



Ms. Tracy Stone-Manning, Director
U.S. Bureau of Land Management
Washington, D.C.

c/o: apautz@blm.gov

Filed at : <https://eplanning.blm.gov/eplanning-ui/project/2011785/510>

March 18, 2023

Protest: Proposed Land Use Plan Amendment to the Socorro Field Office RMP and Final EIS for the Proposed SunZia Southwest Transmission Project Right-of-Way Amendment (DOI-BLM-NM-0000-2021-0001-RMP-EIS)

Dear BLM Director & Protest Coordinator:

This timely Protest, filed per 43 CFR § 1610.5-2, is submitted on behalf of Archaeology Southwest (“ASW”) regarding the Proposed Resource Management Plan (RMP) Amendment to the Socorro Field Office RMP and Final Environmental Impact Statement (EIS) for the proposed SunZia Southwest Transmission Project Right-of-Way Amendment (DOI-BLM-NM-0000-2021-0001-RMP-EIS) (SunZia).

This Protest is filed on behalf of ASW by William H. Doelle, President and CEO, 300 N. Ash Alley, Tucson, AZ, 85701; 520-849-6475, wdoelle@archaeologysouthwest.org. Archaeology Southwest is the Tucson-based nonprofit organization dedicated to collaborative preservation of Arizona's heritage places and landscapes. Our mission centers on collaborations with Tribes and Tribal communities in learning about and preserving our region's extraordinary cultural resources. Cultural resources are places, objects, and traditions created in the past and valued in the present. Fragile, generally irreplaceable, and too often abused or ignored, cultural resources are vital links across human generations and among people and landscapes at multiple spatial and social scales.

ASW concerns with SunZia have been established, affirmed, and communicated in numerous, critically informed and properly filed comments and requests to BLM since about 2009, including our 28 July 2022 comments on the SunZia Draft EIS. Archaeology Southwest's diligence in reviewing SunZia proposals and BLM analyses has resulted in our evidence-based opposition to SunZia. Our protest is grounded in the human relationships and scientific knowledge emanating from our long-term program of investigation, Tribal engagement, and public outreach addressing the magnificent San Pedro Valley.

Since 1990, Archaeology Southwest has dedicated thousands of hours of volunteer and staff time to concerted research and conservation efforts focused on the more than 12,000 years of Indigenous American history in the San Pedro Valley. Archaeology Southwest owns and co-owns several conservation properties in the San Pedro Valley and holds conservation easements on additional properties. We maintain working relationships with hundreds of San Pedro residents and many local organizations. Perhaps most importantly, Archaeology Southwest has dedicated two decades to working closely with multiple Tribes sharing deep cultural affinities and affiliations with the San Pedro Valley. One vitally important outcome from these

sustained collaborations is the critically acclaimed, Tribe- and peer-reviewed book, *History Is in the Land: Multivocal Tribal Traditions in Arizona's San Pedro Valley* (University of Arizona Press, 2006). That readily available book includes detailed accounts of the San Pedro Valley's extraordinary cultural and archaeological significance, as provided by more than a dozen venerable experts duly designated by the Tohono O'odham Nation, Hopi Tribe, Zuni Tribe, and San Carlos Apache Tribe. These four Tribes participated in Archaeology Southwest's research with the clear understanding that their experts' knowledge would be used to safeguard the Valley's cultural resources.

This protest is necessary and valid because the BLM has almost completely ignored the results of Archaeology Southwest's peer-reviewed research (especially the *History Is in the Land* book) and longstanding and continuing advice from Archaeology Southwest and multiple Tribes to avoid impacts to the San Pedro Valley. Instead of fulfilling BLM duties to identify, assess impacts, and seek to avoid or reduce environmental impacts, especially through meaningful consultations with affected Tribes, BLM officials continue to discount, ignore, and fail to address SunZia's massive, significant, landscape-scale impacts to cultural resources and to Tribal communities. Instead of learning from the processes and results of preparing the 2013 SunZia EIS and of seeking to reduce environmental impacts and provide more public benefits in SunZia's Arizona portion, BLM has elected, in and through the 2023 EIS, to reduce public benefits to Arizonans and to add environmental impacts, especially through the proposed alteration of more sensitive lands through the addition of hundreds of miles of roads to access and construct SunZia and its right-of-way.

The issues and parts of the FEIS Archaeology Southwest is protesting here focus on (a) inadequate BLM attention to cultural resource identification, analysis, and impact assessment and avoidance; and (b) BLM failures to complete meaningful consultations with federally recognized Tribes who consider the San Pedro Valley to be part of their Territories—issues that should have been central to the FEIS analysis of alternatives. These BLM failures have resulted in an FEIS that is premature and incomplete because essential cultural resource and Tribal consultation data and perspective were excluded from the FEIS analysis of alternatives, especially the No Action Alternative;

The proposed decision to adopt the FEIS in advance of the completion of both the cultural resource identification efforts and of mandatory Tribal consultations is not consistent with essential provisions of the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), Executive Order 13175, the November 15, 2021 Joint Secretarial Order, or with other authorities that obligate BLM to complete consultations with Tribes prior to the commitment of Federal Government funds or approvals affecting those Tribes. The proposed decision to adopt the 2023 FEIS preferred alternative is not based on adequate environmental review, as required by FLPMA, NEPA, and by BLM policies requiring NEPA-NHPA coordination. The proposed decision to approve the revised rights-of-way for the SunZia corridor, including hundreds of miles of access roads in addition to those approved under the 2013 SunZia FEIS, are inconsistent with BLM policies and other federal authorities requiring meaningful consultations with affected and interested Tribes.

The 2023 FEIS proposes to authorize a plan of electrical service that has significantly and substantively changed since the BLM approved the 2013 SunZia FEIS. There is no longer a legitimate justification for routing SunZia through Southern Arizona, and certainly not through the San Pedro Valley. The purpose and need driving the 2013 FEIS was to provide access to electricity generators in Southern Arizona and alleviate transmission congestion in Southern New Mexico. The new DC line applied for by Pattern Energy and

proposed for authorization in the 2023 EIS cannot and will not address either of those previously stated purposes and needs. The second proposed AC line is unlikely to obtain financing in the foreseeable future, largely because that line would now be duplicative in function with the now-approved Southline Transmission Project. For these reasons, and as a complement to this Protest, Archaeology Southwest endorses and incorporates by reference the 17 March 2023 protest filed by the Center for Biological Diversity et al.

The proposed decision to adopt the alternative preferred in the 2023 SunZia FEIS is wrong for the reasons mentioned above and for the two principal bases for this Protest, as detailed below.

Basis for Protest # 1: BLM has failed to perform the diligence required of it by FLPMA, NHPA, and NEPA. Each and all of these statutes, their implementing regulations, and BLM’s own policies require BLM to perform and assure the quality and adequacy of coordinated identification, assessment, and mitigation of environmental impacts, including adverse effects to NHPA-defined cultural resources, that is, “historic properties.”

FLPMA requires BLM to manage public lands “in a manner that will protect the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values” (43 U.S.C. § 1701(a)(8)). The 2023 FEIS fails to adequately consider reasonable alternatives, especially co-location of the SunZia lines with existing linear infrastructures that would have avoided all adverse impacts to the San Pedro Valley. BLM needlessly restricted analyses to the route specified in the SunZia right-of-way application, failing to serve the public interest through a detailed assessment (or requirements for an independent third-party assessment) of the legitimacy of the purpose and need for SunZia, most especially in conjunction with Southline and other options for co-location of SunZia lines within existing industrial rights-of-way that avoid the San Pedro Valley. BLM failed to fully analyze and consider a no-action alternative that would have avoided and reduced many significant impacts, and all significant impacts to the San Pedro Valley. BLM failed to consider any siting alternatives in Arizona, transgressing FLPMA’s impact minimization requirements. Instead of taking advantage of SunZia’s circa 2020 right-of-way application as an opportunity to revisit and improve upon the avoidance and mitigation measures provided in the 2013 FEIS, the 2023 FEIS preferred alternative authorizes an effectively identical right-of-way through the San Pedro Valley and the construction of hundreds of miles of additional access roads (in the San Pedro Valley and elsewhere), thereby ushering significantly greater landscape fragmentation, greenhouse gas emissions, erosion, and archaeological resource destruction. BLM’s multiple assertions to Tribes and other parties—most recently in the 17 March 2023 video conference discussed below—that the 2023 FEIS only addresses proposed right-of-way amendments in New Mexico are incorrect, harmful to BLM’s reputation and trusteeship, and ample grounds for protests.

The unequivocal, common sense requirement embedded in NEPA, NHPA, and related authorities is for BLM to take a **hard look** at every proposed land use or alteration **before** approving or authorizing that action. BLM has failed to take this hard look. Instead of opening its eyes and ears to public and Tribal comments and concerns, BLM has systematically avoided inviting and giving consideration to alternatives that would have satisfied the purpose and need of the project with far fewer and less significant environmental impacts. Indeed the 2023 FEIS and the 2022 Programmatic Agreement Among BLM (and multiple other parties) Regarding the SunZia Southwest Transmission Project (PA) by which BLM purports to satisfy NHPA requirements are replete with promises to take this hard look only **after project approval** via execution of

the record of decision (ROD). Although the 2013 FEIS and 2022 draft EIS report identification of something like 500 archaeological sites and acknowledge the complete destruction or significant impacts to these sites through SunZia construction, no publicly available documents disclose the size, nature, or significance of these irreplaceable cultural resources. Archaeology Southwest is well aware of the important statutory restrictions on the publication of information on the location of cultural resources, but these restrictions do not prevent BLM from doing its essential NEPA and NHPA duties of informing the public about resource qualities, quantities, impacts and losses, and about measures available, if any, to avoid or reduce such losses. BLM has failed to perform this essential duty in a timely way, yet now rushes to FEIS completion.

The BLM chose to use NHPA and the PA (largely instead of NEPA documents) to identify, analyze, and disclose SunZia's cultural resource impacts. The PA, written more than a decade ago (and amended on the eve of expiration without substantive changes in December 2022), acknowledges the BLM decision to restrict opportunities for public involvement in cultural resource issues to NEPA scoping and public meetings (PA page 3). The PA includes numerous provisions for undefined, post-FEIS efforts to address cultural resource issues. The sole substantive provision for public involvement in the consideration of cultural resource issues and impacts beyond NEPA-driven scoping and public meetings is in a single promise in the PA (page 11) "to disseminate information about the results of the cultural resource work to the general public." On the same page, the PA promises to prepare Historic Properties Treatment Plans (HPTPs), and to assure that "studies such as testing, research and oral histories will be completed for all such resources that will be affected. . . to enable the BLM, the land manager, and the SHPO to make an eligibility determination." With the impending approval of the BLM-preferred alternative in the 2023 FEIS, and with none of these promises fulfilled, BLM is on the verge of making irrevocable commitments to damage and degrade resources it knows little about, has not assessed in detail, and has never disclosed to the public.

BLM could not have disclosed information regarding cultural resource identification, analysis, and avoidance or mitigation because none of those essential steps in the NEPA process have been completed. Despite the 15 years available to BLM to complete this fundamental work, the BLM now proposes to proceed with a record of decision on the 2023 FEIS without the benefit of baseline information essential to BLM and public understanding of the sizes, integrities, and significances of cultural resources to be adversely affected (NHPA) and significantly impacted (NEPA) by SunZia. In particular reference to mandatory public involvement, BLM has failed, per 36 CFR 800.2(d)(1), to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties." In vain we have searched our SunZia documents and BLM's websites for any record of the NHPA-mandated public involvement (beyond NEPA scoping opportunities and NHPA consultations with state officials and agency counterparts) in considering the effects and impacts on cultural resources promised by this complex, intrusive, controversial, and landscape-transforming project that will destroy hundreds of cultural resources. Nowhere in the FEIS or related records do we find BLM attendance to the mandate to provide the public—not merely the consulting parties—with project- and context-specific information essential for enabling the public to assist and advise BLM in how to meet mandates to identify, evaluate, assess, and avoid or reduce impacts and effects.

It seems very likely that BLM has conflated broad requirements for public involvement in the NHPA Section 106 process for this undertaking (see 36 CFR 800.2 (d)) with the call for public participation in the development of programmatic agreements (see 36 CFR 800.14(b)(2)(ii)) and NEPA scoping. Despite specific requests from Archaeology Southwest and other entities, BLM has yet to fulfill its duty to "seek and consider the views of the

public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties” (§ 800.2(d)(1)). BLM failure in this regard appears to be symptomatic of and to precipitate from BLM failures to attend, at a minimum, to the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (1983) and the *ACHP Section 106 Archaeology Guidance* (2009).

These failures merit especially vigorous protest because BLM could and should have rectified these deficiencies in the context of NEPA requirements to prepare a second SunZia EIS. Instead of taking advantage of such opportunities, BLM has little if anything to advance understandings on the parts of the consulting parties, the public, or the Indigenous Territory Owners (that is, “Tribes”) of the cultural resources impacts and treatment alternatives. BLM pretense that the cultural resource assessments are somehow “covered” by the 2013 FEIS is especially suspect. Archaeology Southwest advises all parties that none of the activities listed in PA Section III, “Resolution of Adverse Effects,” are recognizable as measures to avoid, minimize, or mitigate SunZia’s unmistakably significant impacts/ adverse effects to cultural resources. The lack of specific PA provisions or guarantees for measures designed to avoid and minimize adverse effects to historic properties and cultural resources is alarming. Absent specifications, in the FEIS or PA, of where, how, by whom, under what circumstances, and in accord with what time frames historic properties and cultural resources will be avoided and the adverse effects of SunZia will be minimized, it is not possible for BLM to execute a record of decision based on the 2023 FEIS or demonstrate attendance to FLPMA standards. BLM has provided no evidence and makes no case that any of the 500 archaeological sites and other cultural resources within the vast SunZia impact area will be preserved. Nor does either the 2013 FEIS or the 2023 FEIS demonstrate a public benefit that could offset large scale destruction of hundreds of cultural resource sites, especially in the absence of the above-noted public involvement requirements.

Basis for Protest # 2: BLM has failed to consult adequately or meaningfully with the federally recognized Tribes affected by SunZia, yet is taking steps to perpetuate an illusion of such consultations.

Even if the above-referenced BLM failures to identify, analyze, and avoid impacts to cultural resources pursuant to NEPA and NHPA in advance of a BLM commitment are found to be insufficient grounds for protest, the fact that BLM has failed to consult meaningfully and adequately with the affected Tribes is ample grounds for suspending the NEPA process and allowing BLM to demonstrate rather than declare its fiduciary, statutory, and regulatory obligations to federally recognized Indian Tribes and their citizens. Archaeology Southwest incorporates by reference into this Protest and appends below the 9 March 2023 letter of protest submitted to the BLM by San Carlos Apache Tribe Chairman Terry Rambler. Archaeology Southwest also incorporates by reference into this Protest the 16 March 2023 letter submitted to the BLM by Tohono O’odham Nation Chairman Ted Norris, also appended below.

BLM is well aware of its consultation and coordination obligations to Tribes. These obligations include but are not limited to Executive Order 13175 (Consultation and Coordination with Tribes), Executive Order 13007 (Indian Sacred Sites, directing BLM, to the extent practicable, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and to avoid adversely affecting the physical integrity of such sacred sites), and the 2021 Joint Secretarial Order 3403 (Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, and directing BLM to conduct itself in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes).

BLM is obligated to integrate these Tribal consultation duties into NEPA and NHPA compliance processes. Again, BLM’s decision to pursue NEPA and NHPA compliance concurrently does not alleviate BLM obligations to include the identification and assessment of likely impacts to cultural resources in the FEIS. This is especially relevant in the context of the unexplained delays in the historic property identification, evaluation, and adverse effect avoidance processes and consultations required by NHPA and the Section 106 process, as prescribed in the NHPA implementing regulations at 36 CFR 800. The 2023 FEIS by which the BLM proposes to proceed with the preferred alternative that is the subject of this Protest does not include evidence of either meaningful consultation with affected Tribes or evidence of BLM assessment of specific impacts of the proposed action on cultural resources. Instead of including this evidence and assessment and record of consultations and responses to consultations where it belongs—in the FEIS and the NEPA-driven evaluation of action and no action alternatives—BLM has elected place most of the cultural resource assessment burden on the NHPA Section 106 process.

Federal law and policy may allow BLM to do this, but such a decision significantly increases BLM’s Tribal consultation burden. This is true because, in the NHPA Section 106 process, “*Consultation* means the process of seeking, discussing, and considering the views of others, and where feasible, seeking agreement with them on how historic properties should be identified, considered, and managed. Consultation is built upon the exchange of ideas, not simply providing information” (36 CFR 800.16(f)). The FEIS presents no evidence that BLM has shouldered this burden or attempted in any way to reach agreement with Tribes. In particular, the FEIS did not and could not have met these important standards because the BLM has issued the FEIS in advance of any serious investigation or assessment of the multiple affirmations by multiple Tribes regarding historic properties possessing “religious and cultural significance to Indian tribes [that] may be eligible for listing in the National Register of Historic Places” (see NHPA Section 101(d)(6)(A)), which requires that Federal agencies, in carrying out their Section 106 responsibilities, consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

The evidence at the core of this prong of our Protest is the absence in the 2023 FEIS and in all other NEPA and NHPA records available to Archaeology Southwest of any indication of BLM attendance to the concerns voiced by multiple Tribes concerning the use by SunZia of the San Pedro Valley as an industrial corridor. In and through meetings and communications with BLM since 2008, multiple Tribes have confirmed the landscape-scale importance of the Middle and Lower San Pedro Valley. For example, the 22 August 2012 letter from San Carlos Apache Tribe Chairman Terry Rambler to BLM enumerates historical, cultural, and biophysical values that the Tribe and its members assign to the San Pedro Valley. That letter also explains how SunZia, as proposed for approval through the 2013 and 2023 FEISs, would degrade or obliterate those values. Chairman Rambler’s letter objects to use of the San Pedro Valley as the route for SunZia and makes clear that the “Tribe’s concerns regarding the BLM’s and SunZia’s sensitivity regarding Apache cultural sites, sacred areas, plant gathering areas and identification of remains is only exacerbated by the complete lack of sensitivity in the description of cultural resources.” NHPA Section 302705(a) states, “Property of traditional religious and cultural importance to an Indian tribe . . . may be determined to be eligible for inclusion on the National Register.” As noted in the PA (page 2), “the Tohono O’odham Nation. . . attaches religious and cultural significance to historic properties located on their Traditional Use Lands that may be affected by the Undertaking” (PA page 2).

BLM has failed to listen to the affected Tribes and, more importantly, to act in any way responsive to their concerns or to reach agreement with the Tribes. BLM’s April 2022 draft environmental impact statement

(DEIS) says, “No TCPs or sacred sites were identified within the analysis area during the previous consultation for the 2013 FEIS (BLM 2013:3-184, 3-195). No new data are available for this Draft EIS” (page 219). This claim is revealed as duplicitous in light of the fact that BLM has not engaged in meaningful consultations with Arizona Tribes in recent years, nor has BLM conducted or required a TCP inventory for the SunZia impact area. In this regard and in all matters relating to its obligations to consult with and coordinate with Tribes on the Arizona portion of SunZia, BLM has failed to follow applicable law and policy. This failure and the grounds for this Protest were confirmed in the 17 March 2023 videoconference among BLM officials, SunZia contractors, and representatives of the Tohono O’odham Nation, Ak Chin Indian Community, Gila River Indian Community, and Salt River Pima Maricopa Indian Community. In this meeting, at approximately 11:50 am, a BLM official confirmed that the cultural resource identification, evaluation, and mitigation processes remain incomplete and could not have been used in the development or evaluation of alternatives for SunZia. During the same videoconference the SunZia and BLM representatives acknowledged the presence of culturally sensitive cultural resource sites likely to be adversely affected by SunZia. The relocation of the tower bases at one of these sites—with no change in the right-of-way—is the only known project response to the many concerns and requests Tribes have voiced to BLM through communications across 15 years. To say that this miniscule concession indicates any form of compliance with BLM’s Tribal consultation mandates would be to further insult the Tribes and discount those legal mandates for meaningful engagement.

The videoconference proceedings also reaffirmed the concerns on the part of multiple Tribes regarding San Pedro Valley in its entirety as a cultural landscape and TCP eligible for National Register listing. Despite numerous statements from multiple Tribes and over a decade in which BLM could and should have acted in good faith to respond to Tribes’ concerns, the FEIS fails to complete the NHPA-required assessment of the Valley (or any other cultural resource) as a TCP. The FEIS fails to analyze Tribes’ concerns and the NHPA process remains in the identification stages. The FEIS fails to represent or reflect consultation and coordination with the affected Tribes regarding historic properties having cultural and religious significance. The BLM has failed to complete the cultural resource identification and assessment process, yet is now proceeding to authorize SunZia construction using the route through the San Pedro Valley preferred by the proponent over and above the Tribe’s manifold objections.

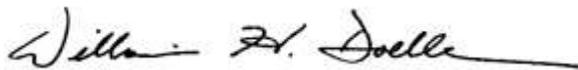
As Archaeology Southwest has communicated to BLM (letter of 24 January 2023 to BLM’s NM State Office), we have completed initial stages of the TCP identification work. The results of Archaeology Southwest’s sustained Tribal engagements and scientific investigations are available to substantiate the identification, by at least four Tribes, of the Middle and Lower San Pedro Valley as a Register-eligible TCP (again, see *History Is in the Land: Multivocal Tribal Traditions in Arizona’s San Pedro Valley*, University of Arizona Press, 2006). More than a dozen venerable historians and cultural experts duly designated by the Tohono O’odham Nation, Hopi Tribe, Zuni Tribe, and San Carlos Apache Tribe conveyed this information to the book’s authors with the clear understanding that their contributions would be used to safeguard cultural resources.

The BLM has, through its two SunZia DEISs, acknowledged the deep and ongoing historical, economic, cultural, and spiritual affinities between the San Pedro Valley and these four, federally recognized Tribes. The San Pedro Valley segments that SunZia would irrevocably alter are integral to a well-documented *cultural landscape*, a historic property likely eligible for the National Register due to exceptional integrity and significance derived primarily from its central roles in the historical, cultural, and oral traditions of at least four distinct Indigenous Nations: Apache, Hopi, Tohono O’odham, and Zuni. What BLM has thus far failed to do is to provide the detailed descriptions and analyses of these affinities in specific relation to the SunZia

route through the San Pedro Valley, to the alternative routes (and the no-action alternative), and to the Tribes' well-founded concerns and objections to the San Pedro Route. BLM inaction in response to Tribes' clearly and consistently voiced concerns with irrevocable alteration of the San Pedro Valley TCP is unacceptable, and requires redress.

In conclusion, ASW joins affected Tribes and conservation organizations in urging BLM to deny the requested right-of-way amendments and to retract the 2023 FEIS. FLPMA and NEPA obligate BLM to consider all aspects of the proposed right-of-way amendment, including biophysical and cultural resource environmental impacts and alternatives before making any decision. BLM has not fulfilled that obligation and has not taken the hard look at cultural resources and resource impacts, as NEPA requires. As detailed above, and in our prior comments and advisements, BLM has neglected consideration of highly significant aspects of the proposed plan amendment, including impacts to the San Pedro Valley as traditional cultural property that has been identified by multiple Tribes as a cultural landscape having exceptional religious and cultural importance. Because the 2023 FEIS fails to comply with NEPA and with mandates for Tribal consultation and coordination, the plan amendments cannot be adopted without additional NEPA review that includes cultural resources. It would be wrong, harmful, and contrary to federal law and policy for BLM to proceed with a Plan Amendment as part of an isolated right-of-way amendment for what is essentially a new right-of-way application to address a new primary purpose.

Please do not hesitate to contact us if you have questions.



William H. Doelle, Ph.D.
President and CEO
wdoelle@archaeologysouthwest.org



John R. Welch, Ph.D.
Landscape & Site Preservation
Program Director
JRWelch@archaeologysouthwest.org

cc.

Maria Dadgar, CEO, ITAA, maria.dadgar@itcaonline.com

Melanie Barnes, State Director, BLM, mgbarnes@blm.gov

Reid Nelson, Advisory Council for Historic Preservation Executive Director. rnelson@achp.gov

Kathryn Leonard, Arizona State Historic Preservation Officer. kleonard@azstateparks.gov

Jeff Pappas, New Mexico State Historic Preservation Officer. jeff.pappas@state.nm.us

Hon. Terry Rambler, San Carlos Apache Tribe Chairman. trambler@scatui.net

Peter Steere, Tohono O'odham Nation Historic Preservation Officer. Peter.Steere@tonation-nsn.gov

Stewart Koyiyumptewa, Hopi Tribe Historic Preservation Officer. skoyiyumptewa@hopi.nsn.us

Vern Grant, San Carlos Apache Tribe Historic Preservation Officer. apachevern@yahoo.com

Kurt Dongoske, Zuni Tribe Historic Preservation Officer. kdongoske@gmail.com



Terry Rambler
Chairman

SAN CARLOS APACHE TRIBE

P.O. Box 0, San Carlos, Arizona 85550
Phone (928) 475-1600 ❖ Fax (928) 475-2567

Tao Etpison
Vice-Chairman

March 9, 2023

Via E-Mail and U.S. Postal Service

Ms. Tracy Stone-Manning
Director
Bureau of Land Management
U.S. Department of Interior
1849 C Street NW
Washington, DC 20240
Fax: 970-256-4997
E-M: apautz@blm.gov

Re: Request for Meaningful Consultation Concerning Significant Impacts and Adverse Effects to the to the San Pedro Valley from the Proposed SunZia Southwest Transmission Project

Dear Ms. Stone-Manning:

On behalf of the over 17,000 members of the San Carlos Apache Tribe (“Tribe”), I provide critical comments on the Bureau of Land Management (“BLM”) Final Environmental Impact Statement (“FEIS”) for the proposed SunZia Southwest Transmission Project (“SunZia”). Curiously, I have not received any correspondence about the FEIS for the SunZia Project, yet the Tribe, since 2008, has made clear to BLM our concerns.

February 2023 FEIS simply ignores the Tribe’s concerns, and the abundant and readily accessible evidence for the religious, cultural, and historical significance to the Tribe and other Indigenous Peoples of the San Pedro Valley and adjacent lands that will be harmfully altered by the proposed transmission line.

The Tribe advises and requests that, prior to any further project authorizations, the BLM amend both the FEIS and the SunZia programmatic agreement, which was recently extended without meaningful consultation with affected tribes or attention to places having religious and cultural significance to tribes.

Tracy Stone-Manning

Re: SunZia FEIS

March 9, 2023

Page 2 of 3

The 2023 FEIS and other BLM documents claim, “Consultation with the interested tribes is on-going though the NEPA process and under Section 106 through the processes described in the project's programmatic agreement.” We see that the FEIS, while claiming to be little more than an adjustment to the SunZia right-of-way, proposes to approve about 700 miles of additional roads, all in advance of disclosures to or consultations with Tribes regarding places of great religious, cultural, and historical significance to our people.

The Tribe is especially concerned about the highly intrusive, all-new transmission corridor through the San Pedro Valley from Benson to San Manuel. This Valley, which The Nature Conservancy calls one of the “Last Great Places” in America, is the fragile core for the largest expanse of unfragmented land in the Southwest, an area that includes the southern half of the San Carlos Apache Reservation. At least as importantly, the Valley is the home to more than 60 landforms named and remembered in our Apache language. The Valley also hosts thousands of localities having religious, cultural, historical, and archaeological importance to Apache, O’odham, Hopi, and Zuni peoples.

The FEIS seeks to approve the industrial right-of-way through the Valley while deferring attention to the place-specific assessments of these localities and to the required consultations to avoid and reduce adverse effects and significant impacts. In this regard the Tribe can save BLM a lot of effort: the entire middle San Pedro Valley is a cultural landscape and traditional cultural property having great significance in Apache cultural and religious traditions and in those of other tribes. The BLM proposal to approve this project in advance of transparent, place-specific tribal consultations does not comport with provisions of the National Environmental Policy Act, the National Historic Preservation Act (NHPA), Executive Order No. 13175, the recent proclamations of the Biden Administration, and other related law and policy.

A final point requires attention at the highest levels of BLM and the Interior Department: the segment of SunZia proposed to adversely affect the San Pedro Valley appears to be a costly gift from the American people to the SunZia proponent. Multiple alternatives for co-location of the SunZia lines have been discounted and ignored by BLM officials. It is not in the public interest to open a new industrial corridor through the San Pedro Valley and it is clearly contrary to the interests of the affected tribes.

We repeat here our request for a thorough re-consideration of the alternative routes, urging BLM to collaborate with other entities—especially the WestConnect, Western Electricity Coordinating Council (WECC) and the Southwest Area Transmission (SWAT) Subregional planning group. Unless and until there a transparent analysis emerges from these parties and the FEIS reflects the Tribe’s values and concerns, the Tribe must protest the FEIS and SunZia in general.

These matters require and deserve critical review and reconsideration by BLM and the proponent. I look forward to learning that the BLM stands by the Joint Secretarial Order No. 3403 on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, especially the obligation to, “give consideration and deference to Tribal proposals,

Tracy Stone-Manning

Re: SunZia FEIS

March 9, 2023

Page 3 of 3

recommendations, and knowledge that affect management decisions on such [BLM] lands wherever possible.” In particular, I request that the SunZia FEIS be revised to reflect our concerns, as well as of those of our fellow tribes, which are notably absent, and that the need for an all-new transmission corridor is deeply questionable because it pierces the heart of a profoundly significant and largely unaltered portion of the Territory of the San Carlos Apache, Tohono O’odham, Zuni, and Hopi peoples.

I also request that the BLM immediately consult with the San Carlos Council, the Tribe’s governing body, on the SunZia Project and the FEIS. The Council meets on the first Tuesday of every month. To this end, please contact the Council Secretary, Santana Dillon, who may be reached at (928) 961-1849, or via e-mail at santana.dillon@scat-nsn.gov. In addition, please ensure that the Arizona BLM include me in any correspondence regarding the SunZia Project, together with Vernelda Grant, the Director of the Tribe’s Historic Preservation Office and NAGPRA Representative, at Vernelda.grant@scat-nsn.gov, and the Tribe’s Attorney General, Alexander Ritchie, at alex.ritchie@scat-nsn.gov, who may also be reached at (928) 475-5797 and (928) 475-3344, respectively.

As we say in our Apache language, Ahi’yi’é (thank you) in advance for your full consideration of our request. It is my hope that the renewed consultation process will be meaningful and unmistakably inclusive of and responsive to the tribes’ positions.

Sincerely,

SAN CARLOS APACHE TRIBE



Terry Rambler
Chairman

Cc: Maria Dadgar, CEO, ITAA, maria.dadgar@itcaonline.com
Melanie Barnes, State Director, BLM, mgbarnes@blm.gov
William H. Doelle, PhD, President & CEO, Archaeology Southwest, wdoelle@archaeologysouthwest.org
John R. Welch, PhD, Landscape & Site Preservation, Archaeology Southwest, jrwelch@archaeologysouthwest.org
Peter Steere, Tohono O’odham Nation Historic Preservation Officer. Peter.Steere@tonation-nsn.gov
Stewart Koyiyumtewa, Hopi Tribe Historic Preservation Officer. skoyiyumtewa@hopi.nsn.us
Reid Nelson, Advisory Council for Historic Preservation Executive Director. nelson@achp.gov
Kathryn Leonard, Arizona State Historic Preservation Officer. kleonard@azstateparks.gov
Jeff Pappas, New Mexico State Historic Preservation Officer. jeff.pappas@state.nm.us
Kurt Dongoske, Zuni Tribe Historic Preservation Officer. kdongoske@gmail.com

San Carlos Apache Tribe

Tao Etpison, Vice Chairman
San Carlos Council Members
Vernelda Grant, Director/THPO, & NAGPRA Rep.
Vanessa Nosie, Archaeology Aid
A.B. Ritchie, AG, DOJ
Chrono



Tohono O'odham Nation
Office of the
Chairman and Vice Chairwoman

Ned Norris Jr. Wavalene M. Saunders
Chairman Vice Chairwoman



March 16, 2023

Melanie Barnes
State Director
Bureau of Land Management
New Mexico State Office
411 Dinosaur trail
Santa Fe, NM 87508

Re: Sun Zia Transmission Line Adverse Effects to Cultural Sites and the Cultural Landscape of the San Pedro Valley

Dear Director Barnes:

The Tohono O'odham Nation has well-documented cultural, religious, ancestral, and oral history connections with the Arizona lands on which the Sun Zia Transmission Line is proposed to be constructed. The concerns of the Tohono O'odham Nation have been expressed for many years in a long series of consultation meetings with the Bureau of Land Management. Many of these concerns have not been addressed regarding visual impacts to the San Pedro River Valley, an important "traditional cultural landscape" significant to the Tohono O'odham Nation and other Tribes in Arizona. Also, the Tohono O'odham Nation has concerns over direct impacts to individual cultural resource sites that will be destroyed by Sun Zia Transmission Line construction and hundreds of miles of access roads.

Input from the Tohono O'odham Nation and other Tribes regarding adverse impacts to individual cultural sites and the San Pedro River Valley Traditional Cultural Place has largely been ignored. Recommendations to move the Sun Zia Transmission Line out of the San Pedro Valley Traditional Cultural landscape have been ignored.

The Final Environmental Impact Statement authorizes the construction of the Sun Zia Transmission Line with little attention paid to the significance of individual cultural sites and the San Pedro Valley Traditional Landscape that will be destroyed by construction of this transmission line. All of the evidence for the significance of the San Pedro Valley Traditional Cultural Landscape to the Tohono O'odham Nation and other Tribes has been largely ignored by the Bureau of Land Management

The Programmatic Agreement for this project to resolve adverse effects to cultural properties does not address visual and on the ground impacts to the San Pedro Valley Traditional Cultural Landscape.

The Sun Zia Transmission Line construction right-of-way needs to be moved out of the San Pedro Valley, with its unique and well preserved cultural and biological resources. The San Pedro Valley is regarded by the Nature Conservancy as one of the "Last Great Places" in America. It is one of the largest expanses of undisturbed lands in Arizona.

There are many landforms in the San Pedro Valley that have both O'odham and Apache names known to elders. There are hundreds of localities in the San Pedro Valley with cultural, historical, archaeological and religious importance to the Tohono O'odham Nation and the Hopi, Zuni and Apache tribes.

Building an industrial pathway with the transmission line and road construction in the San Pedro Valley will severely and permanently damage the sensitive cultural landscape of the San Pedro Valley. Multiple alternatives for the co-location of the Sun Zia Transmission Line have been ignored. There is no need to turn the San Pedro River Valley into an industrial corridor.

The Bureau of Land Management needs to resume consultations with the affected Tribes regarding adverse impacts to the cultural landscape of the San Pedro Valley and individual cultural sites, with the goal of moving the proposed Sun Zia Transmission line out of the valley.

Sincerely,

A handwritten signature in black ink, appearing to read "Ned Norris Jr.", written in a cursive style.

Ned Norris Jr.
Chairman, Tohono O'odham Nation