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April 23, 2014

Dr. Benjamin Tuggle
Regional Director
Southwest Region
US Fish and Wildlife Service
Box 1306
Albuquerque, NM 87103-1306

Regarding: **Draft Compatibility Determination for Roads
Sierrita Natural Gas Pipeline Project
Request for Use of Refuge Access Roads
March 31, 2014**

Dear Dr. Tuggle:

We write to you today regarding the draft Compatibility Determination (CD) released by the Buenos Aires National Wildlife Refuge (BANWR) on March 31, 2014 in regard to the request submitted by Sierrita Gas Pipeline L.L.C. (Sierrita) to use approximately 12 miles of BANWR roads to construct and maintain the proposed Sierrita Lateral Natural Gas Pipeline. This pipeline would be a 60-mile long, 36-inch diameter natural gas pipeline from Tucson, Arizona to the U.S./Mexico border at Sasabe, which they propose to construct between July – September of 2014. These dates may change depending on if and when Sierrita receives approval from the Federal Energy Regulatory Commission to proceed with the Project. As indicated in the Description of Use in the draft CD, in some places the pipeline route would travel approximately 100 feet west of the BANWR boundary. The watershed dynamics are such that there would be downstream impacts on BANWR land, as well as upstream impacts in the Brown Canyon component of BANWR.

In reviewing the draft CD, we have several concerns; chief among them is the method of road maintenance. The Altar Valley Conservation Alliance (Alliance) has held valley-wide road maintenance workshops, which BANWR staff have attended, to share Bill Zeedyk's road maintenance techniques. We have found that some of worst landscape destruction can come from roads that lie poorly on the land. Conversely, in doing restoration work, the most cost-effective way to help heal the landscape is to fix problems related to roads.

On page 7, the draft CD notes, “Passage of numerous, heavy vehicles on such roads [dirt roads] can degrade the road bed through rutting and can cause erosion and dust, and sedimentation of nearby waterbodies. Sierrita has proposed to address these concerns by laying down and compacting road base, blading, graveling and matting of a dry washes as needed.” On Page 16, in section number 10, there is also discussion of wash crossings and blading. On Page 18, in section number 5, there is discussion of road restoration, including, seeding, stabilizing restored surfaces with straw, along with other methods. In all cases, there are no mentions of establishing or maintaining drainage features on the roads, which is a key aspect of dirt road maintenance. The draft CD does mention Bill Zeedyk’s techniques on page 18, in section 7, but only requires Sierrita to utilize the technique outlined in “Water Harvesting from Low-Standard Rural Roads” (Zeedyk 2006) after the project on roads AR 15, 16, and 22. Why would those techniques not be applied to all of the Refuge’s dirt roads that Sierrita seeks to utilize? One of the greatest concerns about the Sierrita Lateral Pipeline Project as a whole is ability to complete successful restoration in this ecosystem. Would it not make sense to apply the most thorough road maintenance and restoration practices to all roads from the outset?

In addition, it is not adequate to simply reference the Zeedyk book. We recommend that BANWR require that an individual with demonstrated knowledge and experience designing and installing road maintenance structures be a required member of the contracting team that does the Refuge road restoration. Sierrita’s documents filed with FERC have demonstrated little understanding about the Altar Valley landscape, and it is necessary that someone with an understanding of how to do work with desert dirt roads be on the team. Bill Zeedyk (Zeedyk Ecological Consulting, LLC, 505-281-9066) and Steve Carson (Rangeland Hands, Inc., 505-455-0012) have done work on many roads throughout the Altar Valley and are the obvious individuals that come to mind. However, there may be others that follow the same methods.

On Page 17, section number 4 discusses compensation to the Service for the cost of rounding up and removing trespass livestock from the Refuge. What about compensation to the livestock owner? The adjacent ranchers have little say in the pipeline route and use of roads and do not have an opportunity to negotiate mitigation for their time and expense occurred should livestock travel due to the use of Refuge roads. In fact, if livestock do stray onto the Refuge it will likely be the rancher who owns those livestock who rounds them up to remove them, not BANWR staff.

The BANWR, like any other government entity at the moment, has an admitted lack of funding and staff. Many of the requirements state that “all site-specific roadway modifications would be subject to approval by Refuge staff.” How are they to do this if there is not staff time and funding available? The Refuge Manual section entitled “Denying a proposed use without determining compatibility” ((603 FW 2.10 D.(1) (f) and 2.11 A.(2)) states that lack of staff or funding to monitor a use is reason to deny a proposed use. The draft CD depends on a third party to monitor the stipulations for road use and restoration. We request that if there is to be a third party involved in this process, that it be chosen by the BANWR, not the permittee. We would hope that BANWR would consult with other watershed partners, such as the Arizona Game and Fish Department (AGFD), the Arizona State Land Department (ASLD), the Natural Resource Conservation Service (NRCS), Pima County and the Alliance about an appropriate third party to do this work.

In general, the Alliance has recommended to FERC and other agencies with a regulatory role, such as ASLD and Pima County, that it is very important that there be a guaranteed source of funding to fix problems, either through a mitigation fund or a construction bond. Furthermore, it is essential that a solid detection approach be implemented (namely via careful monitoring) to enable early exposure of problems. We have suggested that a monitoring oversight committee be created to represent various entities and ensure that restoration standards are upheld. We suggest that the United States Fish and Wildlife Service (USFWS) consider similar measures for any permits granted. We are also concerned about methods to detect erosion impacts, and have recommended that photography could be taken during Sierrita's monthly overflights and that this photography could be made available to the monitoring team.

To summarize, we hope that if Refuge officials determine the use of Refuge roads by Sierrita to be compatible with its mission that the following will be taken into consideration:

- 1) The employment of an individual(s) with Zeedyk road restoration credentials to restore the Refuge roads.
- 2) Aid for adjacent landowners and managers who are impacted by the Refuge's decision to allow the use of the roads; for example, monetary compensation for ranchers who deal with trespass cattle.
- 3) The creation of a monitoring team to assess the success of restoration.
- 4) Support for other partners' efforts to have funding available for mitigation and monitoring.

Finally, we would like to situate the BANWR and this pipeline in a broader watershed context. The Altar Valley Conservation Alliance is a collaborative conservation organization of ranchers and other agriculturalists living and working in the Altar Valley with the same vision: conserving the Altar Valley for future generations. The Alliance has enabled the watershed to evolve into a dynamic working landscape and laboratory. With the Alliance's influence, relationships that either did not exist or were tenuous at best are now respectful and mutually beneficial. After many years of hard work, relations between ranchers and the Buenos Aires National Wildlife Refuge (BANWR) have improved greatly; however there is no doubt that the intrusion of the proposed Sierrita Lateral Pipeline has been a strain. We feel that all of us working in the Altar Valley, meaning both ranchers and BANWR staff, have acted as respectful professionals in this matter. Throughout this project, we have refrained from publicly criticizing our Altar Valley colleagues at the BANWR; but at this juncture, we must speak up.

We feel that the USFWS stance on this project has been woefully disrespectful of overall watershed health and your neighbors and partners in Altar Valley conservation; and that the Service's actions will result in significant damage to the BANWR, which you have sought to protect. In the section entitled "Fish, Wildlife, Plants, and Their Habitats", the draft CD discusses the "330 bird species, 53 species of reptiles and amphibians, 58 mammal species and well as 787 species of plants that are found on the Refuge." It goes on to laud the value of the Refuge as a "conservation reserve", without any mention of the broader context of the location of the Refuge.

The Refuge sits within the Altar Valley as a whole, which is the largest undeveloped watershed in Pima County, outside of the Tohono O'odham Nation. The Alliance works to

consider the Altar Valley on a watershed scale and to manage in ways that plan for the health of the valley as a whole, rather than simply considering one small piece of the valley. While the Refuge has succeeded in barring the Sierrita Lateral Pipeline from crossing the BANWR adjacent to the highway corridor in already disturbed land, it did so with great impact to the rest of the Altar Valley watershed. For the Refuge system policies to now enable the declaration that the use of Refuge roads is compatible, and even beneficial, to the BANWR mission leaves us wondering where common sense has gone. It is time for the USFWS to step up to the plate and act like a true Altar Valley partner by doing whatever you can do to minimize the inevitable damage of this project on lands beyond your boundaries.

Sincerely,



Patricia King
President,
Altar Valley Conservation Alliance



Mary Miller
Vice-President – Programs,
Altar Valley Conservation Alliance

CC: Sally Flatland, Manager, Buenos Aires National Wildlife Refuge
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Chuck Huckelberry, Pima County Administrator
Pima County Board of Supervisors
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Carolyn Campbell, Coalition for Sonoran Desert Protection
Cindy Copping, Pima Natural Resource Conservation District
Governor Jan Brewer
U.S. Congressman Raúl M. Grijalva
U.S. Congressman Ron Barber
U.S. Senator John McCain
U.S. Senator Jeff Flake
Arizona State Land Department, Right of Way Application No. 14-116689
Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission