINDY PADILLA
DEPUTY SECRETARY

ORIGINAL

JUN 11 10 41 AM '07

May 31, 2007

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

Dear Secretary Bose:

RE: DOCKET NO. CP06-459-000: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR PHOENIX EXPANSION PROJECT; FERC/EIS - 0208D (APRIL 2007)

This transmits New Mexico Environment Department (NMED) comments concerning the above- referenced Draft Environmental Impact Statement (DEIS).

SURFACE WATER QUALITY

SA1-1

Section 4.3.3.1 of the Draft Environmental Impact Statement (DEIS) discusses discharges of hydrostatic test waters and other possible wastewater discharges. This section states "Hydrostatic test water discharges would be conducted in accordance with the requirements of the applicable New Mexico, Navajo Nation, and Arizona NPDES permits."

In New Mexico, hydrostatic test waters that have the potential to discharge to a Water of the U.S., including tributaries to a Water of the U.S., require NPDES individual permit coverage. Individual NPDES permit applications must be filed with USEPA Region 6 a minimum of 180 days (these typically take longer than 180 days to issue) before discharges occur. Application forms may be obtained at: http://cfpub.epa.gov/npdes/doctype.cfm?sort=name&program_id=45&document_type_id=8

AIR QUALITY

SA1-2

The project as proposed has construction activities in McKinley and San Juan Counties, both of which are considered to be currently in attainment with New Mexico and National Ambient Air Quality Standards.

To further ensure air quality standards are met, applicable local or county regulations requiring noise and/or dust control must be followed; if none are in effect, controlling construction-related air quality impacts during projects should be considered to reduce the impact of fugitive dust and/or noise on community members.

II-206

SA1-1

Table 1.6-1 indicates that the EPA, Region VI would review and issue National Pollutant Discharge Elimination System (NPDES) permits in conjunction with the states for the discharge of hydrostatic test water. It would be Transwestern's responsibility to submit the appropriate materials to the EPA to facilitate processing of an NPDES permit application and to comply with all measures stipulated in the permit. It is noted that the NPDES permit application should be submitted to the EPA a minimum of 180 days in advance of discharge to waters of the United States.

SA1-2

Sections 4.10.1.2 and 4.10.2.3 address county and local dust control and noise regulations for the construction phase of the project. No applicable local or county noise or dust control regulations were identified in the McKinley County and San Juan County portions of the project area.

To address dust control during project construction, Transwestern has developed a Dust Control Plan (see Appendix M). The Dust Control Plan identifies construction activities with the potential to generate dust, including fugitive dust emissions from vehicle traffic and earthmoving activities, as well as specific mitigation measures to be implemented by Transwestern to control dust. The FERC staff has recommended that Transwestern file revisions to the Dust Control Plan that identify performance standards (e.g., visible opacity requirements) and the parties responsible for implementing the control measures. Transwestern would file these revisions for review and approval before construction of the proposed project (see mitigation measure number 24 in section 5.3).

Noise associated with construction activities would be temporary and intermittent in nature and would generally occur during daylight hours. As such, exposure to excessive ground-borne noise levels would be limited and short term. However, certain activities, such as hydrostatic testing and horizontal directional drilling (HDD), would occur continuously until completed. Transwestern proposes to cross the San Juan River using the HDD method. The HDD entry and exit points would be in close proximity to several noise-sensitive areas (NSAs). As such, in the draft EIS, the FERC staff recommended that an analysis of the existing noise levels at these NSAs be completed, along with an assessment of the noise contribution of these activities at the NSAs. Section 4.10.2.3 has been revised to incorporate the results of Transwestern's noise analysis and discuss its proposed mitigation.

Kimberly D. Bose
May 31, 2007
Page 2

SA1-2
(cont'd)

Potential exists for temporary increases in dust and emissions from earthmoving, construction equipment, and other vehicles, however the increases should not result in non-attainment of air quality standards. Dust control measures should be taken to minimize the release of particulates due to vehicular traffic and construction. Areas disturbed by the construction activities, within and adjacent to the project area should be reclaimed to avoid long-term problems with erosion and fugitive dust

All asphalt, concrete, quarrying, crushing and screening facilities contracted in conjunction with the proposed project must have current and proper air quality permits. For more information on air quality permitting and modeling requirements, please refer to 20.2.72 NMAC.

The project as proposed should have no long-term significant impacts to ambient air quality.

PETROLEUM STORAGE TANKS

SA1-3

Over seventy-five percent of the proposed pipeline construction is within existing Transwestern pipeline ROW. The Department's staff cannot identify the location of any subject tank records along the proposed alignment with the map scale that has been provided in this DEIS. We strongly recommend that Transwestern or contactors for Transwestern become familiar with New Mexico environmental laws and regulations affecting the mitigation of storage tanks or releases of contaminants emanating from storage tanks if encountered during construction activities.

We appreciate the opportunity to comment on this document. Please let us know if you have any questions.

Sincerely,



for
Ron Curry
Secretary

NMED File No. 2455ER

State Agencies

1

SA1-3

As discussed in section 4.7.6, if contaminated soils are unexpectedly encountered during construction, Transwestern would manage those materials in accordance with applicable federal, state, and local regulations. It would be Transwestern's responsibility to become familiar with New Mexico environmental laws and regulations affecting the mitigation of storage tanks or releases of contaminants emanating from storage tanks if encountered during construction activities.

MANUEL V. ALVAREZ
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE (602) 506-5895
CAPITOL FAX (602) 417-3025
TOLL FREE 1-800-352-8404
malvarez@azleg.gov



COMMITTEES:
COUNTIES, MUNICIPALITIES AND
MILITARY AFFAIRS, RANKING
MEMBER
FINANCIAL INSTITUTIONS AND
INSURANCE
WATER AND AGRICULTURE

TUCSON LEGISLATIVE OFFICE
400 WEST CONGRESS, SUITE 201
TUCSON, ARIZONA 85701
TUCSON PHONE (520) 398-6000
TUCSON FAX (520) 398-6028

Arizona House of Representatives
Phoenix, Arizona 85007

DISTRICT 25

June 13, 2007

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

RE: Docket # CP06-459-000

Dear Chairman Kelliher,

SA2-1

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 has identified a feasible alternative route for consideration.

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. Although the Arizona Corporation Commission (ACC) recently voted to deny the application, Southern California Edison has stated that it will either re-apply to the ACC or will file an application with FERC. 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).

The argument presented by Transwestern for their proposed route through the Town of Buckeye over the east-west alternative route is that of construction cost. The incremental construction cost of the east-west alternative would be approximately \$40 million (based upon an average per mile cost of \$2.3 million using Transwestern's total construction costs). Although Transwestern has expressed a concern of the increase of cost to the individual consumer, Transwestern has built \$43 million in its construction budget for contingency and no calculations on the marginal impact on rates has been provided, particularly in light of the capacity of the pipeline being 500,000 decmers per day. Also ignored by Transwestern in the cost calculations is that of operations and maintenance (O & M). It is known in the pipeline industry that the cost of O & M is greater for pipelines in urban areas (such as the location of Transwestern's proposed alignment) than in rural unpopulated areas (such as the location of the Town's proposed alternative east-west alignment).

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;

State Agencies

SA2-1

The Commission responded separately to this letter on July 12, 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.

SA2-1
(cont'd)

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;
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;
5. For the health, safety and welfare of the community, an alternative pipeline route has been identified (east-west alternative route). The alternative alignment would avoid the Town of Buckeye, would lie along the Palo Verde-Devers Utility Corridor, an established APS utility corridor, and is in open unpopulated desert;
6. Through technical analysis:
 - a. The alternative route has been found to be a viable option from a constructability, operations and maintenance point of view;
 - i. The alternative route has no planned high population density developments along it route
 - ii. The alternative route provides the safest feasible route for the transmission pipeline
7. Transwestern's proposed route is based upon their time and cost consideration and not upon the safest feasible route; and
8. The draft EIS has not demonstrated sufficient purpose of and need for action and has not demonstrated an infeasibility of the east-west alternative.

Based upon the fore mentioned information, I ask the FERC Commissioners to carefully consider the east-west alternative route as the preferred route for the Phoenix Expansion Pipeline Project Buckeye alignment.

Respectfully,


Manuel V. "Manny" Alvarez
State Representative
District 25

II-209

State Agencies

2

MARSHA ARZBERGER
DISTRICT 25

STATE SENATOR
FORTY-EIGHTH LEGISLATURE

ARIZONA SENATE
1700 W. WASHINGTON
PHOENIX, ARIZONA 85007-2890
PHONE (602) 926-4121
TOLL FREE 1-800-352-8404, X 4121
FAX (602) 417-3146
E-MAIL marzberger@azleg.gov



Arizona State Senate

COMMITTEES:
FINANCIAL INSTITUTIONS,
INSURANCE AND RETIREMENT
NATURAL RESOURCES
AND RURAL AFFAIRS

ETHICS COMMITTEE
JOINT COMMITTEE ON
CAPITAL REVIEW
LEGISLATIVE COUNCIL

June 13, 2007

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

RE: Docket # CP06-459-000

Dear Mr. Kelliher:

SA3-1 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 has identified a feasible alternative route for consideration.

I request that you, the FERC Commissioners, consider approving an alternate route that will address the local community's needs and concerns.

Please let me know if you have any questions.

Sincerely,


Senator Marsha Arzberger
Senate Democratic Leader

State Agencies

3

SA3-1 The Town of Buckeye and other Buckeye area stakeholders 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 project proponent, Transwestern Pipeline Company, LLC 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.

II-210

JUDY M. BURGESS
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 926-5861
CAPITOL FAX: (602) 417-3104
TOLL FREE: 1-800-352-8404
jburgess@azleg.gov



COMMITTEES:
SUB-APPROPRIATIONS
TRANSPORTATION AND
CRIMINAL JUSTICE, CHAIRMAN
NATURAL RESOURCES AND
PUBLIC SAFETY
VICE-CHAIRMAN
APPROPRIATIONS
HUMAN SERVICES
PUBLIC INSTITUTIONS
AND RETIREMENT

DISTRICT 4

Arizona House of Representatives
Phoenix, Arizona 85007

June 12, 2007

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

RE: Docket # CP06-459-000

Dear Mr. Helliher:

SA4-1 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 has identified a feasible alternative route for consideration.

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. Although the Arizona Corporation Commission (ACC) recently voted to deny the application, Southern California Edison has stated that it will either re-apply to the ACC or will file an application with FERC. 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).

The argument presented by Transwestern for their proposed route through the Town of Buckeye over the east-west alternative route is that of construction cost. The incremental construction cost of the east-west alternative would be approximately \$40 million (based upon an average per mile cost of \$2.3 million using Transwestern's total construction costs). Although Transwestern has expressed a concern of the increase of cost to the individual consumer, Transwestern has built \$43 million in its construction budget for contingency and no calculations on the marginal impact on rates has been provided, particularly in

State Agencies

SA4-1 The Commission responded separately to this letter on July 12, 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-211

SA4-1
(cont'd)

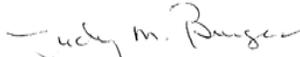
light of the capacity of the pipeline being 500,000 decerns per day. Also ignored by Transwestern in the cost calculations is that of operations and maintenance (O & M). It is known in the pipeline industry that the cost of O & M is greater for pipelines in urban areas (such as the location of Transwestern's proposed alignment) than in rural unpopulated areas (such as the location of the Town's proposed alternative east-west alignment).

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;
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;
5. For the health, safety and welfare of the community, an alternative pipeline route has been identified (east-west alternative route). The alternative alignment would avoid the Town of Buckeye, would lie along the Palo Verde-Devers Utility Corridor, an established APS utility corridor, and is in open unpopulated desert;
6. Through technical analysis:
 - a. The alternative route has been found to be a viable option from a constructability, operations and maintenance point of view;
 - i. The alternative route has no planned high population density developments along it route
 - ii. The alternative route provides the safest feasible route for the transmission pipeline
7. Transwestern's proposed route is based upon their time and cost consideration and not upon the safest feasible route; and
8. The draft EIS has not demonstrated sufficient purpose of and need for action and has not demonstrated an infeasibility of the east-west alternative.

Based upon the fore mentioned information, I ask the FERC Commissioners to carefully consider the east-west alternative route as the preferred route for the Phoenix Expansion Pipeline Project Buckeye alignment.

Sincerely,



Judy M. Burges
State Representative
Legislative District 4

JMB/ph

State Agencies

ROBERT BLENDU
DISTRICT 12

STATE SENATOR
FORTY-EIGHTH LEGISLATURE
CAPITOL COMPLEX, SENATE BUILDING
PHOENIX, ARIZONA 85007-0890

PHONE (602) 968-6666
TOLL FREE 1-800-352-4404, X5956
FAX (602) 417-3168
EMAIL: rblendu@sen.gov



Arizona State Senate

PARLIAMENTARIAN

COMMITTEES:

COMMERCE, Vice-Chairman
GOVERNMENT, Vice-Chairman
NATURAL RESOURCES & RURAL AFFAIRS
TRANSPORTATION

JOINT LEGISLATIVE ALLOT COMMITTEE,
Chairman
SENATE ETHICS COMMITTEE

PRESIDENT Pro Tempore

June 6, 2007

Joseph T. Kelliher, Chairman
Federal Energy Regulatory Commission
Washington, D.C. 20426

Dear Commissioner Kelliher:

SA5-1 I would like to bring to your attention the proposed pipeline that Transwestern Pipeline Company is planning to build through an area that is one of the fastest growing communities in Arizona. I have enclosed a newspaper article, "Pipeline plan raises fear of risk to homes."

This article includes a map of the Proposed Transwestern route. As you view the map, you will notice that this proposed route runs through the Sun Valley Parkway, which is located in the middle of Buckeye. This route presents a hazardous risk to the current residents and future residents of this area.

The proposed pipeline will be a 36 or 42 inch pipe that is no more than three feet below the ground. This route was chosen by Transwestern not because it is the best and safest, but because it is the cheapest for them. The alternative route has been agreed upon by the stakeholders. It is a safer route and should be the chosen route. The cost issue that Transwestern brings forward is not a valid argument. They do not pay for anything; the consumers pay for everything, and the consumers have chosen the favorable alternate route and not the cheapest route. This is very important to me and the people who live in this area.

I am requesting your support for the alternative route. If you should have any questions or need further information, please do not hesitate to give me a call at my Senate office at 602 926-5955 or my cell phone at 602 989-4496.

Sincerely,

ROBERT BLENDU
President Pro Tempore
State Senator, District 12

RB:cga

cc: Commissioner Suedeen G. Kelly
Commissioner Philip D. Moeller
Commissioner Marc Spitzer
Commissioner John Wellinghoff

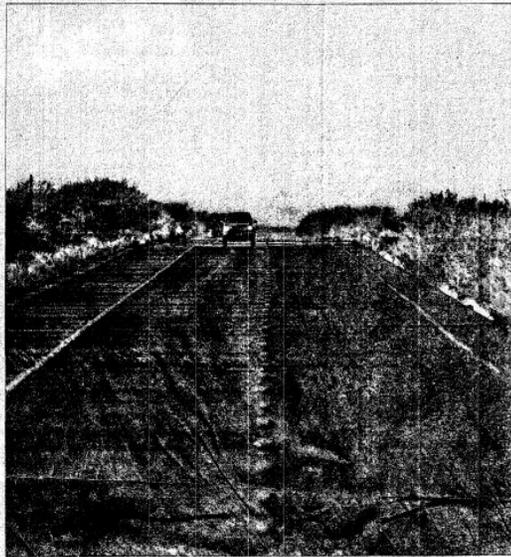
State Agencies

5

SA5-1 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.

II-213

Pipeline plan raises fear of risk to homes



DAVID WALLACE/THE ARIZONA REPUBLIC
A pipeline company is seeking federal approval to build a major natural gas pipeline along Sun Valley Parkway, which runs through a booming section of Buckeye in the West Valley. Town officials are fighting the plan.

Route would send natural gas through Buckeye

By Kelly Carr
THE ARIZONA REPUBLIC

Transwestern Pipeline Co. wants to build a major natural-gas pipeline through Buckeye's planned development boom along Sun Valley Parkway.

It's part of the company's plans for a 259-mile underground pipeline that would run from Coconino County's Ash Fork south through Yavapai and Maricopa counties and into Pinal County.

Pitched to federal regulators in 2005, the project would serve the Valley's growing natural-gas needs, the company said.

But Buckeye officials say their town is bearing the brunt of the project and that the project's danger to future residents outweighs the benefits.

Officials and residents across Arizona, including those in Casa Grande, Prescott Val-

Alternative route for major natural gas pipeline

A major natural gas pipeline is planned through the middle of Buckeye. And while they still have time, town officials are fighting for an alternative route.



CARLOS ESPINOSA/THE ARIZONA REPUBLIC

State Agencies



THE STATE OF ARIZONA
GAME AND FISH DEPARTMENT

2221 WEST GREENWAY ROAD
 PHOENIX, AZ 85023-4399
 (602) 942-3000 • AZGFD.GOV

GOVERNOR
 JANET NAPOLITANO
 COMMISSIONERS
 CHAIRMAN, MICHAEL M. GOLIGHTLY, FLAGSTAFF
 WILLIAM H. MCLEAN, GOLD CANYON
 BOB HEDRINGTON, TUCSON
 JENNIFER L. MARTIN, PHOENIX
 ROBERT R. WOODHOUSE, ROLL
 DIRECTOR
 DUANE L. SHROUFE
 DEPUTY DIRECTOR
 STEVE K. FERRELL



June 14, 2007

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

Re: Draft Environmental Impact Statement (DEIS) for the Phoenix Lateral Project,
 Docket No. CP06-459-000.

Dear Ms. Bose:

SA6-1 The Arizona Game and Fish Department (Department) appreciates the opportunity to review the DEIS for Transwestern Pipeline Company's Phoenix Lateral Project. The Department's primary comment pertains to Section 4.6, Special Status Species. The Department recommends additional specific language to support the Determination of Effects, including why the project actions would be "discountable" and/or "insignificant", and therefore "Not Likely to Adversely Affect" (pursuant to Section 7 of the Endangered Species Act). Otherwise, the DEIS was a clear, complete report on Transwestern's project activities, the resulting impacts, and the planned restoration of the project area. It included all previously discussed mitigations measures requested by the Department and we are satisfied with the DEIS assuming all measures would be followed.

SA6-2 We appreciate Transwestern's initiative to coordinate early with the Department to allow us to include measures to ensure conservation of wildlife and its habitat. The Department looks forward to the continued coordination throughout the life of this project. If you have any questions regarding this letter, please contact me at (602) 789-3606.

Sincerely,

Ginger L. Ritter
 Project Evaluation Program Specialist, Habitat Branch

cc: Rebecca Davidson, Project Evaluation Supervisor, Habitat Branch
 Rick Miller, Habitat Program Manager, Region II
 Kevin Morgan, Habitat Program Manager, Region III
 Russ Engel, Habitat Program Manager, Region IV
 Russ Haughey, Habitat Program Manager, Region VI

AGFD #M07-05043458

State Agencies

II-215

SA6-1 The FERC staff has reviewed the discussions regarding special status species in the EIS and have added language as necessary to better explain the determinations of effect. The AGFD's satisfaction with the draft EIS, assuming that all mitigation measures would be followed, is noted.

SA6-2 The AGFD's willingness to continue to cooperate in finalization of measures to conserve wildlife and their habitat is noted.

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION
Bruce C. Thompson, Ph.D.

Tod Stevenson, Deputy Director

STATE OF NEW MEXICO
DEPARTMENT OF GAME & FISH

One Wildlife Way
Post Office Box 25112
Santa Fe, NM 87504
Phone: (505) 476-8008
Fax: (505) 476-8124

Visit our website at www.wildlife.state.nm.us
For basic information or to order free publications: 1-800-867-9310

STATE GAME COMMISSION

Alfredo Montoya, Chairman
Alcalde, NM

Dr. Tom Arvas, Vice-Chairman
Albuquerque, NM

David Henderson, Commissioner
Santa Fe, NM

Jim McClintic, Commissioner
Albuquerque, NM

Terry Z. Riley, Ph.D., Commissioner
Tijeras, NM

M. H. "Dutch" Salmon, Commissioner
Silver City, NM

Lee V. Sims, II, Commissioner
Hobbs, NM

June 18, 2007

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

Re: Docket No. CP06-459-000, Draft Environmental Impact Statement, Transwestern Pipeline
Company Phoenix Expansion Project; NMGF Project No. 11434

Dear Ms. Bose:

In response to your notice dated April 27, 2007, the New Mexico Department of Game & Fish (NMGF) has reviewed the above referenced document. The project comprises approximately 260 miles of 36-inch diameter lateral pipeline and ancillary facilities in Arizona, and approximately 25 miles of 36-inch diameter loop pipeline in New Mexico. The New Mexico portion of the project includes an approximately 9-mile loop in San Juan County (San Juan Lateral Loop A) and an approximately 16-mile loop in McKinley County (San Juan Lateral Loop B). Various mainline valve and pig launcher and receiver facilities would also be constructed at unspecified locations. NMGF comments will address only that portion of the project located in New Mexico.

- SA7-1 Major waterbodies in New Mexico that would be crossed by Loop A include the perennial San Juan River (200 feet wide at the crossing location; MP 1.5), a perennial tributary to the San Juan River (186 feet wide at the crossing location; MP 1.7), and an intermittent tributary to the San Juan River (Kutz Canyon) that is 200 feet wide at the crossing location (MP 5.2). NMGF is unaware of any 186-foot wide San Juan River perennial tributary. Loop B would cross one major waterbody in New Mexico, an ephemeral tributary to the Puerco River that is 150 feet wide at MP 87.1. Site-specific construction procedures are described only for the San Juan River. Transwestern proposes to cross the San Juan using a horizontal directional drilling (HDD) procedure. NMGF concurs with the FERC staff recommendation that Transwestern shall prepare a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed and the agencies that would be notified in the event a frac-out (failure potentially resulting in release of drilling mud) occurs in the water during the HDD crossing of the San Juan River. NMGF requests to be on the list of agencies to be notified in that eventuality. If the HDD turns out to be infeasible, a modified wet open-cut procedure would be followed, using a temporary dam to dewater half of the channel.
- SA7-2

State Agencies

- SA7-1 The waterbody crossing information presented in the EIS was based on information provided by Transwestern and verified to the extent possible by reviewing aerial photo-based maps. Based on a review of the available mapping data, it appears that a large tributary to the San Juan River would be crossed at MP 1.7.
- SA7-2 Transwestern has filed a revised HDD Plan that specifies the corrective action and cleanup procedures that would be followed and the agencies that would be notified in the event a frac-out occurs in the water during the HDD crossing of the San Juan River. The NMDGF is included in the list of agencies that would be notified. The revised HDD Plan is included in Appendix I.

II-217

- SA7-3 | More than eight acres of riparian vegetation would be affected by San Juan Lateral Loop A if the HDD procedure is used at the San Juan River crossing. An additional three acres would be affected HDD is not successful. Transwestern's Wetland and Waterbody Construction and Mitigation (WWCM) plan states that they will limit vegetation maintenance adjacent to waterbodies to allow a riparian strip at least 25 feet wide to permanently revegetate with native plant species across the entire construction right-of-way. However, to facilitate periodic pipeline corrosion/leak surveys, a corridor centered on the pipeline and up to 10 feet wide may be maintained in an herbaceous state. In addition, trees that are located within 15 feet of the pipeline that are greater than 15 feet in height may be cut and removed from the permanent right-of-way. Cottonwoods and willows that are removed at the Kutz Canyon crossing will be replaced. In addition, riparian areas will be revegetated with "conservation grasses and legumes or native plant species". NMDGF concurs with the FERC staff recommendation that Transwestern's WWCM and Restoration Plan be updated to reflect the proposed vegetation maintenance and restoration mitigative measures. We further recommend the seepwillows (*Baccharis salicifolia*), a major component of the native woody plant community, be replaced at the Kutz Canyon crossing, at the same ratio as coyote willows, and that only native species be used in revegetation seeding.
- SA7-4 | It is unclear whether the proposed noxious weed surveillance and control measures are intended to control existing weed populations, or just to avoid spreading them. If the intention is to eradicate existing tamarisk plants on the right-of-way, mechanical control will not be sufficient. It would be necessary to treat the stumps with herbicide, and monitor for resprouting for a period of at least three years.
- SA7-5 | NMDGF acknowledges and concurs with Transwestern's inclusion of trenching best practice guidelines in Appendix K of the DEIS, which are based in part on our recommendations submitted during scoping for this project. We recommend that FERC incorporate such best practices as nondiscretionary mitigation for all pipeline projects.
- SA7-6 | Consultation with the US Fish & Wildlife Service (FWS) is in progress regarding how adverse impact from this project on migratory birds will be avoided. To protect priority raptor species (particularly bald eagle, golden eagle, prairie falcon and ferruginous hawk) from nesting disturbance, Transwestern will conduct pre-construction nesting season surveys and will contact agencies to identify conservation measures if an active nest is detected within 0.5 miles of the project area. NMDGF recommends extending the survey activity to 1.0 miles from the project area. There are some instances where mitigation would be appropriate at distances greater than 0.5 miles, for example an especially sensitive raptor species raising nestlings in direct view of a noisy or long-duration construction site. Bald eagles are far more likely to be seen foraging than nesting in northwestern New Mexico; mitigation should focus on avoiding disturbance in the winter months rather than nest detection. The San Juan River crossing location has been relocated approximately 1500 feet since surveys were conducted for the southwestern willow flycatcher. New surveys should take place in suitable habitat in the vicinity of the new project location. Conversion of the pipeline corridor from forested to a herbaceous or shrubby habitat type may negatively impact flycatcher breeding habitat. Transwestern proposes to complete the crossing between January and March to avoid potential impact to the flycatcher. However the WWCM plan states that waterbody crossings of warm-water fisheries will take place June 1 to November 30. Some clarification of the construction schedule is necessary.
- SA7-8 |

State Agencies

7

- SA7-3 | Section 4.4.3 has been revised to include information from Transwestern's revised WWCM Procedures and the request of the NMDGF to replace seepwillow at the Kutz Canyon crossing. In addition, the Agency Staffs' recommendation in section 4.2.2 has been revised to recommend that Transwestern continue to coordinate with the BLM, the FS, and other applicable agencies to revise its Restoration Plan to address any additional concerns identified by these agencies and file the revised Restoration Plan before construction (see also mitigation measure number 14 in section 5.3).
- SA7-4 | Section 4.4.4 has been revised to address Transwestern's Noxious Weed Management Plan. The plan is included as Appendix R. Transwestern would attempt to control the spread of designated noxious weeds during construction and, following construction, would treat noxious weed infestations that were not present before construction.
- SA7-5 | The NMDGF's concurrence with the trenching best practice guidelines in Appendix K is noted. As noted by the NMDGF and discussed in section 4.5.1.2, these guidelines were developed in part based on recommendations from the NMDGF. Similar best management practices are developed for other projects when considered appropriate mitigation for project-specific impacts.
- SA7-6 | Section 4.6 has been revised to provide additional details regarding the potential impact of the project on priority raptor species, including a discussion of the need for preconstruction surveys and Transwestern's raptor preconstruction survey results. In follow-up consultations between the FERC staff and the NMDGF, the NMDGF clarified that it recommended that if construction would occur in New Mexico during the nesting season in 2008, additional surveys extending 1.0 mile from the construction work area should be conducted only for the peregrine falcon. These surveys should be conducted during the nesting season in areas of suitable nesting habitat before 2008 construction begins (Jankowitz, 2007). The FERC staff's recommendation in section 4.6.4.2 (section 4.6.4.1 of the draft EIS) has been revised accordingly (see also mitigation measure number 19 in section 5.3).
- SA7-7 | Transwestern currently proposes to complete the crossing of the San Juan River during a period when individual southwestern willow flycatchers would not be present in the area. If construction is delayed past April 15, when birds are expected to return to the area, Transwestern would consult with the FWS to determine the need for species-specific surveys and other conservation measures. Further, because the San Juan River is proposed to be crossed using the HDD method, conversion from forested to herbaceous habitat is not expected.

State Agencies

7

- SA7-8 Transwestern proposes to cross the San Juan River using the HDD method. The timing stipulation outlined in Transwestern's WWCM Procedures is for in-stream work. HDD crossings do not involve in-stream activities. Accordingly, the timing stipulation in the WWCM Procedures does not apply to this crossing location.

Ms. Kimberley Bose

Page -3-

June 18, 2007

- SA7-9 In addition to being a major waterbody, the San Juan River is considered sensitive because it supports three federally and/or state-listed endangered species, the Colorado pikeminnow, the razorback sucker, and the roundtail chub. Formal consultation with FWS is in progress regarding potential adverse impact to the federal-listed pikeminnow and sucker, in the event of a wet open-cut crossing. However the DEIS concludes that there will be no impact to the state-listed roundtail chub because the proposed crossing method is HDD, and because any fish affected by dewatering would be relocated. Although NMGF has no formal consultation requirement, and it is unlikely for the species to occur in the project area, the conclusion should be consistent with that for the federal-listed species, given the identical situation and proposed actions. Placement of devices to divert flow in the channel should include salvage of fish from the dewatered work area that could be stranded during placement. Please notify the Department 7 days in advance of the start of in-stream crossing activities so that we can be available to assist in any fish salvage that may be required by the U.S. Fish and Wildlife Service.
- SA7-10

Thank you for the opportunity to comment on this DEIS. If there are any questions, please contact Rachel Jankowitz at 505-476-8159, or rjankowitz@state.nm.us.

Sincerely,

Jan Ward, Assistant Chief
Conservation Services Division

cc: Wally Murphy, Ecological Services Field Supervisor, USFWS
Mark Olson, NW Area Habitat Specialist, NMGF

II-219

State Agencies

7

- SA7-9 Section 4.6.4.4 has been revised to make this discussion consistent with federally listed species potentially occurring at the crossing location of the San Juan River.
- SA7-10 Section 4.3.2.3 has been revised to include the recommendation that Transwestern shall not begin a wet open-cut crossing of the San Juan River until it files documentation with the Secretary of the Commission (Secretary) that it has provided at least 7 days advance notification of the start of in-stream activities at the river to the NMDGF and receives written notification from the Director of the Office of Energy Projects (OEP) that a wet open-cut crossing may begin (see also mitigation measure number 16 in section 5.3).

JENNIFER J. BURNS
1700 WEST WASHINGTON SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 926-5936
CAPITOL FAX: (602) 417-3125
TOLL FREE: 1-800-352-8434
jburns@azleg.gov



COMMITTEES:
HIGHER EDUCATION
CHAIRMAN
HEALTH
WATER AND AGRICULTURE

TUCSON LEGISLATIVE OFFICE
400 WEST CONGRESS, SUITE 201
TUCSON, ARIZONA 85701
TUCSON PHONE: (520) 398-6000
TUCSON FAX: (520) 398-6028

Arizona House of Representatives
Phoenix, Arizona 85007

DISTRICT 25

June 14, 2007

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

RE: Docket # CP06-459-000

Dear Mr. Kelliher:

SA8-1

It has come to my attention that Transwestern Pipeline, LLC, has proposed to route a 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 has identified an alternative route for consideration.

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.

The pipeline alignment proposed by Transwestern cuts through the Town raising concerns about the careful planning by the Town and concerns for the future urban nature of the area and quality of life.

The pipeline design by Transwestern may be insufficient for the planned and permitted residential and commercial development along the proposed route, causing safety concerns.

Therefore, I ask the FERC Commissioners to carefully consider the east-west alternative route as the preferred route for the Phoenix Expansion Pipeline Project Buckeye alignment.

Sincerely,

Jennifer J. Burns, J.D., M.P.A.
Representative, District 25

State Agencies

SA8-1

The Commission responded separately to this letter on July 12, 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-220

JOHN B. NELSON
1700 WEST WASHINGTON, SUITE H
PHOENIX, ARIZONA 85007-2844
CAPITOL PHONE: (602) 969-5872
CAPITOL FAX: (602) 417-3112
TOLL FREE: 1-800-352-8404
jnelson@azleg.gov



COMMITTEES
COUNTIES, MUNICIPALITIES AND
MILITARY AFFAIRS, CHAIRMAN
NATURAL RESOURCES AND
AGRICULTURE
TRANSPORTATION

DISTRICT 12

Arizona House of Representatives
Phoenix, Arizona 85007

June 13, 2007

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

RE: Docket # CP06-459-000

Dear Chairman Kelliher,

SA9-1 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 has identified a feasible alternative route for consideration.

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. Although the Arizona Corporation Commission (ACC) recently voted to deny the application, Southern California Edison has stated that it will either re-apply to the ACC or will file an application with FERC. 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).

The argument presented by Transwestern for their proposed route through the Town of Buckeye over the east-west alternative route is that of construction cost. The incremental construction cost of the east-west alternative would be approximately \$40 million (based upon an average per mile cost of \$2.3 million using Transwestern's total construction costs). Although Transwestern has expressed a concern of the increase of cost to the individual consumer, Transwestern has built \$43 million in its construction budget for contingency and no calculations on the marginal impact on rates has been provided, particularly in light of the capacity of the pipeline being 500,000 decerms per day.

State Agencies

SA9-1 The Commission responded separately to this letter on July 12, 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.

SA9-1
(cont'd)

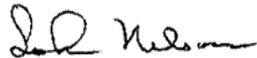
Also ignored by Transwestern in the cost calculations is that of operations and maintenance (O & M). It is known in the pipeline industry that the cost of O & M is greater for pipelines in urban areas (such as the location of Transwestern's proposed alignment) than in rural unpopulated areas (such as the location of the Town's proposed alternative east-west alignment).

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;
3. The pipeline design by Transwestern appears to be 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;
5. For the health, safety and welfare of the community, an alternative pipeline route has been identified (east-west alternative route). The alternative alignment would avoid the Town of Buckeye, would lie along the Palo Verde-Devers Utility Corridor, an established APS utility corridor, and is in open unpopulated desert;
6. Through technical analysis:
 - a. The alternative route has been found to be a viable option from a constructability, operations and maintenance point of view;
 - i. The alternative route has no known planned high population density developments along it route
 - ii. The alternative route provides a safer feasible route for the transmission pipeline
7. Transwestern's proposed route is based upon their time and cost consideration and not upon the safest feasible route; and
8. The draft EIS has not demonstrated sufficient purpose of and need for action and has not demonstrated an infeasibility of the east-west alternative.

Based upon the fore mentioned information, I ask the FERC Commissioners to carefully consider the east-west alternative route as the preferred route for the Phoenix Expansion Pipeline Project Buckeye alignment.

Sincerely,



John Nelson
State Representative
District 12

State Agencies



Janet Napolitano
Governor

ARIZONA DEPARTMENT
OF
ENVIRONMENTAL QUALITY

1110 West Washington Street • Phoenix, Arizona 85007
(602) 771-2300 • www.azdeq.gov



Stephen A. Owens
Director

June 15, 2007

ORIGINAL

FILED
OFFICE OF THE
SECRETARY
2007 JUN 22 P 3 06
FEDERAL ENERGY REGULATORY
COMMISSION

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, D.C. 20426

SUBJECT: Docket No. CP06-459-000
Transwestern Pipeline—Phoenix Expansion Project

Dear Ms. Bose:

SA10-1

The Air Quality Division has reviewed the project you have submitted for a Determination of General Conformity in accordance with Clean Air Act § 176(c)(1); Title 40 CFR Part 51, Subpart W, §§ 51.850-860; Title 40 CFR §§ 93.150-160; and Arizona Administrative Code § 18-2-348 (approved into the Arizona State Implementation Plan on April 23, 1999; effective June 22, 1999).

Title 40 CFR § 51.852 defines "Applicable implementation plan or applicable SIP" as the SIP approved under Section 110 of the Clean Air Act. Effective June 14, 2005, the Phoenix Metropolitan area was designated attainment for the 1-Hour Ozone standard. EPA revoked the 1-Hour Ozone standard on June 15, 2005.

Effective June 15, 2004, the Metropolitan Phoenix Eight-Hour Ozone Planning Area was classified as a "Basic" nonattainment area subject to requirements of Title I, Part D, Subpart I of the Clean Air Act. The SIP is due June 15, 2007, for this area and EPA will review it for possible approval thereafter.

The Transwestern Natural Gas Pipeline-Phoenix Expansion Project would traverse a portion of the 8-Hour Ozone nonattainment planning area. ADEQ acknowledges that the Metropolitan Phoenix SIP submitted to the U.S. Environmental Protection Agency on June 14, 2007, includes the nonroad construction emissions for this project in the Emissions Inventory for the modeled 2008 episodes that demonstrate attainment for NOx and VOCs.

Northern Regional Office
1801 W. Route 66 • Suite 117 • Flagstaff, AZ 86001
(928) 779-0313

Southern Regional Office
400 West Congress Street • Suite 433 • Tucson, AZ 85701
(520) 628-6733

Printed on recycled paper

SA10-1

The FERC, as lead federal agency for the Phoenix Expansion Project, is tasked with issuing the General Conformity Determination, as outlined in Title 40 CFR Parts 6, 51, and 93. However, the basis for issuing the Final General Conformity Determination is provided by the state agency primarily responsible for the applicable State Implementation Plan (SIP) which, in the case of the Phoenix Expansion Project, is the ADEQ. See also the response to comment FA4-11.

Ms. Kimberly D. Bose
June 15, 2007
Page 2

SA10-1 | Pending EPA's approval of this SIP submittal, ADEQ cannot render a General Conformity
(cont'd) | Determination. As soon as EPA acts upon the 8-Hour Ozone SIP, ADEQ can revisit the matter.

Very truly yours,



Diane L. Arnst, Manager
Air Quality Section

DLA:MBL

cc: Doug Sipe, Federal Energy Regulatory Commission
Jon A. Pollack, TRC Solutions
William R. Osborne, Transwestern Pipeline Company, L.L.C.

II-224



Janet Napolitano
Governor
Victor M. Mendez
Director

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

RE: Docket No. CP06-459-000

Dear Ms. Bose;

My name is Rebecca Yedlin and I am a NEPA Planner for Arizona Department of Transportation (ADOT) Environmental Planning Group (EPG). I was asked to review the Draft Environmental Impact Statement (DEIS) for the Phoenix Expansion Project drafted by the Transwestern Pipeline Company, LLC. I have the following comments on the DEIS:

- SA11-1 • I have concerns with the fact that the FERC staff has not completed its section 7 responsibilities, but details that construction will not begin until completion of outstanding species-specific surveys and coordination with USFWS. (p.ES-5)
- SA11-2 • In terms of wildlife impact they have determined that it is "minimal because only 14.5 acres of habitat would be permanently affected....This loss of habitat would be negligible given the amount of area in the project area." – It is also a bisecting project that creates habitat fragmentation and from a biologists standpoint this will create enormous cumulative impacts that were not addressed in the DEIS. (p.4-81)
- SA11-3 • They claim that avoidance of the breeding season for migratory birds may not be possible – working with USFWS to develop appropriate procedures for minimizing impacts on migratory birds is absolutely necessary. (p.4-83)
- SA11-4 • The determination of an effect on historic properties through consultation with Tribal HPOs, SHPO and staff of other federal agencies – a Programmatic Agreement has been prepared for the project and we need to know if we can receive a copy of it because if there was a concurrence as to eligibility reached from SHPO or the Tribes then ADOT could possibly utilize that information for projects in the same area. (p.ES-5)
- SA11-5 • They acknowledged TCPs but have not identified them yet. (p.4-173)
- SA11-6 • Location of the proposed Phoenix Lateral is along the ADOT I-17, BLACK CITY TO JCT. SR 69 project (H6800). (p.3-9) We request that the Transwestern Pipeline Company, LLC coordinate with the ADOT Project Manager for this project – Vincent Li (602) 712-7578 (VLi@azdot.gov).

I do apologize that these comments were not sent to you by the deadline of June 18, 2007. Thanks for taking these comments into account and if you have any questions or comments you can contact me at (602) 712-8642 or ryedlin@azdot.gov.

Sincerely,

Rebecca Yedlin

ORIGINAL

Arizona Department of Transportation
Intermodal Transportation Division
206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

July 17, 2007

Sam Eilers
State Engineer

OFFICE OF THE
SECRETARY
FEDERAL ENERGY
REGULATORY COMMISSION
2001 JUL 26 P 1:34

II-225

State Agencies

11

- SA11-1 The FERC staff's consultation with the FWS regarding the Phoenix Expansion Project has been conducted in compliance with section 7 of the Endangered Species Act. On May 4, 2007, the FERC staff submitted a BA to the FWS with a request for concurrence with its determinations of effect and to initiate formal consultation. The FERC staff subsequently conducted follow-up discussions with the FWS regarding the determinations of effect. In a letter dated June 7, 2007, (see comment letter FA6), the FWS indicated that it concurred with the FERC's determinations of effect and had received or had access to all of the information necessary to initiate formal consultation. The FWS' June 7, 2007 letter also stated that formal section 7 consultation for the proposed Phoenix Expansion Project was initiated on May 9, 2007. The FWS is expected to issue a BO regarding whether the proposed project would likely jeopardize the continued existence of the Colorado pikeminnow, the razorback sucker, and the spikedace or result in the destruction or adverse modification of critical habitat for the spikedace. The BO would contain the FWS' non-discretionary terms and conditions in order to ensure that the project would not jeopardize the continued existence of these species. In its comments on the draft EIS (see comment letter FA6), the FWS indicated that the BO would be delivered on or before September 21, 2007 unless an extension is mutually agreed to by the FERC and the FWS. The FWS has not requested an extension; therefore, receipt of the BO is expected by September 21, 2007. Receipt of the BO would complete the FERC's section 7 formal consultation responsibilities; however, the FERC would have responsibilities to enforce the terms and conditions of the BO during and after construction. As stated in the EIS, Transwestern would be prohibited from beginning construction until the appropriate consultations with the FWS have been completed, which would ensure that impacts on special status species are minimized, mitigated, and compensated for.
- SA11-2 Because 86 percent of the proposed pipeline facilities would be located adjacent to or overlap existing rights-of-way, the project would not result in a new cleared utility corridor for the majority of the facilities but in an incremental increase of existing cleared rights-of-way. This incremental increase in existing cleared rights-of-way would not contribute greatly to habitat fragmentation. Furthermore, the potential for habitat fragmentation resulting from the proposed Phoenix Expansion Project would be reduced because a majority of the disturbed areas would be allowed to return to pre-existing conditions. We do not agree that habitat fragmentation as a result of the Phoenix Expansion Project would create enormous cumulative impacts.
- SA11-3 Section 4.5.1.3 has been revised to include a discussion of Transwestern's preliminary Migratory Bird Plan that includes potential measures to minimize impacts on migratory birds. Some of the measures proposed include the destruction of nests during the dormant (i.e., non-

- SA11-3 (cont'd) nesting) season, the preclearing of suitable nesting vegetation from the right-of-way, and the installation of temporary barriers to make existing nests unusable during the construction period. The preliminary Migratory Bird Plan is included in the final EIS as Appendix S. Because Transwestern is currently working with the FWS to finalize the mitigation measures contained in its Migratory Bird Plan, section 4.5.1.3 has also been revised to include the recommendation that Transwestern continue to consult with the FWS and finalize its plan to protect migratory bird species during construction, including specific details of the measures that would be implemented to protect nesting migratory birds (see also mitigation measure number 18 in section 5.3 of the final EIS).
- SA11-4 The PA 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.
- SA11-5 Section 4.9.3.1 identifies 12 Sensitive Cultural Manifestation sites (also referred to as Traditional Cultural Properties), including 9 burial sites, 1 ceremonial site, and 2 resource gathering areas. Additional information regarding these sites is included in a confidential ethnographic report on file with the Navajo Nation Historic Preservation Department (NNHPD). Due to the sensitive nature of these sites, additional information is not presented in the EIS and the ethnographic report is only available upon request to and approval by the NNHPD.
- SA11-6 All comments on the draft EIS are part of the public record for the Phoenix Expansion Project and are available for viewing on the FERC Internet website (<http://www.ferc.gov>) under Docket Number CP06-459. It is expected that Transwestern has seen the Arizona Department of Transportation's request and will coordinate with the specified project manager.