



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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<https://www.Bureau.gov/new-mexico>

In Reply, Refer To:
2800 (9300)

NMNM106038865/NMNM114438
AZAZ105998580/AZA35058

September 9, 2024

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Re: Letter Received from Conservation Groups “Significant and Unmitigated Watershed Degradation Due to Inadequate Erosion Control Measures on SunZia Roads and Disturbance Areas”

Dear Dr. Nash, Mr. Else, Ms. Fratello, Dr. Eastoe, Ms. Bahr, and Dr. Silver:

The Bureau of Land Management (Bureau) reviewed your letter dated August 13, 2024, “Subject: Significant and Unmitigated Watershed Degradation Due to Inadequate Erosion Control Measures on SunZia Roads and Disturbance Areas.” The Bureau appreciates the concerns raised by Archaeology Southwest, the Tucson Audubon Society, the Cascabel Conservation Association, the Lower San Pedro Watershed Alliance, the Center for Biological Diversity, and the Sierra Club (Archaeology Southwest, et al.), regarding erosion control and potential environmental impacts on Arizona State lands administered by the Arizona State Land Department near the San Pedro River associated with the SunZia Transmission Project. The Bureau acknowledges these issues, which may have been exacerbated by unexpectedly heavy rainfall experienced across the region.

Although the Bureau has limited authority over erosion occurrences on Arizona State lands, the Bureau has communicated directly with Pattern Energy in response to the issues raised in your letter. The Bureau also has raised similar concerns with Pattern Energy previously regarding road construction and culvert installation standards on Federal lands during multiple project meetings. Additionally, the Bureau sent

letters to Pattern Energy on April 1, June 7, and July 24, 2024 addressing road construction and culvert installation emphasizing the importance of preventing erosion and impacts to resources.

The Compliance Inspection Contractor (CIC) conducted a field review of the sites mentioned in your August 13, 2024, letter. The CIC observed recontouring, track walking, water bar installation, and other stabilization work in progress. In response to your letter and the Bureau's outreach, Pattern Energy has promptly addressed the erosion issues by implementing appropriate measures.

Pattern Energy is responsible for obtaining and implementing other permits including the Arizona Pollutant Discharge Elimination System (AZPDES) and National Pollutant Discharge Elimination System (NPDES) permits issued by the Arizona Department of Environmental Quality and the Environmental Protection Agency (EPA) Region 6. The Arizona Department of Environmental Quality and the EPA Region 6, therefore, have enforcement authority over the measures associated with the construction of the SunZia Transmission Project relating to erosion control and stormwater runoff.

As part of obtaining these permits, Pattern Energy was responsible for the development and implementation of Storm Water Pollution Prevention Plan(s) (SWPPP[s]). The purpose of a SWPPP for the SunZia Transmission Project is to identify and implement stormwater pollution prevention measures to reduce the quantity of impacted runoff and to deal with runoff in a manner minimizing environmental impacts during construction, operation, and maintenance of the SunZia Transmission Project. The primary intent of the erosion and sediment control measures is to control and minimize erosion at the source. For the SunZia Transmission Project, the main source of potential stormwater contamination will be erosion of soils from construction activities. These standards must be implemented and adhered to throughout the construction and maintenance phases of the project.

For every activity identified in the SWPPP, appropriate control measures are described including the general sequence during the construction process that the measures will be implemented and the parties responsible for the implementation of the Best Management Practices (BMPs). The Construction Contractor(s) are responsible for implementing erosion control measures where necessary to minimize pollutants in stormwater and to ensure compliance with state regulations. The AZPDES permit is overseen by the Arizona Department of Environmental Quality and the NPDES permit for New Mexico is overseen by the EPA's Region 6 Office. BMP failures would not warrant a Bureau noncompliance unless failures are not corrected per the NPDES permit requirement and there were risks to Federal lands or federally protected resources. The Bureau expects Pattern Energy will adhere to the requirements outlined in the Plan of Development, Right-of-Way Grant, Bureau Oil and Gas "Gold Book," and associated Bureau Resource Management Plans in addition to all other governing permits, including the AZPDES and NPDES.

To this end, the Bureau has requested that Pattern Energy adhere to the requirements outlined in the SWPPP. Since the primary jurisdiction for issues on Arizona State lands lies with the Arizona State Land Department, the Bureau has forwarded to the Arizona State Land Department the concerns raised in the August 13, 2024, letter from Archaeology Southwest, et al. Additionally, the Bureau has directed Pattern Energy and its contractors/sub-contractors to work closely with the Arizona State Land Department to address the erosion control issues and ensure compliance with all applicable requirements.

The Bureau appreciates the active involvement of Archaeology Southwest, et al. in monitoring and raising concerns regarding the SunZia Transmission Project. The Bureau recognizes the significance of the environmental issues highlighted, particularly the erosion control challenges on Arizona State lands. The Bureau remains committed to addressing these concerns, working within its jurisdictional limits to ensure that the necessary mitigation measures are implemented, and that the ecological integrity of the San Pedro Valley is preserved.

Thank you for your concern and efforts to conserve the San Pedro Valley and Arizona State lands. If you have any questions or require any additional information, please contact Ruben Sanchez at (505) 954-2170 or rjsanche@blm.gov.

Sincerely,

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