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Organization:

Title:

Comments: Dear Regional Forester Martin:

Please consider this as is our objection to the above-referenced project in the Village of Oak Creek (VOC) and on the Coconino National Forest.

We object based on new issues and new information not available during the previous comment period, which ended January 14, 2022.

Our objections are as follows:

The risks to residents' homes, properties, and lives have greatly increased due to the recent passage by the Legislature of Arizona House Bill 2201. This bill would essentially shield APS from any liability for fire damage to homes and property, if they have a wildfire mitigation plan in place (laughably, said plan would be self-approved, self-implemented, and self-verified). This bill passed the House on February 25. It would set the legal test for APS' fire liability at "clear and convincing evidence" and ban class actions. As a result, risk-averse insurance companies, which are already raising rates and non-renewing local owners' policies, are expected to discontinue insurance coverage altogether for homes near high voltage lines, such as this one. This is likely to include every home in the Village of Oak Creek. This further results in this unconscionable outcome:

- Homeowners cannot get fire insurance.
- APS lines cause a fire and homes are totally destroyed.
- APS disclaims liability and the Courts refuse to hold APS accountable because they "had a fire mitigation plan".
- Homeowners' lives are destroyed because they have no insurance and no money to rebuild.

The Trump administration continues to drastically cut personnel at the US Forest Service and other federal agencies that also offer wildfire support. This trend is expected to continue. Reductions to personnel means government firefighting capabilities will be eliminated, weakened, delayed, or reduced. It is fair to say that given the current administration's laser focus on cutting federal programs, staffing, supplies, and budgets, fire suppression will not be something we can count on. This means that to offset these inadequacies, fire prevention must be increased and emphasized (that is, complete undergrounding of lines must be done).

The Cachet at Las Piedras and Las Piedras HOAs have stated to the owners that they will not cooperate with APS to install new above ground lines on our common areas. APS needs additional easements from these HOAs, and those easements will not be freely given. The APS lines unacceptably impact the HOAs' common areas and impose an excessive, inadequately mitigated, and unreasonable risk to our residents and their homes.

The Final Environmental Assessment lacks an adequate range of alternatives, which violates the National Environmental Policy Act (NEPA). For example, an underground power line routed alongside Highway 179 between Beaverhead Flat Road and the VOC is feasible and would eliminate wildfire risk and protect scenery. But the Forest Service excluded this route from consideration and did not develop it as an alternative. Any reasonable person can see -- this is an obvious alternative -- so why wasn't it assessed?

Crucial information was not disclosed to the public during the comment period. For example, the Draft Decision Notice claims that wildfire risk created by the above ground line near the VOC would be mitigated based on an APS "Comprehensive Fire Mitigation Plan." That plan was not available to the public until March 2022, which was after the comment period closed. So the public didn't have a chance to assess whether the APS plan - written by

the company that would build the powerline - provides adequate, appropriate, or a guarantee of ongoing mitigation measures to reduce wildfire risk.

The Forest Service failed to consider information critical to making an informed decision, such as its own rating that the VOC and Sedona are at "very high risk" of wildfire. Have we learned nothing from the recent California wildfires? Strong jet stream-driven winds are common in this area. Gusts of 60 MPH occur here every year. Our vegetative cover is also comparable to that of California (dense chaparral groundcover with numerous medium sized trees, especially in and near wash areas). Any fire start caused by a downed power line will quickly involve the homes that adjoin these areas.

The only acceptable solutions, to provide the desired power service, are to underground all lines, or to provide all owners with an ironclad "separately funded" APS guarantee to rebuild our homes without us having to resort to legal action (such a guarantee would need to be backed up by an adequate financial instrument -- something that remains in effect and available to affected owners, even if APS doesn't want to pay, or declares bankruptcy).

This is not a NIMBY situation. Most of us are willing to work with APS to improve power distribution in the area. We understand that eggs are broken to make an omelet. View impacts aren't desirable, but in this case we aren't being "petty" about views. We are talking about life-destroying outcomes that can readily be avoided if APS implements a proper plan.

VOC residents are being asked to accept a heavy burden, with minimal benefits to us. It is the imbalance and unfairness of the proposal that causes our righteous outrage.

VOC residents should not bear the entire, extreme burden and risk of an above ground power line, which is calculated to improve service for residents outside our area (ie, McGuireville).

This also easily jeopardizes West Sedona as well. There is no justification in this day and age to install powerlines above ground given what we know and the climate change in progress and extreme weather events we know are coming and worsening. Putting powerlines below ground is a widely acknowledged and recommended best practice and mitigation.

APS can and must do more to safeguard our lives and homes.