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Attn: Mr. Robert Griego, Planning Manager
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RE: Environmental Consulting Services
DRAFT Technical Review of Environmental Impact Report for Rancho Viejo Solar Project
Approximately 1 mile south of Santa Fe city limits and 4.2 miles east of La Cienega
Santa Fe County, New Mexico

Dear Mr. Griego:

Terracon's technical review of the Rancho Viejo Environmental Impact Report (EIR) is provided below for your review.

Introduction

Rancho Viejo Solar, LLC is proposing a 96-megawatt solar facility, with a 48-megawatt battery BESS, a substation, a generation tie-in line, and an access road on private land located in Santa Fe County, New Mexico approximately 1 mile south of Santa Fe city limits and approximately 4.2 miles east of La Cienega. The Project will serve the PNM transmission infrastructure. AES Clean Energy will be the lifetime owner and operator of the facility. Estimated construction operation date is April 2025.

EIR Review Process

The purpose of reviewing the EIR is not to not replace conclusions or refute the findings presented in the EIR, rather the intent of this review is to identify weakness, omission, or even concealment in the EIR. Effective review of the EIR should allow Santa Fe County administrators to ensure that all relevant information has been analyzed and presented and identify whether additional information is needed. This EIR was reviewed for its compliance with the Santa Fe County Sustainable Land Development Code (SLDC). The following table provides relevant portions of the SLDC and an assessment of the completeness with which review topics were addressed.

EIR Review - DRAFT			
Code	**Topic**	**EIR**	**Comments**
Summary			
6.3.3. Summary.	Does the EIR contain a summary of the proposed actions and their consequences?	ES-1	While conclusions statements are provided for each resource studied in Chapter 3, a comprehensive summary of all consequences associated with the proposed actions (i.e. table or list of all anticipated impacts) is not provided beyond a broad statement in the executive summary that states "the Rancho Viejo Solar Project is not expected to unduly impair important environmental values." Additional detail in the executive summary would be helpful to the reader.
	Is the language of the summary as clear and simple as reasonably practical.	ES-1	Appropriately clear language was used throughout report.
6.3.3.1.	Does the summary identify each significant adverse effect and impact with proposed mitigation measures and alternatives that would reduce or avoid that effect or impact?	ES-1	See response to 6.3.3 above. While statements are made in the EIR that the proposed action is not expected to significantly affect resources, significance thresholds are not defined in the EIR.
6.3.3.2.	Does the summary identify areas of potential controversy identified in the pre-application TAC meeting?	ES-1	Potential controversy identified in the pre-application TAC meeting are not specifically mentioned in the EIR.
6.3.3.3.	Does the summary identify issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects?	ES-1	Issues to be resolved are identified in Chapters 2 and 3. Mitigation for each resource is provided in Chapter 3. While the Executive Summary references the environmental protection measures, specific measures are not summarized in this section.
Description of the Development, Local Environment and Baseline Conditions			
6.3.4. Project Description.	Does the description of the project contain the following information in a manner that does not supply extensive detail beyond that needed for evaluation and review of the environmental impact?	1-1	See responses below.

EIR Review - DRAFT			
Code	**Topic**	**EIR**	**Comments**
6.3.4.1.	Does the description of the project contain precise location and boundaries of the proposed development project, such location and boundaries shown on a detailed topographical map? Does the description of the project contain the location of the project on a regional map?	1-2, 1-3	While not a legal description, the description of the project location is sufficient for analysis and is shown on detailed topographical relief maps in the form of a regional vicinity map and a map more specific to the analysis area.
6.3.4.2.	Does the description of the project contain a statement of the objectives sought by the proposed development project. The statement of objectives should include the underlying purpose of the project.	1-1	The objective/purpose of the project is described in the introduction.
6.3.4.3.	A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals if any and supporting public service facilities.	Chapter 2 Chapter 3	Economic and environmental characteristics of the analysis area are described in chapter 3, as well as the effects of the project on the existing conditions. Technical aspects of the proposed action are described in chapter 2.
6.3.5. Environmental Setting	Does the EIR include a description of the physical environmental conditions in the vicinity of the project as they exist at the time the environmental analysis is commenced, from the County, area, community, regional, and state perspectives?	Chapter 3	Environmental surveys were performed for the entire analysis area, including biological, cultural, and aquatic resources surveys. Extensive desktop review of publicly available information was conducted from a variety of sources including federal and state agencies, local government offices, geographic information system (GIS) databases, and other relevant databases and technical resources to characterize the analysis area and identify potential constraints associated with wildlife and other sensitive natural resources.
Environmental Effects			
6.3.6. Significant Environmental Effects	Does the EIR demonstrate that the significant environmental effects and impacts of the proposed project were adequately investigated and discussed?	Chapter 3	While analysis and findings generally seem appropriate in the EIR, what constitutes a significant impact has not been defined in the EIR.
	Does the EIR demonstrate the significant adverse effects or impacts of the project in the full environmental context?	Chapter 3	Significance thresholds are not defined in the EIR.

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Code	**Topic**	**EIR**	**Comments**
	Has a geotechnical investigation and report been completed for the project?	Chapter 3	While a brief statement describing the geologic conditions in the analysis area is provided, no geotechnical investigation or report has been completed for the Project. it is noted in the EIR that geotechnical investigations will be conducted to determine subsurface conditions, soil properties, and thermal and electric resistivity prior to construction, as the design process evolves.
	Does the EIR identify and focus on the significant environmental effects of the proposed development project?	Chapter 3	Significance thresholds are not defined in the EIR. A description of significance thresholds and a summary of environmental consequences, beyond "*The Project is not expected to unduly impair important environmental values regarding geologic, paleontological, and soils resources*" would be helpful to the reader.
	Are direct and indirect significant effects and impacts of the project on the environment clearly identified and described, giving due consideration to both the short term and long-term effects and impacts?	Chapter 3	Direct and indirect effects and impacts are described in the EIR, however, while significance of impacts is referenced, significance thresholds are not defined in the EIR. Short-term effects are described clearly, and predominantly related to construction activities (9 to 12 months), although, some are related to operation and maintenance activities (3 to 6 months). Long-term effects are also clearly described, although not defined in terms of duration.
	Does the discussion include relevant specifics of the area, the resources involved, physical changes and alterations to soil conditions, water, environmentally sensitive lands and ecological systems, changes induced in the human use of the land, health and safety problems caused by physical changes, and other aspects of the resource base such as historical, cultural and archaeological resources, scenic vistas?	Chapter 3	The project area is sufficiently defined in terms of text description, characteristic photos, and resource mapping of biological resources, cultural resources, jurisdiction and land management, land use, mines, noise receptors, roads, aquatic resources, viewshed, and scenic byways. The proposed project is defined and its location is clearly shown on a number of figures/maps throughout the EIR.
6.3.7. Significant Environmental Effects Which Cannot be avoided	Does the EIR describe significant adverse effects and impacts, including those which can be mitigated but not reduced to a level of insignificance?	Chapter 3	While no adverse effects or impacts that cannot be reduced to a level of insignificance were identified, however, significance thresholds are not defined in the EIR.

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	Where there are effects and impacts that cannot be alleviated without an alternative design, does the EIR describe their implications and the reasons why the development project is being proposed?	Chapter 3	Effects and impacts that cannot be alleviated without an alternative design were not identified in the EIR.
6.3.8. Significant Irreversible Environmental Changes	Does the EIR evaluate irretrievable commitments of resources?	Chapter 3	Irretrievable commitments of resources are not evaluated in the EIR.
	Has the applicant complied with all federal and New Mexico statutes and regulations regarding climate change?	Chapter 3	The EIR does not address climate change.
6.3.9. Other Adverse Effects.	Does the EIR discuss other characteristics of the project which may significantly affect the environment, either individually or cumulatively?	Chapter 3	The projects potential to contribute to cumulative impacts are discussed for each resource, but significance thresholds are not defined in the EIR.
6.3.10. Mitigation Measures.			
6.3.10.1.	Does the EIR identify mitigation measures for each significant environmental effect identified in the EIR, such as the following? • inefficient and unnecessary consumption of water and energy; • degradation of environmentally sensitive lands; • sprawl; and noise, vibration, excessive lighting, odors or other impacts	Chapter 3	Environmental Protection (Mitigation) Measures are provided for each resource however, significance thresholds are not defined in the EIR
6.3.10.2.	Where several measures are available to mitigate an effect or impact, does the EIR discuss each measure and the basis for selecting a particular measure identified?	Chapter 3	The basis for selecting a particular measure identified as appropriate.
	Does the EIR identify the formulation of mitigation measures at the first discretionary approval? Under no circumstances shall the formulation of mitigation measures be deferred until the ministerial development process?	Chapter 3	Environmental Protection (Mitigation) Measures are provided for each resource.
	Do recommended measures specify performance standards which would mitigate the significant effect of the project?	Chapter 3	Performance standards which would mitigate the significant effect of the project are not identified in the EIR.

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	Do recommended measures specify which may be accomplished in more than one specified way?	Chapter 3	Recommended measures which may be accomplished in more than one specified way are not identified in the EIR.
6.3.10.3.	Does the EIR discuss energy conservation measures, as well as other appropriate mitigation measures, when relevant?	Chapter 3	Energy conservation measures are not addressed in the EIR.
6.3.10.4.	Does the EIR discuss the adverse effects and impacts of mitigation measure when the mitigation measure would cause one or more significant effects and impacts in addition to those that would be caused by the project as proposed?	Chapter 3	The EIR does not address the adverse effects and impacts of implementing mitigation measure.
6.3.10.5.	Are the mitigation measures described in the EIR fully enforceable through conditions or a voluntary development agreement?	Chapter 3	Mitigation measures described in the EIR appear to be fully enforceable through conditions or a voluntary development agreement.

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Code	**Topic**	**EIR**	**Comments**
6.3.10.6.	Were all of the following considered and discussed in the draft EIR:	Chapter 3	See responses below.
	1. preservation in place is the preferred manner of mitigating impacts to historic, cultural or archaeological sites. Preservation in place maintains the relationship between artifacts and the historical, cultural, and archaeological context. Preservation shall also avoid conflict with religious or cultural values of Indian communities associated with the site;	Chapter 3	3-21 to 3-23, report cites 15 sites recorded on survey, 10 consist of prehistoric artifact scatters, three historic artifact scatters with features, and two historic artifact scatters without features. The speculative location of the Camino Real de Teirra Adentro National Historic Trail is plotted through the project but was not found. SWCA recommended undetermined for listing on the NRHP for two sites and 13 sites as not eligible. The HPD logs are mentioned but they do not mention concurrence by SHPO (which exists in the documentation provided to us). 3-23 discusses actions, and the project is avoiding all of the sites. 3-23 mentions religious resources One Tribal leader (page 3-22) requested tribal monitors during construction but on actions, does not appear there will be? Needs to show how the sites were avoided, looks like the only sites that were avoided were the sites on the eastern portion of the road. See previous comments: would be helpful to explain how those were avoided and show on a map where resources were avoided as the map on 1-3 appears to cover the entire area where sites were recorded (northeast portion of the solar facility). Also, might explain in clear detail the SHPO concurrences.
	2. preservation in place may be accomplished by, but is not limited to, planning construction to avoid all historical, cultural or archaeological sites; and incorporation of sites within parks, green-space, or other open space;	Chapter 3	Avoidance of eligible cultural resources is recommended in Section 3.5.3.

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Code	**Topic**	**EIR**	**Comments**
	3. when data recovery through excavation is the only feasible mitigation, a data recovery plan which makes provision for adequately recovering the scientifically consequential information from and about the historical, cultural, or archaeological resource, shall be prepared and adopted prior to any excavation being undertaken. If an artifact must be removed during project excavation or testing, storage of such artifact, under proper supervision, may be an appropriate mitigation; and	Chapter 3	Two undetermined cultural resources and 13 not eligible cultural resources were identified within the analysis area during the cultural resources survey. Consultation with SHPO on the eligibility and potential mitigation of the two undetermined resources has resulted in a revision to the site plan in order to achieve avoidance of both resources by at least 100 feet. Therefore, there will be no effect to any historic properties. If any unanticipated resources including subsurface burial sites are discovered, primarily during ground-disturbing construction activities all construction activities should cease, and a qualified archaeologist notified.
	4. data recovery shall not be required for an historical, cultural or archaeological resource if the appropriate entity determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the draft EIR.	Chapter 3	See response to 6.3.10.6 # 3 above.
6.3.11. Consideration and Discussion of Alternatives to the Proposed Project			
6.3.11.1. Alternatives to the Proposed Project.	Does the EIR describe a range of reasonable alternatives to the project, or to the location, which would feasibly attain some of the basic objectives of the project but would avoid or substantially lessen the significant and adverse impacts or effects of the project?	Chapter 2	An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The range of potential alternatives to the proposed project should include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives carried further for detailed evaluation. It does not appear that alternatives to the gen-tie route, access roads, BESS, or substation location were considered in the EIR. No screening analysis was presented in the EIR for the identification of feasible alternatives (gen-tie routes for example) that would allow for identification and selection of the least level of impact to be carried forward and evaluated in detail.

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Code	**Topic**	**EIR**	**Comments**
	Does the EIR evaluate the comparative merits of the alternatives, even if those alternatives would impede the attainment of the project objectives or would be more costly?	Chapter 2	See response to 6.3.11.1 above. Section 2.3 identifies alternative locations for the solar array, which were considered but eliminated from further analysis. Further discussion describing the rationale for selecting the proposed alternative to is warranted.
6.3.11.2. Evaluation of alternatives.	Does the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project?	Chapter 2	See response to 6.3.11.1 above.
	Does the EIR include a matrix displaying the major characteristics and significant or adverse environmental effects and impacts of each alternative used to summarize the comparison?	Chapter 2	See response to 6.3.11.1 above. The EIR does not include a matrix displaying the major characteristics and significant or adverse environmental effects and impacts of each alternative used to summarize the comparison nor does the EIR include a description of significance thresholds.
	Does the EIR identify if an alternative would cause one or more significant or adverse effects or impacts in addition to those that would be caused by the project as proposed?	Chapter 2	See response to 6.3.11.1 above.
6.3.11.3. Selection of a range of reasonable alternatives.	Does the EIR briefly describe the rationale for selecting the alternatives discussed?	Chapter 2	See response to 6.3.11.1 above.
	Does the EIR also identify any alternatives that were considered but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the determination?	Chapter 2	See response to 6.3.11.1 above.

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Code	**Topic**	**EIR**	**Comments**
6.3.11.4. "No project" alternative	Was the specified alternative of "no project" evaluated along with its effects and impacts?	Chapter 2	The EIR includes an analysis of the "no project/no action" along with it's effects and impacts.
	Does the description and analysis of a "no project" alternative allow a comparison of any adverse effects and impacts of the proposed project with effects and impacts if the project were not accomplished?	Chapter 2	The EIR concluded that under the No Action Alternative, there will be no impacts to resources studied within the project area or surrounding areas because the Proposed Action will not be implemented. However, under the No Action alternative other sources of energy would need to be made available which could possibly include solar, wind, fossil fuel, etc. Potential increases in fossil fuel could contribute to climate change. Furthermore, because the project area is comprised of privately owned land and the surrounding area is subject to "increasing urbanization" and although it can't be predicted how the project area might be developed, it is reasonable to assume that even if the proposed action is not built, another type of development could occur, resulting in its own set of impacts.
	Is the "no project" alternative identical to the existing environmental setting analysis? If so, the "no project" alternative analysis is the baseline for determining whether the proposed project's environmental effects or impacts may be significant or adverse.	Chapter 2	Assuming that road improvements, expansion of the Santa Fe Regional Airport, and the Chupadero Water System improvement project proceed with or without implementation of the Proposed Project, the "no project" alternative is identical to the existing environmental setting analysis.
	1. Does the "no project" analysis discuss the existing conditions at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the development project were not approved, based on current plans and consistent with available infrastructure and community services? Is the environmentally preferred alternative is the "no project" alternative, and does the draft EIR also identify an environmentally preferred alternative among the other alternatives?	Chapter 2	See response to 6.3.11.4 above. Potential development of the project site could occur even if the proposed action is not implemented. While it is likely that the project site could be developed in the future, there is no way to identify what could be developed. No environmentally preferred alternative is identified in the EIR.

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Code	**Topic**	**EIR**	**Comments**
	2. Does the discussion of the "no project" alternative proceed as follows: (i) The "no project" alternative is the circumstance under which the development project does not proceed? Does the discussion compare the environmental effects of the property remaining in its existing state against the environmental and adverse effects which would occur if the project were to be approved? (ii) If the consequence of disapproval of the project under consideration would result in predictable actions by others, such as the proposal of some other development project was this discussed? Does the "no project" alternative means "no build", i.e., where the existing environmental setting is maintained? If failure to proceed with the project will not result in preservation of existing environmental conditions, does the analysis identify the practical result of the project's non-approval?	Chapter 2	See response to 6.3.11.4 above. (i) The "no project" alternative is the circumstance under which the development project does not proceed, and the discussion of the environmental effects of the property remaining in its existing state is compared against the environmental and adverse effects which would occur if the project were to be approved. (ii) The EIR does not address whether the consequence of disapproval of the project under consideration would result in predictable actions by others. The "no project" alternative means "no build", however, the EIR does not identify what could be developed on the site if the proposed action is not implemented. The analysis does not identify the practical result of the project's non-approval under any alternative development scenarios.
6.3.11.5. Feasibility	Were the following taken into account when addressing the feasibility of alternatives: • site suitability, • economic use and value viability, • availability of infrastructure, • jurisdictional boundaries (projects with a significant effect or impact should consider the county wide context), and • whether the applicant can reasonably acquire, • control or otherwise have access to an alternative site in the common ownership?	Chapter 2	Section 2.3 "Alternatives Considered but Eliminated from Further Analysis" states that alternate locations for the solar facility within the larger parcel were considered but eliminated due to natural resource constraints. However, it does not appear that alternatives to the gen-tie alignment, access roads, BESS, or substation were considered in the EIR.

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Code	**Topic**	**EIR**	**Comments**
6.3.11.6. Alternative locations.	Does the analysis identify whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location? Does the analysis in the EIR include locations that would avoid or substantially lessen any of the significant effects of the project? Does the EIR consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative?	Chapter 2	The analysis does not identify significant effects as a result of the project once environmental protection measures are implemented. The alternatives analysis did consider potential impacts to the Turquoise Trail National Scenic Byway and waterways. The proposed action, which was studied in the EIR, was found to avoid significant effects of implementing the project. No other alternative was studied at that level of detail. The EIR did not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.
6.3.12. Organizations and Persons Consulted.	Does the EIR identify all federal, state, or local agencies, tribal governments, or other organizations or entities, and any interested persons consulted in preparing the draft?	Chapter 5	Federal, State and local agencies were consulted/accessed are listed in Chapters 3 and 5. Although the analysis is not in the vicinity of any Tribal land, Rancho Viejo has reached out to several Native American Tribes for input concerning the project. The list in Chapter 5 is not comprehensive, but other entities consulted/accessed are listed in Chapter 3.
6.3.13. Discussion of Cumulative Impacts.	Does the EIR discuss cumulative effects of a project? Does the discussion of cumulative effects and impacts reflect the severity of the effects and impacts and their likelihood of occurrence?	Chapter 3	Potential cumulative impacts associated with the proposed action are described in Chapter 3. The discussion of cumulative effects and impacts does not reflect the severity of the effects and impacts and their likelihood of occurrence.
6.3.13.1.	Does the discussion focus on the cumulative effects and impacts to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative effect and impact?	Chapter 3	The EIR does not provide the level of detail to describe the cumulative effects and impacts to which the identified projects contribute rather than the attributes of the identified projects which do not contribute to the cumulative effect and impact.

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Code	**Topic**	**EIR**	**Comments**
	Does the EIR discuss the following elements necessary to an adequate discussion of significant cumulative impacts: 1. a list of past, present, and probable future development projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the County (when determining whether to include a related development project, factors to consider should include, but are not limited to, the nature of each environmental resource being examined, the location of the project and its type? Location may be important, for example, when water quality impacts are at issue or when an impact is specialized, such as a particular air pollutant or mode of traffic);	Chapter 3	Past, present, and probable future development projects are described in Section 3.2.
	Does the EIR define the geographic scope of the area affected by the cumulative effect and impact and provide a reasonable explanation for the geographic scope utilized?	Chapter 3	The geographic scope of the area affected by potential cumulative impacts is not defined. A map of this area would be helpful to the reader.
	3. a summary of the expected environmental effects to be produced by those projects with the specific reference to additional information stating where that information is available?	Chapter 2	A summary of expected environmental effects is not presented beyond a broad statement that "the Rancho Viejo Solar Project is not expected to unduly impair important environmental values". Section 3.9 and 3.10 of the EIR reference where additional land use information is available but do not summarize expected environmental effects to be produced by those projects.
	4. a reasonable analysis of the cumulative impacts of the relevant projects? Does the draft EIR examine reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects or impacts?	Chapter 3	None of the environmental protection measures were proposed to address cumulative impacts, furthermore, no significant cumulative impacts were identified.
6.3.13.2.	Did the cumulative impact analysis use approved land use documents, including the SGMP and any applicable area, district or community plans? Was a pertinent discussion of cumulative effects and impacts, contained in one or more previously certified final EIR development projects and incorporated by reference?	Chapter 3	It is not clear if the cumulative impact analysis used approved land use documents, including the SGMP. The project area is not within any applicable area, district or community plans. The EIR does not incorporated by reference any previously certified final EIR development projects.

Table 1. Comments Specific to Biological Resources		
Section	**Text**	**Comment**
3.4.2.1 (Migratory Birds)	"As burrowing owls are known to occur within the analysis area, preconstruction nest surveys will be utilized to determine whether active burrows are present. Adult burrowing owls can avoid active construction."	A prudent approach would not rely on adult Burrowing Owls avoiding construction. Although this is likely, verification that burrows are empty may require additional effort regardless of whether construction occurs during the nesting season. Avoidable take of MBTA-protected birds would potentially be considered a violation of the MBTA. See additional comment on EPMs related to this topic.
3.4.2.1 (Migratory Birds)	"designing aboveground transmission to follow established Avian Power Line Interaction Committee (APLIC) guidelines to minimize bird collisions and avoid electrocution…Rancho Viejo will determine appropriate measures once the final design of the Project is complete."	This section may be clarified to indicate applicant commitments and the intent of APLIC documents, which should also be cited in the reference section. The 2006 APLIC document provides standards that can nearly eliminate the risk of electrocution if properly implemented into project design. The 2012 APLIC document provides guidelines to attempt to minimize bird collision, which can never be completely prevented. Rancho Viejo should commit to designing all facilities to APLIC electrocution standards (i.e., this should be implemented before final design is complete). APLIC collision guidelines should be considered at all stages of project design and operation, although this project does not appear to be sited in an area with a high collision risk.
3.4.2.1 (Bald and Golden Eagles)	"Because the analysis area lacks suitable nesting and foraging habitat for these two species in and surrounding the analysis area…"	This discussion would benefit from additional detail. Golden Eagles typically forage within approximately 5 miles of nest sites, and no suitable nesting habitat appears to be present within 5 miles of the site. However, the report documents that Gunnison's Prairie Dog, a potential prey species for Golden Eagles, are present on the site. Non-nesting Golden Eagles may forage wherever prey animals are encountered. Citizen science (eBird) reports indicate that Golden Eagles are not uncommon in the area surrounding the site. The discussion should clarify that nesting habitat Golden Eagles is absent near the site, but that opportunistic foraging or dispersal could occur. The reviewer agrees with the overall conclusion that impacts to Golden Eagles should not be anticipated from the project.
3.4.3	None.	Implementation of APLIC 2006 and 2012 guidelines should be committed to in EPMs. Note that APLIC 2006 represents clear standards which should be followed in electrical infrastructure design, while APLIC 2012 represents best practices to attempt to reduce collision, and may be implemented in a manner fitting the project' potential impacts during design and operation.

Table 1. Comments Specific to Biological Resources		
Section	**Text**	**Comment**
3.4.3	"Vegetation removal during the breeding season (March 1–August 31) could be preceded by a preconstruction nesting survey up to 2 weeks to establish the occupancy status of any potentially suitable nesting burrows detected within the analysis area. Occupied nesting burrows will be avoided until the young have fledged."	This measure appears to be discussing Burrowing Owl mitigation, but the species is not indicated. As noted in a previous comment, adult Burrowing Owls may still be at risk from ground disturbance and should be considered during preconstruction surveys. In the project region, most Burrowing Owls will migrate and may be absent in winter. While New Mexico does not have an established protocol for the species, protocols from other western states may provide clarification on approaches to surveys when considering seasonal changes in the species' presence to achieve MBTA compliance.
3.4.4	However, the area is experiencing increasing urbanization and development, including a charter school and housing developments directly adjacent to the Project area…There are no foreseeable actions near the Project area that would significantly affect biological resources. Therefore, there is minimal potential for the Proposed Action, in conjunction with other identified development in the immediate Project area, to cumulatively affect biological resources.	This statement seems potentially contradictory and would benefit from clarification. The section notes that rapid development is occurring in the area. That rapid development and the project would cause some cumulative impacts to biological resources, but the section may be improved by clarifying that those impacts are not likely to be significant. Example: "Therefore, there is minimal potential for the Proposed Action, in conjunction with other identified development in the immediate Project area, to *cause significant cumulative effects to* biological resources."
3.5	pages 3-21 to 3-25,	This report does not get into specifics on cultural resources and where on the project area they are located. They also do not sufficiently explain SHPO concurrence with findings and do not avoid all resources based on the maps in the report. They did avoid resources on the western road (with reroute surveys to address) but it looks like the northeast corner of the facility intersects sites (which were said to be avoided), this might be addressed in more specific design documents, but the current map is misleading on 1-3.