# APPENDIX K6
# NONGOVERNMENTAL ORGANIZATIONS

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## COMMENT(S)

## RESPONSE(S)

### N1 Columbia-Snake River Irrigators Association – March 6, 2015

**comment@boardmantohemingway.com**

**From:** James Buchal <jbuchal@mbllp.com>
**Sent:** Thursday, March 05, 2015 6:24 PM
**To:** comment@boardmantohemingway.com
**Subject:** B2H Comments
**Attachments:** CSRIA-B2H DEIS-3-5-2015 (final).pdf

Please lodge these attached comments on the DEIS.

James L. Buchal
Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, OR 97214

Phone: 503-227-1011
Fax: 503-573-1939

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## COMMENT(S)

## N1 Columbia-Snake River Irrigators Assoc. – March 6, 2015 (cont.)

Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, Oregon 97214

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e-mail: jbuchal@mbllp.com

**MEMORANDUM**

To: Tamara Gertsch, BLM National Project Manager
Boardman to Hemingway Transmission Line Project
DEIS Comments

From: James L. Buchal

Date: March 5, 2015

Re: NEPA Compliance and the Longhorn Alternative, B2H Draft Environmental Impact Statement (EIS)—Need for Further Alternative Analysis Review

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I am writing to you on behalf of the Columbia-Snake River Irrigators Association (CSRIA), whose members include irrigated farm operations in Eastern Washington and Oregon. The CSRIA is currently engaged in reviewing the legal and economic features of the Draft Environmental Impact Statement (DEIS) for the Boardman to Hemingway (B2H) Transmission Line Project. In doing so, we have identified a specific legal issue that should be brought now to your attention, rather than wait for the completion of our comment review.

N1a The B2H DEIS is not compliant with the National Environmental Policy Act of 1969 (NEPA) with respect to its consideration of alternatives. While the DEIS provides a "proposed action" extending to the existing Grassland Substation west of the Naval Weapons System Training Facility, BPA may or may not determine to construct a Longhorn Substation in Boardman. The DEIS thus includes two potential alternative routes for the transmission line to terminate at that new Substation: the Longhorn Alternative and the Longhorn Variation. Another alternative, consisting of extending the line west of Horn Butte to BPA's C.J. Slatt Substation and Relay House Facility, was discussed during initial review of the Carty Generating Station, as this line would allow for additional capacity for multiple projects or Station additions. This Slatt Alternative merits formal review within the DEIS, and may well be the preferred alternative for the final EIS.

The failure to consider the Slatt alternative is not adequately explained in the existing DEIS, and it has the potential to permit Idaho Power Company to reach the main BPA transmission line while mitigating substantially adverse impacts to irrigated agriculture. With respect to the Longhorn Alternative to reach the main BPA line, BLM added this completely new route late in the process after scoping and initial public commenting processes were complete. Here NEPA will require BLM to consider

## RESPONSE(S) - CONTINUED

N1a Regarding consideration of the Slatt Substation, in a letter dated July 23, 2015, the Bonneville Power Administration, the sole owner of the Slatt Substation, informed the BLM that the Slatt Substation has no open 500-kV bays and there are "severe physical constraints" to expanding the substation to accommodate the B2H Project. Also, because the Slatt Substation is wholly owned by the BPA, the BPA's policy and rate schedules would require that BPA charge the Applicant and PacifiCorp for use of the substation (which would be passed onto the rate payers. In addition, a thorough study would have to be completed to determine whether the Slatt Substation could meet the B2H Project's objectives. Because the Slatt Substation is seriously constrained and technically infeasible, and does not meet the interests and objectives of the B2H Project and its partners, consideration of the Slatt Substation and an alternative route to the substation was eliminated from detailed analysis in the Final EIS (Final EIS Section 2.5.4).

## COMMENT(S)

## RESPONSE(S) - CONTINUED

### N1 Columbia-Snake River Irrigators Assoc. – March 6, 2015 (cont.)

N1a alternative methods of reaching the Longhorn Substation that would result in less impact on irrigated agriculture. Interested parties are submitting separate comments on the DEIS demonstrating in detail that a "West of Bombing Range Road" alternative would improve the Longhorn Variation. This is consistent with BLM's statement in the cover letter transmitting the DEIS inviting commenters to "identify a new proposed alternative route". (*Id.* at 2.) NEPA will require BLM to respond to such commentary, particularly in light of pre-existing concerns over impacts to irrigated agriculture, by either modifying the Longhorn Variation to move it west of Bombing Range Road, or considering a separate West of Bombing Range Road alternative in the final EIS.

**Legal Context**

The discussion of alternatives to the proposed action is "the heart" of the NEPA process and is intended to provide a "clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14. *See also* 42 U.S.C. § 4332(C)(iii), (E). NEPA regulations and Ninth Circuit precedent require an agency to "[r]igorously explore and objectively evaluate all reasonable alternatives." Id. § 1502.14(a). Indeed, the courts have consistently held that a failure to consider an available and reasonable alternative is fatal to an agency's NEPA analysis. *See, e.g., Friends of Southeast's Future v. Morrison*, 153 F.3d 1059, 1065 (9th Cir. 1998) ("The existence of reasonable but unexamined alternatives renders an EIS inadequate."). This rule is commonly applied in planning system routes. *See, e.g., I-291 Why? Ass'n v. Burns*, 372 F. Supp. 223 (D. Conn. 1974) (failure to consider alternative highway routes), *aff'd,* 517 F.2d 1077 (2d Cir. 1975) (affirming grant of preliminary injunction).

N1b There is a suggestion in the scoping report that many comments "focused on project effects and concerns outside the purview of BLM's and USFS's resource management responsibilities, including concerns about impacts to private lands and resources". (Scoping Report at 91.) However, all the alternatives, including a West of Bombing Range Road alternative, implicate federal decisionmaking, and "socioeconomics and environmental justice" effects, including effects on agriculture, are analyzed in the DEIS. (*See, e.g.,* DEIS at 3-943 to 3-944 ("effects on the agricultural economy . . . are expected to be low"); *see also id.* § 3.2.6.6 (general discussion).)

We note that the cover letter transmitting the DEIS advises that "[r]oute locations are approximate and could vary by more than half a mile". (Cover Letter, Dec. 5, 2014, at 1.) Unless BLM pinpoints the final location of alternatives with greater detail in the final EIS, NEPA compliance is likely to be regarded as inadequate, and further site-specific NEPA analysis may also be required. *Cf., e.g., Western Watersheds Project v. Abbey*, 719 F.3d 1035, 1049 (9th Cir. 2013) (even if programmatic "EIS contains sufficient analysis for informed decision-making at the programmatic level" that analysis "does not reduce or minimize BLM's critical duty to 'fully evaluate[ ]' site-specific impacts"); *see also* id. at 1050.

N1b Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

## RESPONSE(S) - CONTINUED

**N1 Columbia-Snake River Irrigators Assoc. – March 6, 2015 (cont.)**

**Factual Background**

The question of Project routes produced comment in the scoping phase as well as during a Community Advisory Process (CAP) conducted by Idaho Power Company (IPC). The Slatt Alternative was discussed during the EIS process but not documented in the DEIS. However, the Longhorn issue did not emerge until late in the process when IPC's Revised Plan of Development (November 2011) added a single Longhorn Alternative to be considered in the event that BPA proceeded with the Longhorn Substation. (Rev'd POD at 3-24 to 3-25.)

The DEIS then added a single alternative to the Longhorn Alternative, the Longhorn Variation, a route that runs along the east side of Bombing Range Road, and for the most part runs parallel to an existing 128-kv transmission line (about 125 feet away). The DEIS reports that it "was developed to address concerns raised by the Navy with the Longhorn 27 Alternative about encroachment on military airspace, to minimize effects on irrigated agriculture in the 28 area, and to align with an existing transmission corridor." (DEIS at 2-54.)

However, the DEIS reports that the Variation only reduced impacts on private land from 485.7 acres to 450.3 acres (DEIS at 3-449), and impact on agricultural land from 262.2 to 249.7 acres (*id.* at 3-451). Indeed, "Total Prime Farmland Construction Acres rises from 173.7 in the Alternative to 263.1 in the Variation. (*Id.* at 3-455 (showing greater impacts).) An EIS with "no meaningful difference between the [] alternatives considered in detail" is insufficient; an agency cannot "make an informed decision on a project's environmental impacts when each alternative considered would authorize the same underlying action." *W. Watersheds Project v. Abbey*, 719 F.3d 1035, 1051 (9th Cir. 2013). While the Longhorn Alternative and Longhorn Variation are different, neither mitigates adverse effect on irrigated agriculture in a way sufficient to provide an informed decision.

N1c Within the context of the Longhorn Route, a West of Bombing Range Road alternative, with significantly reduced impacts on irrigated agriculture, is the obvious way to provide a more meaningful alternative. While the Naval Weapons System Training Facility has specifically objected to any proposal which would "significantly increase the width or permitted height in the existing power line easement along the eastern boundary" of the Facilities (Scoping Appendix E, at 286),[1] the DEIS already proposes shorter towers with shorter intervals between towers would be used for those portions of the route adjacent to the Naval Weapons System Training Facility (*id.* at 2-55). The West of Bombing Range route should not be associated with any significant additional incremental impacts on the Facility.

**Conclusion/Requests**

Given the above, the CSRIA is making three requests from the BLM EIS managers.

N1d [1] The DEIS makes reference to a more detailed letter from the commanding officer dated April 23, 2013 offering "a hierarchy of preferences based on minimizing adverse operational impacts". (DEIS at 3-411.) This letter does not appear to be available on the project website, and we hereby request a copy of it.

N1c Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N1d The letter referenced is part of the B2H Project record.

## COMMENT(S)

**N1** **Columbia-Snake River Irrigators Assoc. – March 6, 2015 (cont.)**

N1e

First, we are requesting that BLM provide written notice to us, and interested parties, that the agency will be adding the new Slatt and West of Bombing Range Road alternatives as soon as possible, and in any event before issuance of the Final EIS.

Second, in light of the additional NEPA compliance analysis required for the revised alternative review, we request an extension to the comment period.

And third, CSRIA technical representatives and I would like to meet with you to better discuss and clarify our above concerns. We are prepared to do so at your convenience, at your office.

Copy to: Mr. Michael Schoessler
Regional Solicitor, Pacific Northwest Region
U.S. Department of the Interior
805 SW Broadway #600
Portland, Oregon 97205-3346

## RESPONSE(S) - CONTINUED

N1e

Regarding consideration of the Slatt Substation, in a letter dated July 23, 2015, the Bonneville Power Administration, the sole owner of the Slatt Substation, informed the BLM that the Slatt Substation has no open 500-kV bays and there are “severe physical constraints” to expanding the substation to accommodate the B2H Project. Also, because the Slatt Substation is wholly owned by the BPA, the BPA’s policy and rate schedules would require that BPA charge the Applicant and PacifiCorp for use of the substation (which would be passed onto the rate payers. In addition, a thorough study would have to be completed to determine whether the Slatt Substation could meet the B2H Project’s objectives. Because the Slatt Substation is seriously constrained and technically infeasible, and does not meet the interests and objectives of the B2H Project and its partners, consideration of the Slatt Substation and an alternative route to the substation (Final EIS Section 2.5.4).

The minimum comment period is 60 days; an additional 30 days was provided. Also, Draft EIS public meetings were held. Please refer to Section 4.3 for a discussion of the public participation process.

## COMMENT(S)

## RESPONSE(S)

### N2 Columbia-Snake River Irrigators Association – March 17, 2015

**comment@boardmantohemingway.com**

**From:** dolsenecon@aol.com
**Sent:** Tuesday, March 17, 2015 11:16 AM
**To:** tgertsch@blm.gov; tadams@idahopower.com; comment@boardmantohemingway.com
**Subject:** CSRIA Comments on B2H Draft EIS
**Attachments:** CSRIA-B2H-DEIS-3-17-2015-Final Comments.pdf

Ms. Gertsch, Mr. Adams:

Please see attached CSRIA comments on the B2H Draft EIS.

My thanks,

Darryll Olsen, Ph.D.
Board Representative
Columbia-Snake River Irrigators Association
509-783-1623

Darryll Olsen, Ph.D.
509-783-1623 office

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**COMMENT(S)** | **RESPONSE(S)**

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**



## *Columbia-Snake River Irrigators Association Technical Memorandum*

DATE: March 17, 2015

TO: Ms. Tamara Gertsch. BLM, National Project Manager
Boardman to Hemingway (B2H) Transmission Line Project
Draft Environmental Impact Statement (DEIS)

cc: U.S. Senator Ron Wyden, Oregon, Portland, OR Office
Hon. Kate Brown, Governor, State of Oregon, Salem, OR
Mr. Darrel Andersen, President, Idaho Power Company, Boise, ID
Ms. Lisa Grow, Senior Vice President, Power Supply, Idaho Power Company, Boise, ID

FROM: Darryll Olsen, Ph.D., CSRIA Board Representative[1]

SUBJECT: Comments and Key Issues of Concern on B2H DEIS:
Alternatives Review and Irrigated Agriculture Impacts

Several CSRIA's members would be affected by the proposed Longhorn Variation transmission line route now subject to environmental review by the U.S. Bureau of Land Management (B2H DEIS). So being, our comments and concerns outlined below relate to: 1) an adequate technical (and legal) review of all reasonable alternatives, as required by NEPA and the CEQ Regulations; and 2) that the existing DEIS information on the Longhorn Variation route is inadequate and underestimates the economic impacts to irrigated agriculture and region.

NEPA Compliance and the EIS Alternatives:

The National Environmental Policy Act of 1969[2] makes clear that federal agencies shall: "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." In more plain terms, all reasonable alternatives should receive appropriate review under NEPA compliance documents, such as an environmental impact statement.

***3030 W. Clearwater, Suite 205-A, Kennewick, WA 99336***
***509-783-1623, FAX 509-735-3140, E-Mail DolsenEcon@AOL.com***

[1] Darryll Olsen, Ph.D., serves as Board Representative/Resource Economist for the Columbia-Snake River Irrigators Association. He has 28 years of experience preparing and reviewing NEPA/SEPA documents and environmental impact statements, and preparing resource economics and impact studies. He is an adjunct professor at WSU teaching graduate level course in the Environmental Science and Regional Planning Program.

[2] NEPA, 1969, 42 U.S.C. secs. 4321-4347.

## COMMENT(S)

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

2

Proscribed in more detail, the U.S. Council of Environmental Quality (CEQ) Regulations[3] for implementing NEPA require that alternatives, including the proposed action, must "rigorously explore and objectively evaluate all reasonable alternatives," and if not evaluate, a substantive justification for not doing so must be explicitly identified. Again, in direct terms, reasonable alternatives must be evaluated in a NEPA EIS.

N2a

First, CSRIA is concerned that a previously considered route along the western side of Bombing Range Road (see attached maps and aerial photo), per the Longhorn Variation, was not specifically evaluated as a formal DEIS alternative--even though this route was identified during scoping meetings and referenced by U.S. Sen. Ron Wyden and the Office of the Governor, Oregon (see attachments).

The DEIS pronounces that the "environmentally preferred alternative is the alternative that results in the lowest impact on the natural, human, and cultural environment and best protects, preserves, and enhances historic, cultural, and natural resources."[4] However, lacking a direct comparison to the West-Side Bombing Range alternative—with virtually no information presented in the EIS[5]--it is impossible to discern how the EIS lead agency could have reached the conclusion that the Longhorn Variation met the preferred alternative criteria. This determination is unsubstantiated; and it does not meet conventional standards for NEPA review.

The NEPA compliance issue is exacerbated, when the DEIS impact information for the Longhorn Variation is scrutinized, as the technical details likely underestimate the physical and economic impacts incurred by irrigated agriculture. This point is evaluated in more detail below.

N2b

So, as the lead NEPA agency for EIS preparation, the BLM is advised to take corrective action and to evaluate directly the West-Side Bombing Range Route within the Final EIS; and acknowledging the need to do so, as soon as possible, would vacate any doubts surrounding full NEPA compliance.[6] Also, clarifying that this route will be included as a formal alternative in the Final EIS best serves the development objectives of the Idaho Power Company, the project sponsor.

N2c

Second, even as we draft these comments, CSRIA is aware that other, future power projects and transmission route configurations are being discussed in the region. For example, a modified version of the southerly Horn Butte alternative could serve a different set of power projects than those identified within the DEIS. This suggests to us

[3] CEQ, Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500-1508, 2005.

[4] B2H DEIS, page S-26.

[5] The DEIS makes limited reference to a letter of concern by the Navy but does not offer any technical, or substantive, information regarding the West-side alternative, or convey why there is any grounds for non-inclusion within the DEIS (DEIS, page 3-411). To what extent would moving the proposed transmission route 500 ft. have any measurable impact on NWSTFB operations, and how is this alternative less intrusive than disrupting several millions-of-dollars of irrigated agriculture products?

[6] The CSRIA brings to your greater attention the letter of CSRIA legal counsel James Buchal, dated March 5, 2015, requesting that the BLM provide written notice of intent to include formally the West-side Bombing Range Road route, within the Final EIS.

*CSRIA-3-17-2015*

## RESPONSE(S)

N2a

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

The discussion of the environmentally preferable alternative and rationale is expanded in the Final EIS.

N2b

Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N2c

Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

## COMMENT(S)

## RESPONSE(S)

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

3

N2c

that assigning the Longhorn Variation route under the EIS preferred alternative may be premature. We recognize the difficulty of establishing "reasonable alternatives" during the EIS scoping process, but it would appear that the release of the DEIS has brought more intense thinking into play regarding long-term power-transmission route planning. After appropriate review of the draft EIS comments, this may require the lead agency to issue a modified draft EIS before moving to the final EIS stage.

Irrigated Agriculture Impacts:

The estimated irrigated acres negatively affected, or disturbed, by the proposed Longhorn Variation transmission line route appear to be incorrect (see attached maps)—this relates to the East-Side Bombing Range Road route. The impact numbers and methodology inadequately take into account the total impacts to center pivot irrigation operations, and the information characterizing the impact values is somewhat difficult to interpret, relative to total impacts. The impact definition and estimated permanent disturbance, along with the impact table values, are not necessarily easy for the reader to reconcile (DEIS sections/table on agricultural land-use impacts).

For the specific route area in question, the DEIS provides estimates of approximately 350 to 150 acres for construction and operations disturbance. CSRIA estimates are considerably higher.

In particular, our experience with BPA right-of-ways on irrigated lands north of Boardman, in the Horse Heaven Hills, suggests that land under pivot operations is sometimes curtailed—this may be a factor related to changing policies over time(?). When this occurs, "Pac-Man-like" pivot configurations result, with significant loss of irrigated acres. Relative to the East-Side Bombing Range Road route, this would remove about one-third of each pivot ground, also taking into account access roads. There are some infrastructure impacts as well.

Consequently, given current DEIS information, CSRIA views the potential impact range to be about 350-1,050 acres, for center pivot and tree ground, for both construction and permanent impacts.

N2d

The DEIS does not identify the economic costs to irrigated agriculture for ground losses, or potential impacts to the regional-state economies. The appropriate measures here would be national economic development (NED) values and household income impacts, regional economic development impacts (RED). The NED values are equivalent to market values or alternative (replacement) costs.[7] For the center pivot ground, the recent three-year average for market clearing price is about $7,500-9,000/acre, for limited sales.[8] Today's market values would be closer to $10,000/acre. This capital value can be

[7] The NED values are standard values used in federal water resources planning under the U.S. Principles and Guidelines for Water Resources Planning. Household income is arguable the most well understood value for measuring regional economic wellbeing (Regional Economic Development accounts).

[8] This would be for comparable irrigated ground, served by a Columbia-Snake River water right and pump station. The CSRIA works with several land/water right transactions, and also regularly collaborates with the agricultural lender and real estate sales community.

CSRIA-3-17-2015

N2d

The economic analysis in Section 3.2.17 includes data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

## COMMENT(S)

## RESPONSE(S)

**N2 Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

4

N2d

calculated as well based on rent or net income return values, the annualized equivalent of capital values.[9] For tree ground, the minimum value would be equal to the center pivot ground; but infrastructure costs associated with direct replacement value would make the tree ground much higher.

Consequently, the land value impacts at risk range from about $3.1 million to $9.5 million—the potential capital value loss to the private sector irrigators.

In terms of regional economic development impact, the household income value created by the irrigated agriculture industry applies—direct income from the agricultural production, agricultural services, and food processing sectors, and the secondary income impacts affecting the associated service sectors. CSRIA estimates this total household income value at about $3,250-3,400/acre, for the current crop types grown on this ground.[10] For the impact acres under the Longhorn Variation, the total annual household income loss would be about $1.2-3.6 million, with a net present value of about $12.5 to $17.4 million.

To restate from an economic impact perspective, the minimal capital value range would be about $3.1 to $9.5 million; and the regional present value income loss would be about $12.5 to $17.4 million.

N2e

Irrigated Agriculture Costs, Risk, and Uncertainty:

The uncertainty surrounding the DEIS information on irrigated land impacts is the lack of clarity regarding future development operations and mitigation measures. As displayed above, the total land impacts from the transmission line route are highly variable depending on the terms of operation. If the transmission line builder/operator provides flexible operating conditions for irrigated agriculture, then some of the higher cost impacts may be avoided. But some infrastructure cost would be unavoidable, and the irrigators would need to be equitably compensated. This would require detailed, farm-by-farm evaluations.

But in the absence of any well-defined mitigation options, the upper value impacts to irrigated agriculture would occur. This circumstance adds further need for an objective review of other alternatives--like the West-Side Bombing Range Road route-—in the final EIS.

The West-Side Bombing Range Road route does not disturb or impair local irrigated agriculture, and there is no technical analysis in the DEIS that would verify any empirically measurable impact to the Naval Weapon Systems Testing facility, given the route's potential location along the facility's far parameter.

[9] This annualized value would be about $700-800/acre.

[10] See RED value impacts estimated in Olsen, D., 2013, The Economic Importance of Western Irrigated Agriculture: Impacts, Water Values, and Strategic Policy Questions, Prepared for the Family Farm Alliance by Pacific NW Project, Kennewick, WA, August 2013; revised March 2015; CSRIA, Odessa Subarea Engineering and Economics Review, 2012 (CSRIA.org); Entrix, 2010, Economic Contributions of Agriculture Irrigated by the Columbia Basin Project, Entrix, Vancouver, WA.

*CSRIA-3-17-2015*

N2e

Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment.

Right-of-way negotiations are a private settlement between the Applicant and each individual landowner. Adverse impacts to individual property owners will be carefully considered by the Applicant during micro-siting. The Applicant will negotiate with the owners of real property interests to ensure that, if any private property interests are impaired by the final location, they are appropriately compensated.

## COMMENT(S)

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

5

N2f

Preferred Alternative Tied to a Modified Horn Butte Route:

If an objective is to reduce or eliminate impacts to either irrigated agriculture or the Naval Weapons Systems Testing facility, the proposed, southerly Horn Butte route would be a better preferred alternative, modified to add a Horn Butte to Slatt Substation addition. The DEIS also notes that this alternative would offer some flexibility for the siting of future power generation units as well. The added Slatt configuration would entail a modification to the existing DEIS alternative for review in the Final EIS.

We note that the Oregon Energy Facility Siting Council has issued a final order relative to an additional Carty Generating Station to Slatt Substation 500-kV transmission line.[11] This preceding review may yield additional information that should be given greater consideration in the Final EIS, taking into account both environmental impacts and future power generation siting needs.

Attachments

[11] Energy Facility Siting Council, State of Oregon, 2012. Final Order in the Matter of the Application for a site Certificate for the Carty Generating Station, OEFSC, Salem, Oregon, June 29, 2012.

CSRIA-3-17-2015

## RESPONSE(S)

N2f

Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

**ATTACHMENT**

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

Site Location Maps

CSRIA-3-17-2015

## ATTACHMENT

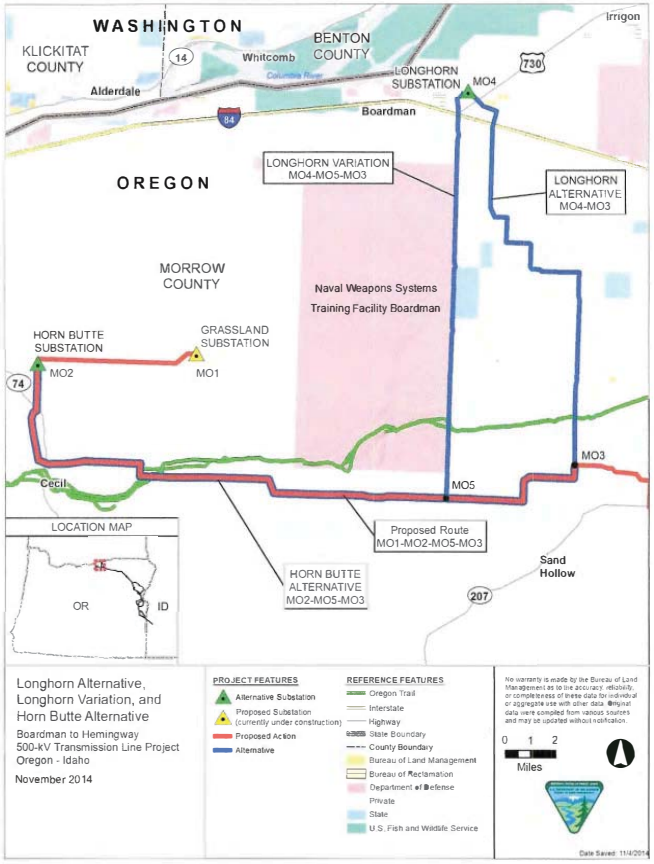
**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

West-Side Bombing Range Road Alternative and Irrigated Land East of Road

## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

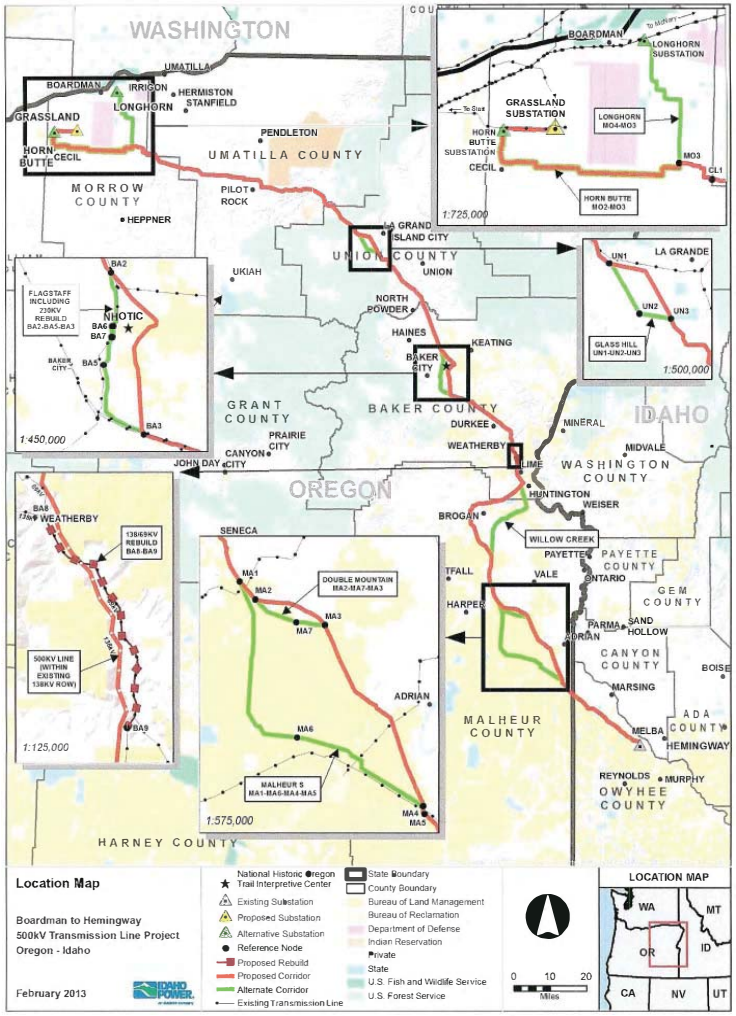





**Longhorn Alternative, Longhorn Variation, and Horn Butte Alternative**

## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**



**ATTACHMENT**

| N2 | Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.) |
|---|---|

Letters from:
Office of the Governor, Oregon
U. S. Sen. Ron Wyden

CSRIA-3-17-2015

## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

RON WYDEN
OREGON

CHAIRMAN OF COMMITTEE ON FINANCE

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WASHINGTON, DC 20510
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COMMITTEES:
COMMITTEE ON FINANCE
COMMITTEE ON BUDGET
COMMITTEE ON ENERGY & NATURAL RESOURCES
SELECT COMMITTEE ON INTELLIGENCE
JOINT COMMITTEE ON TAXATION

October 16, 2014

Sally Jewell, Secretary
U.S. Department of Interior
1849 C Street, NW
Washington DC, 20240

Dear Honorable Secretary Jewell:

I am writing on behalf of my constituents who have expressed great concern about the proposed siting and development of several new high-voltage transmission lines, related substations and other facilities, through Oregon's Morrow and Umatilla Counties. They are concerned that the Department is moving forward with a project without regard to potential impact on some of Oregon's most productive agricultural operations and farmland, and negative impacts to the City of Boardman.

I understand the Bureau of Land Management (BLM) is planning to soon release a Draft Environmental Impact Statement (DEIS) on the Boardman to Hemingway Transmission Line Project. Local farmers and ranchers, the two counties, and other regional stakeholders have encouraged BLM to include in the DEIS a safer, potentially less expensive, alternative known as the "West of the Bombing Range" route. While this route is supported by many of my constituents, it is unclear as to whether the BLM intends to include this route as an additional alternative.

The community's understanding of the current alternatives have raised concerns about potential social and economic risks to these communities. As an example, farmers that live near the proposed "Longhorn Substation" indicate that the Substation would be built on some of Eastern Oregon's highest value agricultural acreage. If the substation becomes a 'hub' for other energy development to connect to the grid, the high voltage transmission lines and infrastructure building could eliminate some of Oregon's valuable irrigated farm land. Land would have to be removed from production, and aerial seeding applications would become difficult and more expensive.

Community leaders from Umatilla and Morrow counties have been meeting regularly to consider the options and to develop solutions that support agriculture and renewable energy near the historic Boardman Bombing Range. The community has asked, and I support, that the BLM allow full consideration and study of routes that meet these community needs.



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## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

I ask that you ensure that the proposal of the area West of the Bombing Range be fully considered in the DEIS and that you consider the needs of the community as you move forward with your final decision. Please do not hesitate to contact me if you have questions about this project.

Sincerely,

Ron Wyden

Ron Wyden,
United States Senator

Page 2 of 2

## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

JOHN A. KITZHABER, MD
GOVERNOR

November 19, 2014

The Honorable Sally Jewell
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington DC, 20240

Dear Secretary Jewell:

Oregon has a well-deserved reputation for collaboration, inclusiveness, and innovation when it comes to natural resources. This is especially so in Eastern Oregon, where farmers, ranchers, and conservation interests regularly find solutions beneficial to both Oregon's economy and environment. It is with this sentiment in mind that I write to express my concern with the proposed siting of a new high-voltage line, the Boardman to Hemingway Transmission Line (B2H), proposed by Idaho Power.

I understand the Bureau of Land Management (BLM) plans to release a Draft Environmental Impact Statement (DEIS) on the B2H Project in the near future. In the Boardman area, farmers and ranchers, the counties, and other stakeholders have encouraged BLM to include in the DEIS an alternative known as the "West of the Bombing Range" route. BLM, however, has indicated it is not their intent to evaluate this route as a separate alternative.

I am writing to strongly encourage the BLM to separately analyze the West of the Bombing Range route. None of BLM's current alternatives would avoid significant impacts to irrigated farm lands in this area. The proposed terminus ("Longhorn Substation") would be sited in the midst of high value agricultural operations. We know from experience that energy facilities sited on irrigated lands create numerous cumulative long-term impacts on agricultural operations.

I strongly urge BLM to include the West of Bombing Range alternative in the DEIS so that it and the other alternatives are fully evaluated in compliance with federal law.

Sincerely,

Richard M. Whitman
Natural Resource Policy Director
Office of Governor John A. Kitzhaber

cc: Neil Kornze, BLM
Jerry Perez, BLM

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## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

Letter from:
Mr. James Buchal, CSRIA Legal Counsel

CSRIA-3-17-2015

## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

Murphy & Buchal LLP
3425 SE Yamhill Street, Suite 100
Portland, Oregon 97214

telephone: (503) 227-1011
fax: (503) 573-1939
e-mail: jbuchal@mbllp.com

**MEMORANDUM**

To: Tamara Gertsch, BLM National Project Manager
Boardman to Hemingway Transmission Line Project
DEIS Comments

From: James L. Buchal

Date: March 5, 2015

Re: NEPA Compliance and the Longhorn Alternative, B2H Draft Environmental Impact Statement (EIS)—Need for Further Alternative Analysis Review

I am writing to you on behalf of the Columbia-Snake River Irrigators Association (CSRIA), whose members include irrigated farm operations in Eastern Washington and Oregon. The CSRIA is currently engaged in reviewing the legal and economic features of the Draft Environmental Impact Statement (DEIS) for the Boardman to Hemingway (B2H) Transmission Line Project. In doing so, we have identified a specific legal issue that should be brought now to your attention, rather than wait for the completion of our comment review.

The B2H DEIS is not compliant with the National Environmental Policy Act of 1969 (NEPA) with respect to its consideration of alternatives. While the DEIS provides a "proposed action" extending to the existing Grassland Substation west of the Naval Weapons System Training Facility, BPA may or may not determine to construct a Longhorn Substation in Boardman. The DEIS thus includes two potential alternative routes for the transmission line to terminate at that new Substation: the Longhorn Alternative and the Longhorn Variation. Another alternative, consisting of extending the line west of Horn Butte to BPA's C.J. Slatt Substation and Relay House Facility, was discussed during initial review of the Carty Generating Station, as this line would allow for additional capacity for multiple projects or Station additions. This Slatt Alternative merits formal review within the DEIS, and may well be the preferred alternative for the final EIS.

The failure to consider the Slatt alternative is not adequately explained in the existing DEIS, and it has the potential to permit Idaho Power Company to reach the main BPA transmission line while mitigating substantially adverse impacts to irrigated agriculture. With respect to the Longhorn Alternative to reach the main BPA line, BLM added this completely new route late in the process after scoping and initial public commenting processes were complete. Here NEPA will require BLM to consider

## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

alternative methods of reaching the Longhorn Substation that would result in less impact on irrigated agriculture. Interested parties are submitting separate comments on the DEIS demonstrating in detail that a "West of Bombing Range Road" alternative would improve the Longhorn Variation. This is consistent with BLM's statement in the cover letter transmitting the DEIS inviting commenters to "identify a new proposed alternative route". (*Id.* at 2.) NEPA will require BLM to respond to such commentary, particularly in light of pre-existing concerns over impacts to irrigated agriculture, by either modifying the Longhorn Variation to move it west of Bombing Range Road, or considering a separate West of Bombing Range Road alternative in the final EIS.

**Legal Context**

The discussion of alternatives to the proposed action is "the heart" of the NEPA process and is intended to provide a "clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14. *See also* 42 U.S.C. § 4332(C)(iii), (E). NEPA regulations and Ninth Circuit precedent require an agency to "[r]igorously explore and objectively evaluate all reasonable alternatives." Id. § 1502.14(a). Indeed, the courts have consistently held that a failure to consider an available and reasonable alternative is fatal to an agency's NEPA analysis. *See, e.g., Friends of Southeast's Future v. Morrison,* 153 F.3d 1059, 1065 (9th Cir. 1998) ("The existence of reasonable but unexamined alternatives renders an EIS inadequate."). This rule is commonly applied in planning system routes. *See, e.g., I-291 Why? Ass'n v. Burns*, 372 F. Supp. 223 (D. Conn. 1974) (failure to consider alternative highway routes), *aff'd,* Cir. 1975) (affirming grant of preliminary injunction).

There is a suggestion in the scoping report that many comments "focused on project effects and concerns outside the purview of BLM's and USFS's resource management responsibilities, including concerns about impacts to private lands and resources". (Scoping Report at 91.) However, all the alternatives, including a West of Bombing Range Road alternative, implicate federal decisionmaking, and "socioeconomics and environmental justice" effects, including effects on agriculture, are analyzed in the DEIS. (*See, e.g.,* DEIS at 3-943 to 3-944 ("effects on the agricultural economy . . . are expected to be low"); *see also id.* § 3.2.6.6 (general discussion).)

We note that the cover letter transmitting the DEIS advises that "[r]oute locations are approximate and could vary by more than half a mile". (Cover Letter, Dec. 5, 2014, at 1.) Unless BLM pinpoints the final location of alternatives with greater detail in the final EIS, NEPA compliance is likely to be regarded as inadequate, and further site-specific NEPA analysis may also be required. *Cf., e.g., Western Watersheds Project v. Abbey*, 719 F.3d 1035, 1049 (9th Cir. 2013) (even if programmatic "EIS contains sufficient analysis for informed decision-making at the programmatic level" that analysis "does not reduce or minimize BLM's critical duty to 'fully evaluate[ ]' site-specific impacts"); *see also* id. at 1050.

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## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

**Factual Background**

The question of Project routes produced comment in the scoping phase as well as during a Community Advisory Process (CAP) conducted by Idaho Power Company (IPC). The Slatt Alternative was discussed during the EIS process but not documented in the DEIS. However, the Longhorn issue did not emerge until late in the process when IPC's Revised Plan of Development (November 2011) added a single Longhorn Alternative to be considered in the event that BPA proceeded with the Longhorn Substation. (Rev'd POD at 3-24 to 3-25.)

The DEIS then added a single alternative to the Longhorn Alternative, the Longhorn Variation, a route that runs along the east side of Bombing Range Road, and for the most part runs parallel to an existing 128-kv transmission line (about 125 feet away). The DEIS reports that it "was developed to address concerns raised by the Navy with the Longhorn 27 Alternative about encroachment on military airspace, to minimize effects on irrigated agriculture in the 28 area, and to align with an existing transmission corridor." (DEIS at 2-54.)

However, the DEIS reports that the Variation only reduced impacts on private land from 485.7 acres to 450.3 acres (DEIS at 3-449), and impact on agricultural land from 262.2 to 249.7 acres (*id.* at 3-451). Indeed, "Total Prime Farmland Construction Acres rises from 173.7 in the Alternative to 263.1 in the Variation. (*Id.* at 3-455 (showing greater impacts).) An EIS with "no meaningful difference between the [] alternatives considered in detail" is insufficient; an agency cannot "make an informed decision on a project's environmental impacts when each alternative considered would authorize the same underlying action." *W. Watersheds Project v. Abbey*, 719 F.3d 1035, 1051 (9th Cir. 2013). While the Longhorn Alternative and Longhorn Variation are different, neither mitigates adverse effect on irrigated agriculture in a way sufficient to provide an informed decision.

Within the context of the Longhorn Route, a West of Bombing Range Road alternative, with significantly reduced impacts on irrigated agriculture, is the obvious way to provide a more meaningful alternative. While the Naval Weapons System Training Facility has specifically objected to any proposal which would "significantly increase the width or permitted height in the existing power line easement along the eastern boundary" of the Facilities (Scoping Appendix E, at 286),[1] the DEIS already proposes shorter towers with shorter intervals between towers would be used for those portions of the route adjacent to the Naval Weapons System Training Facility (*id.* at 2-55). The West of Bombing Range route should not be associated with any significant additional incremental impacts on the Facility.

**Conclusion/Requests**

Given the above, the CSRIA is making three requests from the BLM EIS managers.

[1] The DEIS makes reference to a more detailed letter from the commanding officer dated April 23, 2013 offering "a hierarchy of preferences based on minimizing adverse operational impacts". (DEIS at 3-411.) This letter does not appear to be available on the project website, and we hereby request a copy of it.

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## ATTACHMENT

**N2** **Columbia-Snake River Irrigators Assoc. – Mar. 17, 2015 (cont.)**

First, we are requesting that BLM provide written notice to us, and interested parties, that the agency will be adding the new Slatt and West of Bombing Range Road alternatives as soon as possible, and in any event before issuance of the Final EIS.

Second, in light of the additional NEPA compliance analysis required for the revised alternative review, we request an extension to the comment period.

And third, CSRIA technical representatives and I would like to meet with you to better discuss and clarify our above concerns. We are prepared to do so at your convenience, at your office.

Copy to: Mr. Michael Schoessler
Regional Solicitor, Pacific Northwest Region
U.S. Department of the Interior
805 SW Broadway #600
Portland, Oregon 97205-3346

4

## COMMENT(S)

## RESPONSE(S)

### N3 Defenders of Wildlife

**comment@boardmantohemingway.com**

**From:** Eliza Cava <ECAVA@defenders.org>
**Sent:** Thursday, March 19, 2015 4:16 PM
**To:** comment@boardmantohemingway.com
**Cc:** tgertsch@blm.gov; Erin Lieberman
**Subject:** Defenders of Wildlife's comments on the Boardman to Hemingway DEIS
**Attachments:** DOW B2H DEIS letter w attachments 3-19-15.pdf

Dear Ms. Gertsch,

On behalf of Defenders of Wildlife, please accept the attached comments on the Boardman to Hemingway Draft Environmental Impact Statement. We appreciate the opportunity to comment and look forward to working with you further. Please let me or my colleague Erin Lieberman (cc'ed) know if you have any questions.

Please confirm receipt of these comments.

Thank you very much,

**Eliza Cava**
Policy Analyst
Renewable Energy & Wildlife

Defenders of Wildlife
1130 17th Street N.W. Washington D.C. 20036-4604
**Tel:** 202-772-3280 | **Fax:** 202-682-1331 | **Mobile:** 202-503-9141
ecava@defenders.org | www.defenders.org

1

## COMMENT(S)

## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

March 19, 2015

Boardman to Hemingway Project
Bureau of Land Management
c/o Tamara Gertsch
BLM National Project Manager
P.O. Box
655, Vale, OR 97918
*Via email* comment@boardmantohemingway.com

**RE: Comments on the Notice of Availability of the Draft Environmental Impact Statement and Land-use Plan Amendments for the Boardman to Hemingway Transmission Line Project, 79 Fed. Reg. 75834 (Dec. 19, 2014)**

Dear Ms. Gertsch:

On behalf of Defenders of Wildlife (Defenders) please accept and fully consider these comments regarding the Bureau of Land Management's (the Bureau or BLM) Draft Environmental Impact Statement (DEIS) and Land-use Plan Amendments for the Boardman to Hemingway Transmission Line Project (B2H Project).

Defenders is dedicated to the protection of all native wild animals and plants in their natural communities. We work with local communities, land owners and government leaders to encourage common-sense solutions that protect the interests of wildlife and people.

Our comments focus on four key issues:

1. Effective adoption of the entire mitigation hierarchy of avoid, minimize and effectively compensate for wildlife impacts consistent with Secretarial Order 3330,[1] *Improving Mitigation Policies and Practices of the Department of the Interior*, Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior (DOI Mitigation Strategy),[2] the BLM Draft Manual on Mitigation,[3] the President's Executive Order on Infrastructure,[4] and the U.S. Fish and Wildlife (FWS) Sage-grouse Mitigation Framework.[5]
2. Incorporation of the final compensatory mitigation plans and any implementation or monitoring agreements in the Final EIS after providing for appropriate stakeholder review and comment.

[1] U.S. Dep't of the Interior, Secretarial Order No. 3330 *Improving Mitigation Policies and Practices of the Department of the Interior* (November 2013) [Hereinafter *Sec. Order 3330*].
[2] Clement, J.P. et al. 2014. *A strategy for improving the mitigation policies and practices of the Department of the Interior*. A report to the Secretary of the Interior from the Energy and Climate Change Task Force, Washington, D.C. Available at http://www.doi.gov/news/upload/Mitigation-Report-to-the-Secretary_FINAL_04_08_14.pdf [accessed 3/17/2015].
[3] Dep't of the Interior Bureau of Land Management, *Interim Policy, Draft-Regional Mitigation Manual Section-1794* (2013) [Hereinafter Regional Mitigation Manual].
[4] Executive Order 13604 (March 22, 2012). *Improving Performance of Federal Permitting and Review of Infrastructure Projects.*
[5] US FWS (2014). *Greater Sage-Grouse Range-Wide Mitigation Framework*. Version 1.0. Available at http://www.fws.gov/greatersagegrouse/documents/Landowners/USFWS_GRSG%20RangeWide_Mitigation_Framework20140903.pdf [accessed 3/17/2015].

## COMMENT(S)

## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

3. Inclusion of future anticipated energy development impacts linked to the B2H Project, not just those currently in progress, in the cumulative impacts analysis.
4. Use of West-wide Energy Corridors (WWECs) designated pursuant to Section 368 of the Energy Policy Act of 2005.

In addition, we are particularly interested in working with you on options to address the "durability" of compensatory mitigation on the public lands and would welcome the opportunity to speak with you in greater detail about our recommendations on that topic.

**I. Introduction**

Impacts from transmission lines may take several forms. Ground disturbance and habitat fragmentation are similar to impacts from other forms of development and may be addressed by similar regional mitigation actions, such as land acquisition and habitat restoration. In addition, the BLM must also account for species-level impacts unique to transmission lines, such as avian electrocution and collisions. Given these expected impacts, transmission development is not appropriate everywhere on the landscape, including public lands.

To improve decision making in October 2013, Secretary Jewell issued Sec. Order No. 3330, *Improving Mitigation Policies and Practices of the Department of the Interior*,[6] which promoted "a landscape approach to identify and facilitate investment in key conservation priorities in a region" and "early integration of mitigation considerations in [infrastructure] project planning and design."[7] In addition, the BLM has developed its own draft manual on Regional Mitigation which is meant to "[shift] the BLM's mitigation focus from a permit-by-permit perspective to a proactive regional-scale mitigation planning perspective."[8] This approach is further supported by the June 2013 Presidential Memorandum (PM) on Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review;[9] a May 17, 2013 PM on Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures;[10] and a subsequent report released in May 2014 on implementing the Infrastructure PM.[11] We are very supportive of these efforts and have been actively engaged in efforts to ensure successful implementation.[12]

A landscape-scale approach can effectively direct development to locations on the public lands that reduce the likelihood of conflict between energy development and associated infrastructure and

[6] Sec. Order 3330.
[7] *Id.*
[8] Regional Mitigation Manual.
[9] *Presidential Memorandum – Transforming our Nation's Electric Grid Through Improved Siting, Permitting, and Review* (June 7, 2013). Available at https://www.whitehouse.gov/the-press-office/2013/06/07/presidential-memorandum-transforming-our-nations-electric-grid-through-i [accessed 3/18/2015].
[10] *Presidential Memorandum -- Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures* (May 17, 2013). Available at https://www.whitehouse.gov/the-press-office/2013/05/17/presidential-memorandum-modernizing-federal-infrastructure-review-and-pe [accessed 3/18/2015].
[11] Steering Committee on Federal Infrastructure Permitting and Review Process Improvement (May 2014). *Implementation Plan for the Presidential Memorandum on Modernizing Infrastructure Permitting.* Available at http://www.permits.performance.gov/pm-implementation-plan-2014.pdf [accessed 3/18/2015].
[12] Defenders has provided extensive recommendations to the BLM on compensatory mitigation in comments on the Draft Handbook on Offsite Mitigation, the Dry Lake Solar Energy Zone Regional Mitigation Strategy, Sage Grouse Habitat Equivalency Analysis (HEA) for the Gateway West Transmission Project, and the Supplement to the Solar Programmatic Draft Environmental Impact Statement. We hereby incorporate those comments by reference.

**COMMENT(S)**

**RESPONSE(S)**

**N3** **Defenders of Wildlife (cont.)**

conservation objectives. Critical to a successful landscape approach is ensuring that project planning and development is informed by the energy development and conservation goals and objectives for a particular landscape. Adopting a landscape approach allows public land agencies, energy developers, and other stakeholders to identify upfront strategies to: (1) avoid development in priority areas including crucial wildlife habitats and corridors; (2) direct development to, and incentivize development in, areas with excellent renewable energy resources and the lowest possible conflicts with conservation values; (3) minimize impacts on-site through project-specific best management practices; and (4) when remaining unavoidable impacts warrant mitigation, off-set impacts with effective and durable off-site, compensatory mitigation that advances specific and measurable conservation goals for the identified landscape by protecting, restoring and improving management of priority areas. This approach is consistent with direction in the Federal Land Policy and Management Act (FLPMA) that the BLM make management decisions based on "a combination of balanced and diverse resource uses that takes into account the long term needs of future generations for renewable and non-renewable resources."[13]

The multi-state B2H Project represents an opportunity for the BLM to implement the aforementioned policies and directives.

**II. <u>The B2H Project must be sited to avoid, minimize, and mitigate impacts</u>**

**A. Avoiding impacts to wildlife and habitat**

One of the first and most important steps to avoid impacts to sensitive resources is to plan and develop transmission lines within existing and designated corridors, ROWs, brownfields, other degraded lands, and other areas with co-location opportunities. In addition transmission must avoid lands that are protected from development by statute, policy, or regulation and those that should otherwise be avoided, such as greater sage-grouse core areas, designated and proposed critical habitat for ESA listed species, Core Recovery areas for threatened and endangered species and other important recovery habitat, important eagle use areas, bat hibernacula, old growth forests, and Areas of Critical Environmental Concern.[14]

ODFW has adopted a strict avoidance recommendation for impacts to Category 1 ("irreplaceable, essential") habitat,[15] which has been adopted by the Oregon Energy Facility Siting Council. We are strongly supportive of this approach and recommend the BLM make every effort to coordinate with ODFW and site the line consistent with the its habitat policy and mitigation framework, particularly regarding ODFW's goals for the top three (of six) categories as shown in the table below.

[13] 43 U.S.C. § 1702(c).
[14] Our more detailed recommendations regarding areas to avoid and consider in transmission corridor designation are included in our May 2014 comment letter regarding the West-Wide Energy Corridors, *See* Defenders of Wildlife Comment Letter re: Recommendations Related to the Request for Information: West-wide Energy Corridors Review, submitted May 27, 2014; and for wind energy in our October 2014 comment letter regarding the West-wide Wind Mapping Project, *See* Defenders of Wildlife and Sierra Club Comment Letter re: West-wide Wind Mapping Project recommendations, submitted October 27, 2014.
[15] Oregon Department of Fish and Wildlife, Oregon Administrative Rules, 635-415-0000 – 635-415-0025, Fish and Wildlife Habitat Mitigation Policy.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

| ODFW Habitat Category | Category 1: Irreplaceable, essential and limited | Category 2: Essential and limited | Category 3: Essential *or* important and limited |
|---|---|---|---|
| ODFW Mitigation Goal | "No loss of either habitat quantity or quality" | "No net loss of habitat quantity or quality and to provide a net benefit of habitat quantity or quality" | "No net loss of either habitat quantity or quality" |
| Compensatory Mitigation Strategy | N/A (Avoidance) | In-kind, in-proximity mitigation | In-kind, in-proximity mitigation |

As proposed, all alternatives for the B2H Project cross substantial unfragmented habitat in western Idaho and eastern Oregon, and will have impacts on a variety of key species as discussed below.

N3a

**Recommendation:** BLM should further modify the routes to effectively avoid impacts to key wildlife species, consistent with ODFW's habitat policy including avoidance of Category 1 habitats.

**a. BLM should avoid impacts to Greater sage-grouse consistent with ODFW's habitat policy and the BLM's Greater sage-grouse National Technical Team report**

In addition to our overall recommendation to follow ODFW's habitat policy, which includes species-specific guidance for Greater sage-grouse, the B2H Project should also be consistent with the BLM's policies on sage-grouse conservation and, in particular, the recommendations of the BLM Sage-grouse National Technical Team.

The National Technical Team report (NTT report), a primary reference for the BLM's National Greater Sage-Grouse Planning Strategy, recommends making priority habitat "exclusion areas" for new ROWs, and general habitat "avoidance areas."[16] BLM defines priority habitat generally as "having the highest conservation value to maintaining sustainable Greater Sage-grouse populations"[17] and it should include all active sage-grouse leks, and brood-rearing, transitional and winter habitats. BLM also states that "priority habitat will be areas of high quality habitat supporting important sage-grouse populations, including those populations that are vulnerable to localized extirpation but necessary to maintain range-wide connectivity and genetic diversity."[18] The only exception defined by the NTT is in cases where a project can be co-located within the footprint of an existing disturbance area.

All alternatives in the DEIS will cross through at least some core (priority or "PPH" habitat) in segments 3[19] and 4,[20] and all alternatives will also cross through substantial general ("PGH") habitat. In addition, segments 3 – 6 all skirt the edge of either general or core habitat for some or all of their lengths, depending on the alternative, causing indirect or disturbance impacts to tens of thousands of acres of sage-grouse habitat within a 5-mile buffer of the line.[21]

[16] Bureau of Land Management Sage-grouse National Technical Team. 2011. A Report on National Greater Sage - Grouse Conservation Measures. December 21, 2011.
[17] BLM Instruction Memorandum 2010-071, Gunnison and Greater Sage-grouse Management Considerations for Energy Development (Supplement to *National Sage-Grouse Habitat Conservation Strategy*).
[18] *Id.*
[19] B2H DEIS p 3-300
[20] B2H DEIS p 3-308
[21] *See* segment by segment sage-grouse impacts tables in B2H DEIS, chapter 3.

## RESPONSE(S)

N3a

Comment noted. Potential direct and indirect effects on Greater Sage-Grouse for all alternative routes are analyzed in Section 3.2.4.5.

The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated impacts on Greater Sage-Grouse, including preconstruction surveys for sensitive species, seasonal and spatial restrictions, avian-safe design standards, perch deterrents, and a Plan of Development that includes a Biological Resources Conservation Plan. In addition, the B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

N3b In addition to habitat impacts, transmission structures themselves have negative direct and indirect impacts on greater sage-grouse. The USFWS 2010 listing determination[22] identifies power lines as directly affecting greater sage-grouse "by posing a collision and electrocution hazard"[23] and having indirect effects by "decreasing lek recruitment, increasing predation, fragmenting habitat, and facilitating the invasion of exotic annual plants."[24] Additionally, sage-grouse can be impacted through a direct loss of habitat and human activity (especially during construction periods).[25] The Gateway West FEIS[26] noted that recent research identified the best predictors between extirpated and occupied ranges to include distance to transmission lines.[27] Knick et al. (2013) further emphasized intolerance of grouse to human disturbance and development, reporting that 99 percent of active leks in the species' western range were in landscapes with less than three percent disturbance.[28] In addition, research has shown that Greater sage-grouse can be impacted by avian (corvid) predation as far as 4.3 miles from a transmission line.[29]

**Recommendation:** Exclude development in core habitat (PPH), and within 4 miles of leks, except in cases where new development can be completely contained within the footprint of existing infrastructure as recommended by the NTT.

N3c **b. BLM should follow ODFW guidance regarding avoidance of Washington Ground Squirrel Category I habitat**

Washington ground squirrel habitat identified by ODFW as Category I is present in the northern end of the line (Segment 1). The DEIS acknowledges that the species will experience high residual effects and therefore require compensatory mitigation if impacts cannot be avoided. As ODFW recommends that Category 1 habitat be avoided, we consider it particularly important that the BLM and IPC make every effort to avoid this species' habitat and provide its compensatory mitigation plan for public comment before publication of the Final EIS.

**Recommendation:** BLM should avoid Category 1 habitat for the Washington Ground Squirrel.

**B. Minimization of impacts to wildlife and habitat**

We acknowledge that all resource impacts are unlikely to be avoided by planning and during

[22] USFWS (March 23, 2010). Endangered and Threatened Wildlife and Plants; 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered; Proposed Rule. 75 FR 13928.
[23] 75 Fed. Reg. 13928. Internal citations omitted.
[24] *Id.*
[25] 75 Fed. Reg. 13954.
[26] Gateway West FEIS at 3.11-74.
[27] Wisdom, M.J., C.W. Meinke, S.T. Knick, and M.A. Schroeder (2011). Factors associated with Extirpation of Sage-Grouse. Pp. In: Greater Sage-Grouse: Ecology and Conservation of a Landscape Species and Its Habitats, S. T. Knick and J. W. Connelly (editors), 451–472. Studies in Avian Biology (vol. 38), University of California Press, Berkeley, CA.
[28] Knick, S. T., Hanser, S. E., & Preston, K. L. (2013). Modeling ecological minimum requirements for distribution of greater sage-grouse leks: implications for population connectivity across their western range, USA. Ecology and evolution, 3(6), 1539-1551.
[29] Boarman, W., B. Heinrich. 1999. Corvus corax: Common Raven. The Birds of North America, 476: 1-32; Leu, M., Hanser, S.E., and Knick, S.T., 2008, The human footprint in the west-A large scale analysis of anthropogenic impacts: Ecological Applications, v. 18, p. 1119-1139. Defenders recommends using a this 4-mile buffer from sage-grouse leks and core habitat to account for predation impacts, which is in line with recent USGS research that identified a 2 – 5 mile range for observed effects upon sage-grouse from tall structures. *See* United States Geological Survey, *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* (2014).

## RESPONSE(S)

N3b See response to Comment N3a.

N3c Comment noted. Potential direct and indirect effects on Washington ground squirrel for all alternative routes are analyzed in Section 3.2.4.5.

The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to Washington ground squirrel Category 1 habitat, including preconstruction surveys, seasonal and spatial restrictions, and avoidance of sensitive features through selective tower placement, spanning sensitive features, or realigning the B2H Project centerline.

Appendix C was revised for the Final EIS to provide additional detail and information regarding BLM's requirements and recommendations for compensatory mitigation for Washington ground squirrel.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

development of the transmission line. However, the rigorous use of environmentally driven Interagency Operating Procedures (IOPs), Design Features, and Best Management Practices (BMPs) can help minimize impacts to wildlife and connectivity from transmission and corridor designation.

N3d The BLM's January 2009 Resource Management Plan Amendments/Record of Decision (ROD) for corridors designated pursuant to Section 368 of the Energy Policy Act of 2005 (EPAct)[30] requires the use of IOPs for projects sited within EPAct Section 368 corridors (WWECs). In 2014, the BLM released guidance for corridors designated pursuant to EPAct.[31] "Use of the IOPs is intended to expedite the permitting process by reducing duplication, increasing coordination, and ensuring consistency among Federal agencies. The IOPs provide uniform processing and performance criteria for energy transportation rights-of-way during project planning, construction, operation, and decommissioning."[32] Although developed for projects sited within EPAct Section 368 corridors, the guidance recommends BLM also "consider use of relevant IOPs for major linear rights-of-way proposed outside of EPAct Section 368 corridors."[33] Many of the IOPs parallel the extensive design features included in the B2H Project DEIS, and we commend the BLM for the detail and scope of the B2H DEIS' design features and minimization measures.[34] However, we recommend that the BLM incorporate a discussion of how its various sections, procedures, and mitigation measures conformed to the IOPs. We have attached the discussion included in Appendix H of the Gateway West Transmission Project EIS for reference.

Another source for relevant best management practices is the BLM's Solar Programmatic Environmental Impact Statement (PEIS).[35] While the Design Features were developed to address solar energy development, most of them are applicable for transmission development as well. The value of the Solar PEIS Design Features lies in their level of detail and specificity with regard to procedures and resources. We encourage the BLM to review and utilize those Design Features where applicable to the B2H Project.

Lastly, there are numerous resources with additional information on best practices that we recommend reviewing and incorporating into the existing IOPs, design features and BMPs. These include, but are not limited to the following:

- The Avian Power Line Interaction Committee's "Suggested Practices for Avian Protection on Power Lines" available at: http://www.aplic.org/uploads/files/2643/SuggestedPractices2006(LR-2).pdf;
- Edison Electric Institute's "Mitigating Bird Collisions with Power Lines"available at: http://www2.eei.org/products_and_services/descriptions_and_access/mitigating_birds.htm
- Western Resource Advocates' "Smart Lines" report, available at: http://www.westernresourceadvocates.org/energy/smartlines.php; and

[30] Public Law 109-58.
[31] *See* BLM IM 2014-080, Policy Guidance for Use of Corridors Designated Pursuant to Section 368 of the Energy Policy Act of 2005 as Required by the Settlement Agreement in *Wilderness Society v. United States Department of the Interior*, No. 3:09-cv-03048-JW (D. N.D. Cal) (Apr. 7, 2014).
[32] *Id.*
[33] *Id.*
[34] B2H Appendix C, Design Features.
[35] U.S Dep't of the Interior Bureau of Land Management, *Approved Resource Management Plan Amendments/Record of Decision (ROD) for Solar Energy Development in Six Southwester n States* 27 (Oct. 12, 2012) [Hereinafter Solar Energy Program ROD]

## RESPONSE(S)

N3d Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection (which include the WWEC interagency operating procedures) and selective mitigation measures are included in the Final EIS (Sections 2.3.4 and 2.5.1.1).

## COMMENT(S)

## N3 Defenders of Wildlife (cont.)

- Wild Utah Project's "Best Management Practices for Siting, Developing, Operating and Monitoring Renewable Energy in the Intermountain West" available at: http://wildutahproject.org/files/images/BMP%20for%20Renewable%20Energy-2012-WUP.pdf

N3e **Recommendation:** The BLM should incorporate strong IOPs, design features, and BMPs to help minimize impacts to wildlife and connectivity from transmission and corridor designation. The Final EIS should describe, similar to Appendix H of the Gateway West DEIS, how the B2H Project will incorporate necessary IOPs, Design Features and BMPs.

N3f **Recommendation:** The Final EIS should include all supplemental plans encompassing the full suite of Best Management Practices, including but not limited to the Stormwater Pollution Prevention Plan, Erosion and Sediment Control Plan, and Fire Prevention and Suppression Plan.

**a. BLM should require transmission structures that minimize avian collision risk and risk of predation by raptors and corvids**

Although the transmission structures presented in the DEIS typically do not require guy wires, any locations where guy wires are used pose an additional collision risk to low-flying birds. We recommend that use of guy wires be avoided whenever possible and in cases where there is no other feasible alternative that they be marked.

The DEIS also states that the applicant will use tubular H-frame transmission structures "where impacts on sensitive environmental resources require mitigation."[36] Design feature PRC-11 states that "in areas where corvid nesting and associated predation on sage-grouse nests and broods is a concern, consider methods to discourage nesting. This may include use of nest minimizing designs (e.g., monopoles, single crossarms, etc.) for new construction, or retrofitting existing structures where there is an identified problem nest."[37] We recommend that this design feature apply specifically within 4 miles of sage-grouse leks in designated sage-grouse core areas and priority habitats.

We agree that special attention to structure design in these and other areas is needed, but we further recommend that any structure to be used in these sensitive areas be purposed to prevent the raptor and corvid perching and nest-building that can result in mortality, power outages, and increased fire risk. Rather than using structures that provide extensive perching opportunities that present extensive horizontal perching surfaces that require perch-discourager retrofits, structures for these areas should prevent avian perching and nesting as an integral part of their design. As documented by research[38] and cited by Power Company of Wyoming in their TransWest Express Transmission line (TWE) DEIS comments, retrofitted perch deterrents may reduce, but do not eliminate perching by raptors and the predation threat to sage-grouse and other species. Vertical configurations are preferable, both for perch management as well to reduce bird-caused electrical outages and increase reliability.[39] Of the structure types shown in Figures 2-2, 2-3, and 2-4 in the Proposed Action section,[40] only the 138/69-kV double circuit monopole structure design has this optimal vertical

[36] B2H DEIS p 2-11.
[37] B2H DEIS p C-22.
[38] Lammers, W.M. and M.W. Collopy. 2007. Effectiveness of Avian Predator Perch Deterrents on Electric Transmission Lines. Journal of Wildlife Management 71:2752-2758.
[39] Vosloo, H.F., E. Shunmagum, and G. Bruce. 2006. Transmission Bird Perch Guidelines. Eskom South African Power Utility. http://migratorysoaringbirds.undp.birdlife.org/sites/default/files/BIrd%20Perch.pdf
[40] B2H DEIS pp 2-12 – 2-13.

## RESPONSE(S)

N3e See response to Comment N3d.

N3f Comment noted. A Plan of Development is being developed sufficient to support the record of decision for the B2H Project. The ROD would be granted with conditions that a complete POD be developed prior to construction before commencement of construction is allowed to occur. The POD will include plans noted.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

configuration. Numerous structure types and manufacturers exist, and we recommend that the specific type used in sensitive areas should definitively address perching issues.

N3g **Recommendation:** BLM should minimize avian collision risk by avoiding the use of guy wire whenever possible, and in cases where there is no other feasible alternative ensuring that the wires be marked.

N3h **Recommendation:** BLM should minimize raptor and corvid predation risk by requiring structures that do not require guy wires or retrofits, such as tubular H-frame transmission structures, within 4 miles of any sage-grouse leks within core areas and priority habitats.

N3i

**b. BLM should prioritize co-location of new transmission consistent with the Western Electricity Coordinating Council's common corridor definition**

The Western Electricity Coordinating Council (WECC) recently "relaxed its definition of a common corridor from the greater span or 500 feet from an existing line to a minimum of 250 feet from an existing line."[41] This is a reduction from the 500 foot minimum cited in the DEIS, as well as a substantial reduction from the proponent's assumed 1,500 foot separation.[42]

**Recommendation: Prioritize co-location of new transmission and minimize separation distance using the updated Western Electricity Coordinating Council standards.**

N3j

**c. BLM should modify design feature PRC-12 to minimize impacts to sage-grouse**

The FWS has recommended that construction activity and earth disturbance within a 4-mile buffer surrounding Greater sage-grouse leks during the lekking and nesting season in winter habitat between November 15 – March 15 be +avoided. Design Feature PRC-12, which sets seasonal timing restrictions for construction in sage-grouse habitat, currently has a winter restriction of December 1 – February 28.

**Recommendation:** Modify Design Feature PRC-12 to protect identified winter range and Winter Concentration Areas from November 15 – March 15.

**d. BLM should minimize impacts to raptors and other avian species through the use of spatial buffers and timing restrictions**

Raptors and other avian species of concern are particularly affected by construction activities and other forms of disturbance during nesting season. The nesting season is critical to productivity, short-term diversity, and long-term trends. As such, we strongly support the use of spatial buffers and timing restrictions to limit disturbance upon raptors and other avian species of concern.[43] Specifically, we have identified the following recommendations to ensure impacts to raptors and other avian species are adequately minimized.

[41] U.S. Dep't of Interior Bureau of Land Management, *Final Environmental Impact Statement for the Gateway West Transmission Line Project Wyoming and Idaho*, 1-22 (2013); Western Electricity Coordinating Council, *WECC Glossary for Terms Developed Using the WECC Reliability Standards Development Procedures* , *6* (2014) (*available at* https://www.wecc.biz/Reliability/WECC%20Glossary%20and%20Naming%20Conventions%20Updated%208-11-2014.pdf) (defining "Adjacent Transmission Circuits" as any parallel circuits with less than a 250' separation.)
[42] B2H DEIS p 2-10
[43] PRC-4 – 7, B2H DEIS pp C-20 – C-21.

## RESPONSE(S)

N3g The Applicant has committed to Design Features and site-specific Selective Mitigation Measures designed to minimize anticipated B2H Project effects to eagles, including preconstruction surveys for sensitive species, seasonal and spatial restrictions, and avian-safe design standards. These protection measures, along with Idaho Power Company's Avian Protection Plan, are designed to achieve compliance with the Bald and Golden Eagle Protection Act.

N3h See response to Comment N3a.

N3i Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3. Colocation with existing utilities is given preference where feasible.

N3j The seasonal timing restrictions for Greater Sage-Grouse leks have been updated to require timing restrictions for construction in Greater Sage-Grouse winter habitat from November 15 to March 15.

## COMMENT(S)

## RESPONSE(S)

### N3 Defenders of Wildlife (cont.)

N3k **Recommendation:** Revise Design Features PRC-4 – PRC-7 to prohibit surface-disturbing activities within adequate buffer distances of nests occupied by the following raptor species: Golden Eagle, Ferruginous Hawk, and the BLM Special Status Burrowing Owl, Swainson's Hawk, Peregrine Falcon, and Northern Goshawk. Year-round exclusion areas should be considered if assessments indicate a need.

**e. BLM should ensure that IPC's Avian Protection Plan incorporates effective measures to avoid and minimize potential impacts to avian species to the maximum extent possible**

It is imperative that Idaho Power's Avian Protection Plan (APP) adequately addresses potential impacts to raptors, bats and other avian species and incorporates measures to ensure that the B2H project avoids and minimizes such avian impacts to the maximum extent possible.

N3l **Recommendation:** BLM should ensure that the APP:

- Includes results of pre-construction avian use surveys that cover a minimum of 10 miles of proposed siting locations.
- Incorporates adequate nest buffers;
- Includes appropriate monitoring requirements for post-construction impacts; and
- Describes any compensatory mitigation actions necessary to offset avian impacts.

**f. BLM should ensure that IPC continues to update its Avian Protection Plan and that the FEIS incorporates the most recent APP**

We appreciate IPC's commitment to regularly updating its APP, with the most recent version available on the company's website dated March 2015. However the DEIS repeatedly refers to a March 2011 APP and makes no mention of the updated version. We recommend that IPC continue to regularly update its APP and include B2H-specific collision, electrocution, and perching/nesting risk assessments to further update the APP and minimize avian risk if this project is developed. Additionally, the final EIS should refer to the most recently updated APP.

N3m **Recommendation:** Idaho Power Corporation should continue to update its existing company-wide Avian Protection Plan to evaluate the B2H Project ROW for avian risk, and the FEIS should incorporate the most recent APP.

**g. BLM must ensure that the B2H Project minimizes disturbance to bald and golden eagles to the maximum extent possible and complies with any permitting requirements pursuant to BGEPA**

Transmission lines can result in eagle take under the Bald and Golden Eagle Protection Act[44] (BGEPA). Direct mortality is only one form of take to golden eagles pursuant to BGEPA. BGEPA defines "take" broadly as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb."[45] "Disturb" has been defined in FWS regulations as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available: (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially

[44] 16 U.S.C. § 668
[45] 16 U.S.C. § 668(c).

N3k The specific design features referenced in the comment have been incorporated into overall project design features and selective mitigation measures. Seasonal and spatial restrictions will be included in the Biological Resources Conservation Plan in the Plan of Development.

N3l In addition to the Applicant's Avian Protection Plan, application of B2H Project-specific design features and mitigation measures will minimize impacts to migratory birds, including preconstruction surveys, seasonal and spatial restrictions, limited construction activity during nesting season, and avian-safe design standards (refer to Section 3.2.4.5 of the Final EIS). Compensatory mitigation required for greater sage-grouse will provide further mitigation for impacts to shrub-steppe obligate migratory bird species.

N3m See response to comment N3l.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

interfering with normal breeding, feeding, or sheltering behavior."[46] As such, the construction of transmission lines can result in golden eagle take by disturbing them in the form of loss of foraging habitat that results in interference with normal breeding, feeding or sheltering behavior. BGEPA expressly prohibits all golden eagle take without a permit. To obtain a permit, the applicant must still show that the take is compatible with the BGEPA Preservation Standard and the applicant has minimized impacts to the extent possible.[47]

N3n **Recommendation:** The DEIS must analyze potential direct and indirect impacts to golden eagles that may result in disturbance. If it is determined that the B2H project will likely result in take (whether directly or indirectly through disturbance), Idaho Power must obtain and comply with permit requirements pursuant to BGEPA.[48]

**C. Compensatory Mitigation**

Our specific recommendations on compensatory mitigation for the B2H Project follow.

**a. BLM must include the final compensatory mitigation plans in the final EIS.** While the *Framework for Development of Compensatory Mitigation Plans* (Appendix D; the "Framework") provided in the DEIS lays out some important mitigation principles and standards it fails to provide adequate details of the type or extent of the actual mitigation actions that will be employed to compensate for residual unavoidable impacts or the site locations of where such mitigation actions will take place.

NEPA requires that federal agencies discuss mitigation measures in an Environmental Impact Statement (EIS).[49] Under NEPA, agencies must "analyze the mitigation measures in detail [and] explain how effective the measures would be . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA."[50] The overall environmental impacts of the B2H Project cannot be adequately evaluated or considered in the EIS without evaluating the actual details of the proposed compensatory mitigation plans for greater sage-grouse, Washington ground squirrel, ODFW "essential habitats," and other resources. Furthermore, with the exception of sage-grouse and its species-specific *Sage-Grouse Mitigation Blueprint* (Appendix E, herein "Blueprint"), the framework provides little detail on the specific timing of these plans or whether adequate stakeholder review and comment will be provided for during the development of such compensatory mitigation plans.

N3o **Recommendation:** Given the importance of these mitigation plans for reducing the overall environmental impact of this transmission line, the agencies must provide an opportunity for stakeholder review and comment of the final plans prior to the authorization of this project.

[46] 50 C.F.R. § 22.26.
[47] 50 C.F.R. § 22.26(a)
[48] 50 C.F.R. § 22.26
[49] 40 C.F.R. §§ 1502.14, 1502.16.
[50] Nw. Indian Cemetery Protective Ass'n v. Peterson, 764 F.2d 581, 588 (9th Cir. 1985), rev'd on other grounds, 485 U.S. 439 (1988). CEQ's National Environmental Policy Act Regulations, available at http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm; Davis v. Mineta, 302 F.3d at 1125.

## RESPONSE(S)

N3n Additional analysis was added to the Wildlife section (Section 3.2.4) of the EIS to provide more detailed information on the potential impacts of the project on bald and golden eagles. The Applicant has committed to Design Features and site-specific Selective Mitigation Measures designed to minimize anticipated B2H Project effects to eagles, including preconstruction surveys for sensitive species, seasonal and spatial restrictions, and avian-safe design standards. These protection measures, along with Idaho Power Company's Avian Protection Plan, are designed to achieve compliance with the Bald and Golden Eagle Protection Act.

N3o Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS in Appendix C to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts to Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. For Greater Sage-Grouse, the BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

## COMMENT(S)

## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

**b. BLM must revise the Framework for Development of Compensatory Mitigation Plans with additional clarity and specificity.**

We appreciate the agency efforts to develop a robust underlying mitigation framework for the development of such plans. Given the importance of this Framework for the resulting compensatory mitigation plans, we would like to offer the following comments regarding the Framework itself:

N3p

1. The Framework should clarify the applicability and inter-relationship of other mitigation policies and strategies.

Transmission lines like the B2H Project transcend multiple property ownership boundaries, regulatory jurisdictions, and resource types. As a result, there are multiple agencies, regulations, and policies that apply to the development of such compensatory mitigation plans. For example, BLM, USFS, and ODFW all have their own separate mitigation regulations and/or policies. Some of these regulations and policies only apply to certain resources or geographic areas.

**Recommendation:** Given this potentially confusing and dynamic overlay, we recommend that the Framework identify and explain the relationships of these various governing policies and regulations. Furthermore, regardless of the governing policy or regulation, all components of the compensatory mitigation plans should incorporate consistent and complementary mitigation principles, standards, and elements to effectively manage risks associated with compensatory mitigation and achieve the best outcomes for species conservation.

In addition, we specifically ask that BLM update the Framework to include language similar to that included in the Sage Grouse Mitigation Blueprint to confirm that any mitigation will be consistent with applicable agency policies:

> at no time should such modifications [to the HMP] result in significant deviations from the underlying tenets and goals of the ODFW's Greater Oregon Sage-Grouse Conservation Assessment and Strategy for Oregon (SGCS), ODFW's Oregon Sage-Grouse Mitigation Framework for Sage-grouse Habitats (SGMF), ODFW's Fish and Wildlife Habitat Mitigation Policy, Federal Alternative of Governor C.L. Otter for Greater Sage-Grouse Management in Idaho, BLM sage-grouse policies including BLM Instructional Memorandum (IM) 2012-043 Greater Sage-Grouse Interim Management Policies and Procedures and IM 2012-44 National Greater Sage-Grouse Land Use Planning Strategy (collectively referred to as BLM IMs), or of the principles, standards, and other considerations described below.[51]

N3q

2. BLM should provide additional detail regarding the contemplated structure and substance of the compensatory mitigation plans.

The Framework only identifies two compensatory mitigation plans: a (1) a "Habitat Mitigation Plan" (covering three species and "essential" terrestrial wildlife habitats) and (2) a Wetlands Mitigation Plan (covering four species, "essential fish habitat" and "wetlands and riparian habitats."[52]

[51] B2H DEIS at Appendix E; page 1.
[52] B2H DEIS at Appendix D; page 3.

N3p The Mitigation Framework has been refined for the Final EIS to provide additional information about BLM's requirements and recommendations for compensatory mitigation. Included in the revised Mitigation Framework is a discussion of the applicability and inter-relationship of other mitigation policies and strategies.

N3q See response to Comment N3o.

## COMMENT(S)

## RESPONSE(S)

### N3 Defenders of Wildlife (cont.)

N3r **Recommendation:** Further clarification and detail is needed regarding how BLM plans to timely address such a multitude of important and sensitive resources in only two comprehensive plans. If BLM is to include all of these resources into one single plan, BLM must ensure that adequate attention and detail are allocated for each resource of concern. We also ask that BLM provide additional detail regarding compensatory mitigation for essential habitat for big game species.

N3r See response to Comment N3o.

N3s 3. BLM must provide further detail regarding the required landscape-level conservation plans.

We strongly support the requirement that mitigation plans be "developed in conjunction with, or guided by a landscape-level conservation plan."[53]

**Recommendation:** Additional detail is needed regarding how these plans will be developed or whether any such plans already exist for which BLM can rely upon when developing mitigation plans for the project. In addition, the appropriate geographic area for a landscape level conservation plan should be based on ecologically appropriate scales rather than administrative boundaries (e.g., BLM field offices).

N3s See response to Comment N3o.

N3t 4. The Framework should define the term "Net Benefit."

Defenders' strongly supports the Framework's assertion that "[o]verall outcomes including mitigation should result in *net benefit* to species at the population or landscape scale."[54]

**Recommendation:** We urge BLM to provide a definition of *net benefit* in the Framework. A net benefit should mean that the long-term benefits to the species resulting from the compensatory mitigation plan exceed the adverse impacts (both direct and indirect) to the species resulting from the B2H Project. Benefits to species can include certain adverse impacts avoided as a result of the compensatory mitigation plan, such as commitments to forgo actions that would harm a species. In determining whether the net benefit standard is met, the BLM should evaluate benefits and harms using the same biological metric, and ensure that the metric directly or indirectly informs the BLM about the status of the species itself, as opposed to only the status of the species' habitat.

In addition, page 15 of the Framework should be revised to clarify that the accounting system used for the Mitigation Plan "should assess the debit and credit contribution" to a "*net benefit*" not "no net loss" as currently stated.

N3t See response to Comment N3o.

N3u 5. Service areas must be based on ecologically appropriate scales for the particular species and dictated by the conservation needs of the species.

It is important that the Framework stress the importance of clear standards for "Service Areas" when describing mitigation.

**Recommendation:** BLM should clarify that service areas for mitigation should be defined based on the conservation needs of the species and the ecologically appropriate and population-based scales described in the corresponding landscape level conservation plan. This is important to avoid the creation of population sinks in certain local populations.

N3u See response to Comment N3o.

N3v 6. The compensatory mitigation plans must be developed with adequate stakeholder review and comment.

N3v See response to Comment N3o.

[53] *Id.*
[54] *Id.* at Appendix D; page 4.

## COMMENT(S)

## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

N3v

This Framework is silent on the level of stakeholder engagement that will be pursued in developing these plans.

**Recommendation:** BLM should identify an effective outreach strategy to ensure adequate interagency and stakeholder engagement and participation throughout the development of these plans. In addition, there should be a common understanding and clear expectations of compensatory mitigation requirements among the Project proponents, ODFW, Idaho Department of Fish & Game (IDFG), FWS, and the Bureau of Land Management.

N3w

7. The Framework should provide specific guidance on preferences for mitigation action types based on habitat category and species.

The Framework describes several types of compensatory mitigation actions (e.g., "in-kind"; "out of kind", etc.) as well as some examples of specific actions to improve habitat quality (e.g., preservation, invasive weed eradication, etc.).[55] However, the Framework is completely silent on what types of actions will be preferred for particular species and habitats. We particularly question this silence given that ODFW's Wildlife Habitat Mitigation Policy requires certain types of mitigation actions based on the habitat category. For example, in-kind, in-proximity mitigation is required for all impacts to Category 2 ("essential and limited") habitat. Furthermore, significant research and study has already been done with respect to the types of mitigation actions that have been shown to be more effective for certain species. We also note that the Greater Sage –Grouse Mitigation Blueprint included a list of allowable mitigation actions to be considered; we question why such a list was not devised for other species of concern.

**Recommendation:** To ensure that these plans incorporate the most effective mitigation for the affected resource, the Framework should provide specific guidance on examples and preferences for mitigation action types based on habitat category and species.

N3x

**c. BLM must ensure that the Blueprint incorporates sound criteria for effective sage-grouse compensatory mitigation**

We applaud the collaborative efforts and interagency process used to develop the Sage-grouse Mitigation Blueprint. The principles and standards identified in this Blueprint generally comport with the FWS' Greater Sage Grouse Range-Wide Mitigation Framework, ODFW's Sage-Grouse Mitigation Framework for Sage-grouse Habitats, and other applicable policies related to sage grouse conservation and mitigation.

While we generally support the overall principles and standards in the Blueprint, we have concerns that the impact assessment methodology in the Blueprint will underestimate true impacts of the B2H project on Sage-Grouse. If these impacts are under-estimated, it is unlikely that the HMP for Sage Grouse will result in a net benefit to the species. Specifically, we have concerns that buffers used in ODFW's Sage-Grouse Mitigation Framework to calculate impacts do not account for predation risk.

**Recommendation:** Buffers used to calculate impacts should be extended consistent with the most up-to-date science to account for predation risk.[56]

[55] *Id.*
[56] *See e.g.,* United States Geological Survey, *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* (2014).

N3w See response to Comment N3o.

N3x See response to Comment N3o.

## COMMENT(S)

## RESPONSE(S)

### N3 Defenders of Wildlife (cont.)

N3y We also question the true effectiveness and value of some of the examples of mitigation projects identified in the Blueprint. Many of the identified actions such as invasive weed eradication have shown questionable effectiveness in practice. Therefore, we ask that the identified actions be scrutinized further and prioritized based upon likely effectiveness and conservation value to the species.

**Recommendation:** The Blueprint should identify an explicit preference for grazing permit retirement and fee simple purchase, habitat restoration, conservation easements and grazing management agreements for compensatory mitigation actions. These actions are likely to have the greatest benefit for sage-grouse in that part of their range.

N3y See response to Comment N3o.

**d. BLM should incorporate compensatory mitigation for big game winter habitat**

N3z We understand that ODFW is working to develop a compensatory mitigation policy specific to quantifying impacts to Category 2 big game winter habitat, similar to the agency's policy for sage-grouse compensatory mitigation. We support the ODFW's efforts to develop species-specific mitigation guidance that incorporates noise disturbance and other indirect impacts in addition to direct habitat loss, and encourage the BLM to include the final big game winter mitigation policy in the Final EIS.

**Recommendation:** Follow ODFW guidance regarding compensatory mitigation for both direct and indirect (disturbance) impacts to big game winter habitat.

N3z The Applicant has committed to design features and site-specific mitigation measures to avoid and minimize impacts to big game, including seasonal and spatial restrictions, limited new or improved access to sensitive habitat, and a Plan of Development that includes a Biological Resources Conservation Plan. With these protective measures, residual impacts levels are anticipated to be low.

**D. BLM must utilize existing administrative authorities to provide for enduring protection of public lands identified for compensatory mitigation**

As identified in Sec. Order No. 3330, central to effective mitigation policy is "ensuring the durability of mitigation measures over time."[57] "Durable mitigation" is mitigation that is effective for as long as the impacts being mitigated for last, plus restoration. BLM has a number of available tools that can and should be used simultaneously to achieve this goal, *i.e.* "layering."

N3aa To date BLM chiefly emphasizes land use planning designations, including Areas of Critical Environmental Concern and similar designations, as the way to achieve durable mitigation. Land use plans are unquestionably important tools for managing our public lands. But land use plan decisions standing alone are not sufficiently durable. All land use plan decisions, including conservation designations, management prescriptions and rule sets, are subject to amendment and revision and may be modified before conservation and mitigation objectives have been achieved.

To enhance the durability of its mitigation and conservation decisions, BLM must expand its current approach to include other tools in addition to land use planning, including: (1) Title V Rights of Way; (2) permits, leases or easements granted pursuant to 43 U.S.C. §2920; and (3) leases granted pursuant to the Recreation and Public Purposes Act (RPPA); and (4) withdrawals from incompatible uses.

**Recommendation:** BLM must authorize the use of existing administrative authorities for conservation purposes to ensure enduring protection of public lands identified for compensatory mitigation, consistent with Sec. Order No. 3330.

N3aa See next page for response to SI33a.

[57] Sec. Order 3330 p 1.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

**III. Cumulative Impacts Analysis**

**A. BLM must analyze reasonably foreseeable energy development impacts, including renewable energy development impacts**

NEPA requires federal agencies to assess the direct, indirect and cumulative environmental impacts of proposed actions, taking a "hard look" at environmental consequences and performing an analysis commensurate with the scale of the action at issue.[58] In order to take the "hard look" required by NEPA, BLM is required to assess impacts and effects that include: "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative."[59]

NEPA regulations define "cumulative impact" as:

> the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.[60]

To satisfy NEPA's hard look requirement, the cumulative impacts assessment must do two things. First, BLM must catalogue the past, present, and reasonably foreseeable projects in the area that might impact the environment.[61] Second, BLM must analyze these impacts in light of the proposed action.[62] If BLM determines that certain actions are not relevant to the cumulative impacts analysis, it must "demonstrat[e] the scientific basis for this assertion."[63] A failure to include a cumulative impact analysis of actions within a larger region will render NEPA analysis insufficient.[64]

In addition, NEPA requires that cumulative impacts analysis provide "some quantified or detailed information," because "[w]ithout such information, neither courts nor the public . . . can be assured that the [agency] provided the hard look that it is required to provide."[65] The discussion of future foreseeable actions requires more than a list of the number of acres affected, which is a necessary but not sufficient component of a NEPA analysis; the agency must also consider the actual environmental effects that can be expected from the projects on those acres.[66] Finally, cumulative analysis must be done as early in the environmental review process as possible, it is not appropriate

[58] 42 U.S.C. § 4321 et seq.; see also *Metcalf v. Daley*, 214 F.3d 1135, 1151 (9th Cir. 2000); *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 348 (1989).
[59] 40 C.F.R. § 1508.8.
[60] 40 C.F.R. § 1508.7.
[61] *Muckleshoot Indian Tribe v. U.S. Forest Service*, 177 F.3d 800, 809–10 (9th Cir. 1999).
[62] *Id.*
[63] *Sierra Club v. Bosworth*, 199 F.Supp.2d 971, 983 (N.D. Ca. 2002).
[64] *See, e.g., Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1078 (9th Cir. 2002) (finding that an analysis of root fungus on cedar timber sales was necessary for an entire area).
[65] *Neighbors of Cuddy Mountain v. United States Forest Service*, 137 F.3d 1372, 1379 (9th Cir. 1988) (holding that a "very general" cumulative impacts information was not the hard look required by NEPA).
[66] *See Klamath-Siskiyou Wildlands Ctr. v. BLM*, 387 F.3d 989, 995-96 (9th Cir. 2004) (finding that the environmental review documents "do not sufficiently identify or discuss the incremental impact that can be expected from each [project], or how those individual impacts might combine or synergistically interact with each other to affect the [] environment. As a result, they do not satisfy the requirements of the NEPA.").

## RESPONSE(S)

N3aa

As explained in Section 2.5.1.1 of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate). That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required, to be developed in coordination with cooperating agencies for the selected route.

When applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the B2H Project.

Reasonably foreseeable residual effects on resources that are expected to remain after the application of mitigation measures that meet the following criteria warrant compensatory mitigation:

- Residual effects that, if compensatory mitigation were not required, would inhibit achieving compliance with laws, regulations, and/or policies.
- Residual effects that, if compensatory mitigation were not required, would inhibit achieving land use plans objectives.
- Residual effects on important, scarce, or sensitive resources that have been previously identified in a mitigation strategy as warranting compensatory mitigation.
- Residual effects to important, scarce, or sensitive resources that are identified through a NEPA process as warranting compensatory mitigation.

This approach is consistent with the Presidential Memorandum: *Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment* (November 3, 2015); Secretarial Order No. 3330, *Improving Mitigation Policies and Practices of the Department of the Interior*; the BLM's obligations under FLPMA, National Environmental Policy Act (NEPA) of 1969, Council on Environmental Quality (CEQ) Regulations; and the Department of the Interior Manual 600 DM 6: Landscape Scale Mitigation Policy and WO IM2013-142: Draft MS-1794 – Regional Mitigation.

A framework for identifying the appropriate compensation to mitigate residual effects warranting compensatory mitigations presented in Appendix C of the Final EIS. The required compensatory mitigation will be detailed in the BLM Record of Decision.

Ultimately, the additional mitigation measures identified in the EIS and Record of Decision for the selected route would be incorporated into the Applicant's final POD. In turn, the final POD would become a condition of the BLM Record of Decision and an enforceable stipulation of the BLM right-of-way grants and potentially other permits.

## COMMENT(S)

## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

to "defer consideration of cumulative impacts to a future date. NEPA requires consideration of the potential impacts of an action *before* the action takes place."'[67]

A comprehensive cumulative impacts analysis is essential to inform the proper siting, design and operation of transmission projects. The DEIS should fully evaluate the potential cumulative impacts of all current, proposed and reasonably foreseeable projects that will impact the lands and resources traversed by the line.

N3ab

It is reasonable to assume that construction of the B2H Project, by strengthening the transmission backbone in the region, will spur additional generation projects that are either in early stages of development or are not yet underway. Even if these projects are not yet individually known, their likely addition can be considered reasonably foreseeable and therefore should be included in the cumulative impacts analysis. With the potential for energy development in the region, BLM must recognize the connected and cumulative effects that these projects have upon one another and include that analysis in the Final EIS. This information is critical to development of an appropriate suite of mitigation efforts.

**Recommendation:** The Bureau should analyze the cumulative effects of reasonably foreseeable energy development that is likely to occur as a result of the proposed B2H Project.

N3ac

**B. The BLM should better justify the "cumulative impacts analysis areas" in the cumulative impacts analysis to account for genetic connectivity and other landscape-scale ecological processes**

The DEIS' cumulative impacts analysis only calculates actual expected impacts from a subset of the projects within the "cumulative impacts analysis areas"[68] closer to the line, as defined by factors such as the species populations in the immediate vicinity of the line. The rationales given for the selection of cumulative impacts analysis areas vary from those grounded in BLM policy (eg the area for sage grouse is defined by the BLM sage-grouse IM) to those defined as "reasonable distance" or "potential habitat." These rationales do not appear to include the best available science on the distances from which species may be impacted by transmission lines and other forms of development; for example, the rationale for a 0.5 mile area for migratory birds is "Reasonable distance beyond which construction or operations of this or other projects is unlikely to disturb nesting birds." This rationale ignores impacts other than direct disturbance to nesting birds—for example, direct collisions or loss of foraging habitat due to fragmentation. In addition, many of the key species in the area are defined not only by their individual subpopulation viability but by their genetic connectivity to other subpopulations and across the species' ranges as a whole.

**Recommendation:** The FEIS should better justify the rationales for species-specific Cumulative Impact Analysis Areas, including such landscape-scale ecological factors such as genetic connectivity, migration, and habitat fragmentation.

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[67] *Neighbors*, 137 F.3d at 1380 *quoting City of Tenakee Springs v. Clough*, 915 F.2d 1308, 1313 (9th Cir. 1990)(emphasis in original).
[68] B2H DEIS p 3-1045.

N3ab

The Final EIS addresses growth-related changes on the pattern of land use, growth rate, and related effects on air and agricultural lands and other natural systems including ecosystems, as potential indirect effects of the B2H Project. The potential for induced development would depend on future decisions by the cities and counties in the B2H Project area through their planning and zoning authorities and processes. Refer to Section 3.2.6 for discussion regarding compliance of the B2H Project with existing zoning and land use plans.

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

N3ac

See response to Comment N3ab.

## COMMENT(S)

## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

**IV. West-wide Energy Corridors (WWECs) designated pursuant to Section 368 of the Energy Policy Act of 2005**

As noted in the B2H DEIS Fed. Reg notice, "[t]o the extent practicable, the proposed routes were located to within existing West Wide Energy corridors (WWEC) designated pursuant to Section 368 of the Energy Policy Act of 2005 and other federally-designated utility corridors."[69] The WWECs, proposed in 2009, did not focus on or facilitate access to renewable energy development, did not provide enough opportunity for public input on their construction, and did not adequately analyze potential impacts on wildlife and the environment. In response, Defenders joined fellow conservation organizations and one county in challenging the designation of the originally proposed corridors. The litigation resulted in a settlement agreement, in which the agencies agreed to review the corridors to address these issues. In addition to directing use of IOPs, as discussed above, IM 2014-080 instructs field office officials to encourage applicants to site projects within the WWECs as currently designated, and to make project proponents aware that siting projects within "Corridors of Concern" (COCs) as identified in the Settlement Agreement may:

- Involve significant environmental impacts;
- Include preparation of an environmental impact statement;
- Involve substantially increased or extensive mitigation measures such as regional or off-site mitigation to compensate for impacts to sensitive resources;
- Include consideration of alternatives outside the corridor and consideration of an alternative that denies the requested use;
- Include amendment of the applicable land use plan to modify or delete the COC and designate an alternative corridor; and
- Be challenged.

The B2H Project area includes two designated WWECs, neither of which is a COC:

- 11-228, which heads generally west from the Boise area into Oregon and parallels the route of the proposed Captain Jack transmission line. B2H follows this WWEC in Segment 6.
- 250-251, which follows the route of I-84 on federal lands. The route between Boardman and Hemingway is paralleled exactly by I-84; however, the B2H DEIS routes only follow I-84 in a few places (particularly in Segments 2 & 3) and most distinctly stray away from I-84 near the north and south termini, in Segments 1, 4, 5, & 6.

To assist in our analysis of WWECs across the western U.S. Defenders has developed a geospatial analysis of potential wildlife risk from the WWECs and submitted it, along with an associated comment letter,[70] to the BLM and USFS as a response to their request for information to support the post-settlement Corridor Study and Regional Periodic Review of the WWECs.[71] We have included an Oregon-specific version of this analysis as Attachment 2 to this letter. Our analysis included both coarse-scale and fine-scale data for selected species. Four coarse-scale, west-wide data sets were used in order to generate comparable scores for each WWEC segment: state **Crucial Habitat Assessment Tool (CHAT) values**,[72] **landscape permeability** (a model of habitat

[69] 79 Fed. Reg. 75835
[70] Defenders of Wildlife (2014). GIS Risk Analysis of the West-Wide Energy Corridors (WWECs); Defenders of Wildlife Comment Letter re: Recommendations Related to the Request for Information: West-wide Energy Corridors Review, submitted May 27, 2014.
[71] 79 Fed. Reg. 17567, 3/28/14
[72] Western Governors' Association Crucial Habitat Assessment Tool. Available at http://westgovchat.org/about.

## COMMENT(S)

**N3** **Defenders of Wildlife (cont.)**

connectivity),[73] "**flowlines**" (a model of preferred routes across the landscape connecting permeable habitat),[74] and occurrences of NatureServe ranked G-1 and G-2 (globally **imperiled) species** by watershed.[75] Additionally, we examined several fine-scale, individual key species datasets and maps, including (but not limited to) Greater sage-grouse. Figure 1 shows the major results of our analysis for the WWEC segments that overlap with B2H Project.

N3ad

Using our analysis, we identified the following issues:

- **WWEC 11-228:** This WWEC poses Very High risk to flowlines, and high risk to CHAT values. It also intersects with Greater sage-grouse Priority Areas for Conservation (PACs) along 30% of its length.
- **WWEC 250-251:** While WWEC 250-251 scores Very High risk for CHAT values, it has extraordinarily low risk scores for the other values we assessed, including the lowest value for risk to flowlines disruption among all WWECs nationwide and a relatively limited (14%) intersection with Greater sage-grouse PACs. We support using this corridor as much as possible for siting B2H.

We are disappointed that the BLM did not include in its alternatives analysis a proposed route that follows the length of Interstate 84, particularly in segment 1 and segments 4, 5, and 6, to align with WWEC 250-251 on public and private lands. By following the Interstate and traversing agricultural lands and other degraded habitats, such a route alternative may have been better able to avoid and minimize wildlife impacts by avoiding "environmentally sensitive areas" and "[diminishing] the proliferation of dispersed rights-of-way ("ROWs") crossing the landscape."[76]

| Name | CHAT Score | Flow-lines Score | Permea-bility Score | Imperiled Species Score | % int. w GSG PACs | GSG impt. breeding areas |
|---|---|---|---|---|---|---|
| 11-228 | 6.68 | 9.15 | 5.32 | 1.07 | 30% | yes |
| 250-251 | 7.19 | 0.00 | 0.63 | 0.94 | 14% | yes |

**Figure 1: WWEC segments with some overlap with B2H, and results of Defenders' geospatial risk analysis. Scores in red are Very High risk relative to other segments for that category, scores in orange are High, yellow are Medium, light green are Low, and dark green are Very Low.**

**Recommendation:** The BLM should utilize the WWEC**s** to the greatest extent possible to avoid and minimize impacts on wildlife and habitat. If a corridor is found unsuitable based on wildlife and habitat impacts, we recommend the BLM remove the corridor via the FEIS and land-use plan amendment.

[73] Theobald, D. M., Reed, S. E., Fields, K. and Soulé, M. (2012), Connecting natural landscapes using a landscape permeability model to prioritize conservation activities in the United States. Conservation Letters, 5: 123–133. doi: 10.1111/j.1755-263X.2011.00218.x
[74] *Id.*
[75] NatureServe Analysis of Imperiled or Federally Listed Species by HUC-12, October 2011. Note that this dataset, while extremely valuable in its detailed aggregation at the HUC-12 watershed level, does not represent the most recent available information from NatureServe (which updates its HUC-8 datasets more frequently). We used it in our analysis to provide a west-wide window onto local concentrations of imperiled species, but WWEC-specific analysis should identify best-available datasets in order to get a comprehensive understanding of potential impacts to imperiled species.
[76] West-Wide Energy Corridors Settlement Agreement, p 4.

## RESPONSE(S)

N3ad

See response to Comment N3a.

The EIS has been revised to include an alternative route along Interstate 84 in Segment 1.

## COMMENT(S)

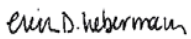
## RESPONSE(S)

**N3** **Defenders of Wildlife (cont.)**

**V. Conclusion**

Thank you for the opportunity to submit comments on this project. We look forward to continuing to work with the BLM on analyzing the Boardman to Hemingway Project. If you have any questions, please contact elieberman@defenders.org or ecava@defenders.org.

Sincerely,



Erin Lieberman
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**Attachment 1:** Gateway South FEIS Appendix H, West-wide Energy Corridor Interagency Operating Procedures

**Attachment 2:** Defenders of Wildlife (2014), *GIS Risk Analysis of the West-Wide Energy Corridors (WWECs) in Oregon*

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**



### Appendix H

### West-wide Energy Corridor Interagency Operating Procedures

This appendix lists the Interagency Operating Procedures (IOPs) that were developed under the Section 368 Corridor Program of the Energy Policy Act of 2005 and enumerated in the PEIS for the West-Wide Energy Corridors (DOE and BLM 2008). This appendix shows how the Gateway West Project would conform to these IOPs and provides the location in the main part of the EIS or in supplemental documentation in the administrative record where they are discussed.

ATTACHMENT

N3

Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Regulatory Compliance | | | |
| 1 | The appropriate agency, assisted by the applicant, must conduct project-specific NEPA analyses in compliance with Section 102 of NEPA. The scope, content, and type of analysis shall be determined on a project-by-project basis by the Agencies and the applicants. | BLM is the lead federal agency under NEPA and has coordinated the preparation of an EIS and the determination of compliance with related environmental laws and cooperating agencies. The cooperating agencies include the U.S. Forest Service (Caribou-Targhee, Medicine Bow-Routt, and Sawtooth National Forests); the National Park Service (National Trails Office, Minidoka National Historic Site, Hagerman Fossil Beds National Monument, Fossil Butte National Monument, Craters of the Moon National Monument and Preserve, and City of Rocks National Reserve); the U.S. Fish and Wildlife Service (Ecological Services Division, Seedskadee and Cokeville Meadows National Wildlife Refuges); the U.S. Army Corps of Engineers; the Bureau of Indian Affairs; the States of Idaho and Wyoming; Idaho Army National Guard; Cassia, Power, and Twin Falls Counties, Idaho; Lincoln, Sweetwater, and Carbon Counties, Wyoming; the Medicine Bow and Saratoga Encampment-Rawlins Conservation Districts in Wyoming; and the City of Kuna in Idaho. | EIS Section 1.1 (Purpose and Need; Introduction) |
| 2 | The appropriate agency, assisted by the project applicant, must comply with Section 106 of the NHPA on a project by-project basis. Consultation with SHPOs, any federally recognized Tribes, and other appropriate parties as per regulations (36 CFR 800) must begin early in the planning process and continue throughout project development and execution. The ACHP retains the option to comment on all undertakings (36 CFR 800.9). | A PA has been developed for the Gateway West Project and is a collaborative process involving BLM, SHPOs of Wyoming and Idaho, the ACHP, and other consulting parties. | EIS Section 3.3 (Affected Environment and Environmental Consequences; Cultural Resources); Appendix N: Programmatic Agreement Regarding Compliance with the National Historic Protection Act (PA) of this EIS |
| | | In compliance with Section 106 of the NHPA (as amended) and the revised ACHP 3 regulations (36 CFR 800), the BLM initiated and continue government-to-government consultation with seven Native American tribes in the Project area, including the Shoshone-Bannock; Northern Arapaho Business Council; Ute Tribal Council; Northwest Shoshone Band; Eastern Shoshone Business Council; Northern Cheyenne Tribal Council; and Shoshone-Paiute. The BLM also consulted with the Idaho and Wyoming SHPOs. | EIS Section 5.2 (Consultation and Collaboration; Consultation), Appendix N (PA) of this EIS |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 3 | The appropriate agency, assisted by the project applicant, must consult with the USFWS and the NMFS as required by Section 7 of ESA. The specific consultation requirements, as set forth in regulations at 50 CFR Part 402, would be applied on a project-by-project basis. Applicants shall identify known occupied sites, such as nest sites, for threatened and endangered species and special status species. | Consultation with the USFWS began in March 2008 and has continued throughout the scoping and EIS analysis process. | EIS Section 5.2.2.1 (Consultation and Collaboration; Consultation; Federal Agencies; U.S. Fish and Wildlife Service) |
| | | The identification and characterization of TES species within the Analysis Area were completed through the review of available literature, federal and state databases, consultation with federal and state biologists, and the completion of limited biological surveys and remote habitat assessments. | EIS Section 3.11.1.4 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species; Affected Environment, Methods) |
| | | The BLM determined that greater sage-grouse surveys were necessary at limited locations along the Proposed Action and its Alternatives. BLM biologists identified specific areas within the Project's segments that had a high potential for greater sage grouse occurrence, but where very little data regarding possible lek locations existed. These areas were surveyed for both greater sage-grouse and Columbian sharp-tailed grouse during April 2008. The BLM also determined that raptor nest surveys were necessary along specific portions of the Proposed Action and its Alternatives. Raptor nest surveys were conducted by aerial survey methods concurrent with sage and sharp-tail grouse surveys. Additionally, ground nesting raptor surveys were conducted on portions of Segment 2 during the appropriate survey window in the late spring/early summer of 2008. | EIS Section 3.11.1.4 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species; Affected Environment; Methods; Biological Field Surveys) |
| | | The EPMs proposed by the Proponents (Appendix B) state that preconstruction surveys would be completed within specific areas along the Project's Proposed Action for certain species. Surveys the year prior to construction would be conducted in the Analysis Area in the vicinity of the Project, using agreed-upon protocols, for: black-footed ferret, burrowing owl, Columbian sharp-tailed grouse, greater sage grouse, mountain plover, pygmy rabbit, white-tailed prairie dog, Wyoming pocket gopher, and any other species that are listed between now and the beginning of construction. | EIS Section 3.11.1.4 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species; Affected Environment; Methods; Biological Field Surveys); also see Table 2.7-1. |

ATTACHMENT

N3

Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| | | The EIS includes mitigation measures that would be required by the Agencies in addition to those EPMs proposed by the Proponents. These measures are presented in the species discussions in Chapter 3, and are summarized in Table 2.7-1, also see Appendix B. | EIS Section 3.11 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species; Mitigation Measures in section 3.11; also see Table 2.7-1. |
| 4 | The appropriate agency, assisted by the project applicant, must coordinate and consult with NMFS regarding potential impacts to essential fish habitat (EFH) as required by the 1996 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. | Not applicable to the areas crossed by the Project. | Not Applicable |
| Agency Coordination | | | |
| 1 | Applicants seeking to develop energy transport projects within corridors located on or near DOD facilities or flight training areas (see Appendix L for applicable corridors) must, early in the planning process and in conjunction with the appropriate agency staff, inform and coordinate with the DOD regarding the characteristics and locations of the anticipated project infrastructure. | The Proponents held, or participated in, a series of Project kickoff meetings that included U.S. Air Force (USAF) Mountain Home Air Force Base, Saylor Creek Bombing Range. The Proponents met with representatives of the USAF Saylor Creek Bombing Range. During the routing study and scoping period, the Proponents met with representatives of Saylor Creek Bombing Range to discuss height restrictions north of the bombing range. | Siting Study Section 2.2.4 (Overall Siting Approach, Transmission Line Siting; Initial Agency Consultation and Stakeholder Input) |
| 2 | Early in the planning process, applicants seeking ROW authorization within a Section 368 energy corridor that is located within five miles of a unit of the NPS should contact the appropriate Agency staff and work with the NPS regarding the characteristics and locations of anticipated project infrastructure. In those instances where corridors cross lands within the boundaries of a unit of the NPS, the National Park Service Organic Act and other relevant laws and policies shall apply. | BLM is the lead federal agency under NEPA and has coordinated the preparation of an EIS and the determination of compliance with related environmental laws and cooperating agencies, which include the National Park Service (National Trails Office, Minidoka National Historic Site, Hagerman Fossil Beds National Monument, Fossil Butte National Monument, Craters of the Moon National Monument and Preserve, and City of Rocks National Reserve). | EIS Section 1.1 (Purpose and Need; Introduction) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 3 | In those instances where projects using energy corridors are proposed to also cross National Wildlife Refuge System lands, the National Wildlife System Administration Act and other relevant laws and policies pertinent to national wildlife refuges shall apply. | Not applicable because there are no WWE Corridors planned for use through National Wildlife Refuges for the Gateway West Project. | Not Applicable |
| 4 | For electricity transmission projects, the applicant shall notify the Federal Aviation Administration (FAA) as early as practicable in the planning process in order to identify appropriate aircraft safety requirements. | Activities accompanied by helicopter flight operations would operate under the control of the FAA. The Proponents would file a notice of construction activities, (Federal Regulation Title 14 Part 77) with the FAA. The FAA is concerned with: 1) Any construction or alteration exceeding 200 feet above ground level; and 2) Any construction or alteration: a) within 20,000 feet (3.79 miles) of a public use or military airport that exceeds a 100:1 sloping surface from any point on the runway of each airport with at least one runway more than 3,200 feet; b) within 10,000 feet (1.89 miles) of a public use or military airport that exceeds a 50:1 sloping surface from any point on the runway of each airport with its longest runway no more than 3,200 feet; and c) within 5,000 feet of a public use heliport that exceeds a 25:1 sloping surface. These regulations do not apply to private landing strips. | EIS Section 3.19.1.3 (Affected Environment and Environmental Consequences; Transportation; Affected Environment; Regulatory Framework; Federal; Federal Aviation Administration) |
| 5 | All project applications must reflect applicable findings, mitigation, and/or standards contained in regional land management plans, such as the Northwest Forest Plan, when such regional plans have been incorporated into agency planning guidelines and requirements. Modification of some standards may be needed to reasonably allow for energy transport within a corridor. | Table 1.5-1 lists the various federal land use plans that provide direction and management standards for activities within their jurisdiction, their year of publication, and the status of their revision. Mitigation measures summarized in Table 2.7-1 are derived from agency planning guidelines and requirements. | EIS Section 1.5 (Purpose and Need; Relationship to Policies, Plans, and Programs) |
| | | Where possible, the proposed Project has been modified to comply with the plans. Portions of the Proposed Action and the Route Alternatives are still not in compliance with one or more of the plans; therefore, land use plan amendments are included as part of the Proposed Action and Route Alternatives, and the effects are analyzed in Chapter 3. As part of the ROD, the BLM and Forest Service will decide whether to implement the amendments and the significance of the amendments. Table 2.2-1 lists the plans that would require amendment and the proposed amendments based on the alignment of the Proposed Route and Route Alternatives. | EIS Section 1.5.1 (Purpose and Need; Relationship to Policies, Plans, and Programs; Plan Amendments); EIS Section 2.2.4 (Alternatives; Alternative Development; Proposed Plan Amendments and Amendments Associated with Alternative Routes); Appendix F |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Government-to-Government Coordination | | | |
| 1 | The appropriate agency, assisted by the project applicant, must initiate government-to-government consultation with affected Tribes at the outset of project planning and shall continue consultation throughout all phases of the project, as necessary. Agencies should determine how to consult in a manner that reflects the cultural values, socioeconomic factors, and administrative structures of the interested Tribes. | As lead agency, the BLM initiated government-to-government consultation with seven Native American tribes in the Project area. Table 5.2-2 lists the Native American tribes that have been contacted and summarizes the concerns they have raised to date and the status of consultation. The BLM is continuing government-to-government consultation with these Tribes. | EIS Section 5.2.1 (Consultation and Collaboration; Consultation; Government-to-Government) |
| 2 | The agency POC may require the project proponent to prepare an ethnographic study when Tribal consultation indicates the need. The study shall be conducted by a qualified professional selected in consultation with the affected Tribe. | An ethnography was completed for Shoshone-Paiute. A second ethnography study is in progress. The results of these studies will be used to inform the discussions between the BLM and the Tribes concerning TCPs. | EIS Section 3.3.2.3 (Affected Environment and Environmental Consequences; Cultural Resources; Affected Environment; Regulatory Framework; Consultation);<br>EIS Section 5.2.1.1 (Consultation and Collaboration; Consultation; Government-to-Government; Ethnographic Study Process/TCP) |
| General | | | |
| 1 | Applicants seeking to develop an electricity transmission or pipeline project will develop a project-specific Plan of Development (POD). The POD should display the location of the project infrastructure (i.e., towers, power lines) and identify areas of short- and long-term land and resource impacts and the mitigation measures for site-specific and resource-specific environmental impacts. The POD should also include notification of project termination and decommissioning to the agencies at a time period specified by the agencies. | Applicants submitted a revised POD. The POD they filed provides detailed information on the currently proposed Project facilities and the steps that the Proponents will follow during construction, operation, and maintenance of the Project. During the course of Project development, further changes are anticipated to the POD. Revisions will be submitted as they become available. The final POD will be appended to the BLM ROW Grant. | EIS Appendix B |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | Applicants, working with the appropriate agencies, shall design projects to comply with all appropriate and applicable Agency policies and guidance. | Where possible, the proposed Project has been designed to conform with land management plans. Portions of the Proposed Route and the Route Alternatives still do not conform with one or more of the plans. As part of the ROD, the BLM and the Forest Service will decide whether to implement an amendment for a corresponding route or alternative if the decision is to grant a ROW. Section 2.2.1 identifies whether an amendment would be needed for each Proposed Route and Route Alternative and what sections of Chapter 3 would be affected if a plan amendment were required. Chapter 3 resource sections discuss plan amendment consequences. | EIS Section 1.5.1 (Purpose and Need; Relationship to Policies, Plans, and Programs); EIS Section 2.2.4 (Alternatives; Alternative Development; Proposed Plan Amendments and Amendments Associated with Alternative Routes); and Appendix F |
| 3 | Project planning shall be based on the current state of knowledge. Where corridors are subject to sequential projects, project-related planning (such as the development of spill-response plans, cultural resource management plans, and visual resource management plans) and project-specific mitigation and monitoring should incorporate information and lessons learned from previous projects. | Where the Proposed or Alternative Routes are located within a WWE Corridor there are no prior projects in the last 10 years. | EIS Chapter 4 (Cumulative Effects) |
| 4 | Applicants shall follow the best management practices for energy transport project siting, construction, and operations of the states in which the proposed project would be located, as well as federal agency practices. | The POD specifies Environmental Protection Measures (EPMs) that the Proponents have incorporated as their best management practices and as part of the Project description. These measures have been developed by the Proponents to maintain environmental quality and meet requirements of various land management plans. These measures apply project-wide unless noted otherwise. These EPMs apply to construction, operation, and maintenance as appropriate. See Table 2.7-1 of the EIS for additional measures required by the Agencies. | Appendix Z to the POD (Environmental Protection Measures) included in Appendix B to this EIS; and Table 2.7-1. |
| | | Table 1.4-1 lists the major federal, state, and local permits, approvals, and consultations identified for the construction and operation of Gateway West. | EIS Section 1.4 (Purpose and Need; Authorizing Laws and Regulations) |

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**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 5 | Corridors are to be efficiently used. The applicant, assisted by the appropriate agency, shall consolidate the proposed infrastructure, such as access roads, wherever possible and utilize existing roads to the maximum extent feasible, minimizing the number, lengths, and widths of roads, construction support areas, and borrow areas. | Wherever possible, new access roads will be constructed within the proposed transmission line ROW, or existing roads will be used. | POD Section 3 (Project Description) and Appendix B to the POD |
| 6 | When concurrent development projects are proposed and implemented within a corridor, the agency POCs shall coordinate the projects to ensure consistency with regard to all regulatory compliance and consultation requirements, and to avoid duplication of effort. | Gateway South, Zephyr, and TransWest Express may be concurrent with portions of Gateway West. Coordination is ongoing to ensure consistency with regard to all regulatory compliance and consultation requirements, and to avoid duplication of effort. | EIS Section 4 (Cumulative Effects) |
| 7 | Applicants, assisted by the appropriate agency, shall prepare a monitoring plan for all project-specific mitigation activities. | The preliminary Reclamation Plan describes the framework for development of the final Reclamation, Revegetation, and Weed Management Plan. The plan provides a structure for post construction monitoring. | EIS Appendix B (Framework Reclamation Plan) |
| | | The POD includes the procedures to be undertaken to inventory, evaluate, and protect cultural and paleontological resources. | EIS Appendix B (Environmental Protection Measures and Framework Paleontological Monitoring and Mitigation Plan); Appendix N (PA) |
| | | Environmental monitoring is also proposed where construction may be permitted but its conformance with minimization measures should be monitored and enforced. The details of the Proponents environmental compliance program including monitoring and reporting will be detailed in the construction POD. | EIS Appendix B (Framework Plant and Wildlife Conservation Measures Plan) |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 8 | Potential cumulative impacts to resources should be considered during the early stages of the project. Agency POCs must coordinate various development projects to consider and minimize cumulative impacts. A review of resource impacts resulting from other projects in the region should be conducted and any pertinent information be considered during project planning. | Chapter 4 presents a discussion of the potential cumulative effects associated with Gateway West. | EIS Chapter 4 (Cumulative Effects) |
| Project Design | | | |
| 1 | Applicants shall locate desired projects within energy corridors to promote effective use of the corridors by subsequent applicants and to avoid the elimination of use or encumbrance of use of the corridors by ROW holders. Proposed projects should be compatible with identified energy transport modes and avoid conflicts with other land uses within a corridor. | In selecting a route for the proposed Project, the Proponents identified existing transmission lines, easements, or ROWs and other utility corridors including the WWE Corridor and considered them as opportunities for routing. However, the Proponents also must meet the WECC minimum separation distance between transmission lines to prevent loss of multiple circuits from a single event such as a wildland fire. All segments must obtain new ROWs through a combination of ROW Grants and easements between the Proponents and various federal, state, and local governments; other companies (e.g., utilities and railroads); and private landowners. | Appendix B to the POD (Project Description; Introduction and Project Description; Land Requirements and Construction Disturbance; Right-of-Way Acquisition) |
| | | In order to achieve the capacity needed to serve present and future loads within the Proponents' service area, the WECC requires a minimum separation from existing transmission lines that serve substantially the same load as that served by each of the new Gateway West transmission segments. The Gateway West transmission lines are located approximately 1,500 feet from the nearest existing 230-kV or higher voltage transmission lines to meet reliability requirements. | Appendix B to the POD (Project Description; Introduction and Project Description; Land Requirements and Construction Disturbance; Right-of-Way Acquisition) and Chapter 1 of the EIS (Purpose and Need; Existing Transmission System Constraints; Reliability) |
| | | During final design of the transmission line segments, appropriate electrical studies will be conducted to identify the issues associated with paralleling other facilities, and the types of equipment that will need to be installed (if any) to mitigate the effects of the induced currents. | POD (Project Description; Proposed Facilities; Induced Currents and Adjacent Facilities) |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | Applicant shall identify and delineate existing underground metallic pipelines in the vicinity of a proposed electricity transmission line project and design the project to avoid accelerating the corrosion of the pipelines and/or pumping wells. | GIS data for large capacity pipelines were obtained from Penwell and considered during routing. GIS data for oil and gas well heads were obtained from the State of Wyoming and NAIP aerial photography, and a 250-foot no occupancy buffer was applied during routing. | Siting Study Section 2.2 (Overall Siting Approach; Transmission Line Siting) |
| | | During final design of the transmission line segments, appropriate electrical studies will be conducted to identify the issues associated with paralleling other facilities, and the types of equipment that will need to be installed (if any) to mitigate the effects of the induced currents. | POD (Project Description, Proposed Facilities; Induced Currents and Adjacent Facilities) |
| Transportation | | | |
| 1 | The applicant shall prepare an access road siting and management plan that incorporates relevant agency standards regarding road design, construction, maintenance, and decommissioning. Corridors will be closed to public access unless determined by the appropriate federal land manager to be managed as part of an existing travel and transportation network in a land use plan or subsequent travel management plan(s). | Appendix L to the POD, Traffic and Transportation Management, includes measures that require compliance with federal policies and standards relative to planning, siting, improvement, maintenance, and operation of roads for the Project. The Proponents shall prepare a Traffic and Transportation Management Plan to be included in the Construction POD, once the locations of access roads and crossings are known, that demonstrates how the measures specified herein will be implemented in the field. | EIS Appendix B (Environmental Protection Measures and Framework Traffic and Transportation Management) |
| 2 | The applicant shall prepare a comprehensive transportation plan for the transport of transmission tower or pipeline components, main assembly cranes, and other large equipment. The plan should address specific sizes, weights, origin, destination, and unique equipment handling requirements. The plan should evaluate alternative transportation routes and should comply with state regulations and all necessary permitting requirements. The plan | The Proponents shall prepare a Traffic and Transportation Management Plan to be included in the Construction POD, once the locations of access roads and crossings are known, that demonstrates how the measures specified herein will be implemented in the field. | EIS Appendix B (Environmental Protection Measures and Framework Traffic and Transportation Management) |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 (cont.) | should address site access roads and eliminate hazards from truck traffic or adverse impacts to normal traffic flow. The plan should include measures such as informational signage and traffic controls that may be necessary during construction or maintenance of facilities. | The transportation plan shall evaluate the components required. Hauling routes will be determined and all issues resolved (access, traffic control, damage mitigation, bridge evaluation, etc.), therefore, no evaluation of alternative routes will be conducted in the transportation plan. | Shall be included in the Construction POD. |
| | | Equipment required for construction of the Gateway West transmission lines and substations will include, but are not limited to, those listed in Tables 3.8-2 and 3.8-3. These tables also include the anticipated daily duration of equipment use for each segment for each type. Table 3.8-4 provides an estimate of the average and peak construction traffic during the construction period. | Appendix B to the POD (Project Description; Construction Workforce; Construction Equipment and Traffic) |
| 3 | Applicants shall consult with local planning authorities regarding increased traffic during the construction phase, including an assessment of the number of vehicles per day, their size, and type. Specific issues of concern (e.g., location of school bus routes and stops) should be identified and addressed in the traffic management plan. | The POD presents protection measures to be used to minimize impacts on roads, traffic, and other users of roads, and to reduce dust. The Proponents will prepare a Traffic and Transportation Management Plan, once the locations of access roads and crossings are known, that demonstrates how the measures specified herein will be implemented in the field. | EIS Appendix B (Environmental Protection Measures and Framework Traffic and Transportation Management Plan) |
| Groundwater | | | |
| 1 | Applicants must identify and delineate all sole source aquifers in the vicinity of a proposed project and design the project to avoid disturbing these aquifers or to minimize potential risks that the aquifers could be contaminated by spills or leaks of chemicals used in the projects. | Southern and southwest Idaho is underlain by the Snake River Plain aquifer (Segments 5 through 10). The Eastern Snake River Plain Aquifer is a sole source aquifer. The required SPCC plan will address minimizing spills and contamination. | EIS Section 3.16 (Water Resources); EIS Appendix B (Environmental Protection Measures and Framework Spill Prevention, Containment, and Countermeasures Plan). The detailed SPCC Plan will be prepared after the Final EIS, prior to construction. |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | In instances where a project within an energy corridor crosses sole source aquifers, the applicant must notify the U.S. Environmental Protection Agency (EPA) and the agencies that administer the land as early as practicable in the planning process. Section 1424(e) of the Safe Drinking Water Act (42 USC Chapter 6A) and other relevant laws and policies pertinent to the corridors that cross sole source aquifers shall apply. | Southern and southwest Idaho is underlain by the Snake River Plain aquifer (Segments 5 through 10). The Eastern Snake River Plain Aquifer is a sole source aquifer. | EIS Section 3.16 (Affected Environment and Environmental Consequences; Water Resources). EPA was notified of the Project during scoping and will comment on the EIS. |
| Surface Water | | | |
| 1 | Applicants must identify all wild and scenic rivers (designated by act of Congress or by the Secretary of the Interior under Section 3(a) or 2(a)(ii) of the Wild and Scenic Rivers Act (16 USC 1271-1287), respectively), congressionally authorized wild and scenic study rivers, and agency identified (eligible or suitable) wild and scenic study rivers in the vicinity of a proposed project and design the project to avoid the rivers or mitigate the disturbance of the rivers and their vicinity. | The Project was reviewed for Wild and Scenic Rivers (WSRs). While there are no WSR within WWE corridors proposed for use by the Project or its Route Alternatives, BLM has determined that Salmon Falls Creek is an eligible WSR and revised the route to cross at a Recreation portion of the river. Alternative routes have been developed. | EIS Section 3.17 (Affected Environment and Environmental Consequences; Land Use) |
| 2 | In instances where a project within an energy corridor crosses a wild and scenic river or a wild and scenic study river, the appropriate federal permitting agency, assisted by the project applicant, must coordinate and consult with the river-administrating agency regarding the protection and enhancement of their free-flowing condition, water quality, and outstandingly remarkable natural, cultural, and recreational values. | The Project does not employ an Energy Corridor that crosses any WSRs or agency-identified eligible WSRs. | Not Applicable |
| 3 | Applicants shall identify all streams in the vicinity of proposed project sites that are listed as impaired under Section 303(d) of the Clean Water Act (33 USC Chapter 26) and provide a management plan to avoid or mitigate adverse impacts on those streams. | Lists of 303(d) impaired waterbodies were obtained from the IDEQ, NDEP and WDEQ websites. Appendix D presents the list of sediment or temperature impaired waterbodies within the Idaho portion of the Analysis Area. There were no temperature or sediment-impaired waterbodies in the Wyoming portion of the Project. | EIS Appendix D; EIS Section 3.16.1.5 (Affected Environment and Environmental Consequences; Water Resources; Affected Environment; Existing Conditions; Surface Water) |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| | | The TMDL or 303(d) listed streams for sediment that are crossed by the Gateway West project and are within a WWE Corridor include one unnamed stream in Seg 8 Alt 8A, Browns Creek and 3 unnamed streams in Seg 9 Proposed, and 2 unnamed streams in Seg 9 Alt 9B. Plans to avoid or mitigate adverse impacts on these streams are included in the proposed EPMs for vegetation, wetlands, fish, soils, stormwater pollution prevention, and spill prevention, containment, and countermeasures. | EIS Section 3.6 (Vegetation Communities), Section 3.9 (Wetlands), Section 3.10 (General Wildlife and Fish), Section 3.11 (Special Status Wildlife and Fish Species), Section 3.15 (Soils), Appendix B (Environmental Protection Measures; Framework Stormwater Pollution Prevention Plan; Framework Spill Prevention, Containment, and Countermeasures; and Framework Operations, Maintenance, and Emergency Response Plan) |
| Paleontological Resources | | | |
| 1 | The applicant shall conduct an initial scoping assessment to determine whether construction activities would disturb formations that may contain important paleontological resources. Potential impacts to significant paleontological resources should be avoided by moving or rerouting the site of construction or removing or reducing the need for surface disturbance. When avoidance is not possible, a mitigation plan should be prepared to identify physical and administrative protective measures and protocols such as halting work, to be implemented in the event of fossil discoveries. The scoping assessment and mitigation plan should be conducted in accordance with the managing agency's fossil management practices and policies. | To reduce the impacts on paleontological resources during construction, the following mitigation is required on federal lands; and state, Indian Reservation, or private lands where requested by the land management agency or landowner: PALEO-1 to PALEO-5 The Proponents will prepare a Paleontological Monitoring Plan for the Project, focusing on Segment 4 where the potential for adverse impacts is the greatest. This plan will be submitted for review and approval prior to commencing construction. | EIS Section 3.13 (Affected Environment and Environmental Consequences; Paleontological Resources; Mitigation Measures); Appendix B (Framework Paleontological Resources Protection Plan. |

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**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | If significant paleontological resources are known to be present in the project area, or if areas with a high potential to contain paleontological material have been identified, the applicant shall prepare a paleontological resources management and mitigation plan. If adverse impacts to paleontological resources cannot be avoided or mitigated within the designated corridors, the agency may consider alternative development routes to avoid, minimize, or mitigate adverse effects. | To reduce the impacts on paleontological resources during construction, the following mitigation is required on federal lands; and state, Indian Reservation, or private lands where requested by the land management agency or land owner: PALEO-1 to PALEO-5. The Proponents will prepare a Paleontological Monitoring Plan for the Project, focusing on identified in the EIS where the potential for adverse impacts is the greatest. This plan will be submitted to appropriate agencies for review and approval prior to commencing construction. | EIS Section 3.13 (Paleontological Resources; Affected Environment and Environmental Consequences); Appendix B (Framework Paleontological Resources Protection Plan) |
| | | The overall approach to the transmission line siting included identifying routing opportunities and constraints in the Project study area and using this information to identify, evaluate, and compare alternative corridors for each of the 10 segments and select a proposed corridor and, in some cases, recommended alternative corridors for each segment. The full list of data sources is presented in Table 2-1, which includes paleontological formation outcroppings. | Siting Study Section 2.2 (Overall Siting Approach; Transmission Line Siting), Section 2.2.2 (Overall Siting Approach; Transmission Line Siting; Data Sources) |
| 3 | A protocol for unexpected paleontological discoveries should be developed. Unexpected discovery during construction should be brought to the immediate attention of the responsible federal agency's authorized officer. Work should be halted in the vicinity of the discovery to avoid further disturbance of the resource while the resource is being evaluated and appropriate mitigation measures are being developed. | An Unanticipated Discovery Plan will be included as part of the Cultural Resources and Paleontological Monitoring and Mitigation Plan. | EIS Appendix B (POD) and Appendix N (PA) |
| Ecological Resources | | | |
| 1 | Applicants shall identify important, sensitive, or unique habitats and BLM-special status species (BLM 2008), FS-sensitive, and state-listed species in the vicinity of proposed projects and design the project to avoid or mitigate impacts to these habitats and species. | Federally listed, proposed, and candidate plants and other special status species including BLM and Forest Service species are discussed in Section 3.7.1.5. The Proponents have proposed a series of EPMs (Appendix B). Section 3.6.2.2 contains applicable references to plans and EPMs related to general vegetation, all of which would be applicable to reduce impacts to threatened and endangered species. In addition, | EIS Section 3.7 (Affected Environment and Environmental Consequences; Special Status Plants) and Section 3.7.1.5 (Affected Environment and Environmental Consequences; Special Status Plants; Affected |

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**N3** **Defenders of Wildlife (cont.)**

**West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs)**
**Based on WWEC USFS & BLM Jan 2009 RODs**

| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
|---|---|---|---|
| | | the Proponents propose to conduct pre-construction surveys in suitable habitat the year prior to construction and to redesign the proposed disturbance as needed to avoid direct impacts to blowout penstemon, slickspot peppergrass, and Ute ladies'-tresses (Idaho Power and Rocky Mountain Power 2008a, b). Proponents will conduct preconstruction surveys by qualified botanists during a season when target species are readily identifiable for special status or globally rare species. Where feasible, micrositing of Project facilities will avoid direct impacts to identified populations. | Environment; Existing Conditions; Other Special Status Plant Species), Section 3.7.2.2 (Affected Environment and Environmental Consequences; Special Status Plants; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction) |
| | | Appendix B presents EPMs, and the body of the EIS presents additional mitigation measures, that address threatened and endangered species listed under the ESA, those listed by the Forest Service as sensitive and the BLM as special status, and special status species identified by state game and fish agencies. Sage-grouse plan addressing management and avoidance. BLM has prepared a habitat impact analysis and mitigation calculations in addition to that proposed by the Proponents, included in the EIS as Appendix J. | EIS Appendix B (Framework Plant and Wildlife Conservation Measures Plan – Construction Activities); EIS Section 3.11 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species), Section 3.11.3 (Affected Environment and Environmental Consequences, Special Status Wildlife and Fish Species, Mitigation); EIS Appendix C-1 (Mitigation Plan for Greater Sage-grouse) |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | To restore disturbed habitats, the applicant will prepare a habitat restoration plan that identifies the approach and methods to be used to restore habitats disturbed during project construction activities. The plan will be designed to expedite the recovery to natural habitats supporting native vegetation, and require restoration to be completed as soon as practicable after completion of construction, minimizing the habitat converted at any one time. To ensure rapid and successful restoration efforts, the plan will include restoration success criteria, including time frames, which will be developed in coordination with the appropriate agency and which must be met by the applicant. Bonding to cover the full cost of restoration will be required. | This preliminary Reclamation Plan describes the framework for development of the final Reclamation, Revegetation, and Weed Management Plan… which provides a framework for the reclamation process, provides a structure for post construction monitoring and a clear sequence for remedial actions if needed and details the reporting standards to be followed. Seeding will be done as soon after ground disturbing activities are complete and at the appropriate time of year. | EIS Appendix B (Framework Reclamation Plan) |
| 3 | In consultation with the U.S. Army Corps of Engineers, the appropriate agency, assisted by the project applicant, will identify wetlands (including ephemeral, intermittent, and isolated wetlands), riparian habitats, streams, and other aquatic habitats in the project area and design the project to avoid or mitigate impacts to these habitats. | In general, wetlands and riparian areas would be avoided during selection of construction sites. Impacts would be avoided and minimized during final design, by rerouting Project components outside of wetlands to the extent practical. As part of the 404 permitting process, the USACE would evaluate whether wetlands have been avoided to the extent practical and whether the effects have been adequately mitigated. The permitting process would also identify additional requirements as necessary to comply with USACE regulations. These would include the necessity for compensatory mitigation for any permanent loss of wetland or wetland function. In order to minimize impacts to wetlands the Proponents have proposed a Reclamation Revegetation and Weed Management Plan, a SWPPP, and a SPCC Plan (see Appendix B). | EIS Section 3.9.1.4 (Affected Environment and Environmental Consequences; Wetlands and Riparian Areas; Affected Environment; Methods), Section 3.9.2.2 (Affected Environment and Environmental Consequences; Wetlands and Riparian Areas; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction); EIS Appendix B (Environmental Protection Measures and Framework Reclamation Plan) |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| | | The following mitigation measures are required on federally managed lands: WET-1 Impacts on wetland and riparian areas shall be avoided unless physically or economically infeasible. WET-3 Where impacts on wetlands are not avoidable, site-specific crossing plans and measures to mitigate impacts shall be submitted to the managing agency or owner for approval prior to initiation of the activity causing the effect. The Proponents have agreed to implement WET-3 on all lands. | EIS Table 2.7-1 and Section 3.9 (Affected Environment and Environmental Consequences; Wetlands and Riparian Areas; Mitigation Measures) |
| Vegetation Management | | | |
| 1 | Applicants shall develop an integrated vegetation management plan consistent with applicable regulations and agency policies for the control of unwanted vegetation, noxious weeds, and invasive species (E.O. 13112). The plan should address monitoring; ROW vegetation management; the use of certified weed-seed-free hay, straw, and/or mulch; the cleaning of vehicles to avoid the introduction of invasive weeds; education of personnel on weed identification; the manner in which weeds spread; and the methods for treating infestations (BLM 2006, 2007a,b, 2008). | The goals of this Plan are to: describe the pre-construction planning, provide a framework for the reclamation process, provide a structure for post construction monitoring and a clear sequence for remedial actions if needed and detail the reporting standards to be followed. Successful re-vegetation will be determined by monitoring and comparing plots on federally-managed lands. REC-13 Project vehicles will be cleaned prior to entering the project... REC-1 Company personnel and their contractors will be trained on noxious and invasive weed identification, prevention, control methods and impacts of such weeds on agriculture and wildlife... Mapped noxious and invasive weed species locations may be treated prior to transmission line construction... REC-2 through REC-26. The Proponents will implement BMPs to address the introduction and spread of noxious weeds and invasive species. RRW-15 Certified weed-free straw will be used for sediment or erosion control or when used as mulch. Hay will not be used on BLM-administered land. The Agencies also require weed free gravel and other road building materials be used on federal lands (WEED-4). | EIS Appendix B (Framework Reclamation Plan); EIS Section 3.6 (Affected Environment and Environmental Consequences; Wetland and Riparian Areas); and Table 2.7-1. |
| Cultural Resources | | | |
| 1 | Cultural resources management services and individuals providing those services shall meet the Secretary of the Interior's Standards for Archaeology and Historic Preservation, 48 FR 44716 (Sept. 29, 1983). | Cultural resource consultants used on the project were approved by the BLM. | Field authorizations and ARPA permits, detailing personnel and qualifications, are found in the Administrative Record |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
| 2 | The project applicant may, with the approval of the agency POC, assign a Cultural Resource Coordinator to ensure an integrated compliance process across administrated and jurisdictional boundaries. The Cultural Resource Coordinator will facilitate and coordinate compliance with multiple laws, policies, regulations, and existing pertinent agreements (PAs, MOAs, or MOUs) among multiple agencies and other entities, jurisdictions, and federally recognized Tribes. The coordinator may assist with development of pertinent agreements among concerned parties during the course of the project. The coordinator shall be a qualified professional with experience in cultural resource compliance. Where appropriate, the Cultural Resource Coordinator may also serve as the Tribal Coordinator. Alternatively, the agency POC may assign such coordinators, to be paid for through project cost-recovery funds. The agencies, through the POC, remain responsible for consultation. | Bonnie Bruce has been assigned by the BLM to be the Cultural Resource Coordinator. She is the principal contact for the cultural resources program and currently the lead archeologist in the Rawlins Field Office. | Administrative Record |
| 3 | The project applicant may, with the approval of the agency POC, assign a Tribal Coordinator to facilitate and coordinate consultation and compliance with multiple laws, agencies, and Tribes in order to ensure effective government-to-government consultation throughout the life of the project. Alternatively, the agency POC may assign such coordinators, to be paid for through project cost-recovery funds. The agencies, through the POC, remain responsible for consultation. | Bonnie Bruce has been assigned by the BLM to be the Tribal Coordinator. She is the principal contact for the cultural resources program and currently the lead archeologist in the Rawlins Field Office. | Administrative Record |

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**N3** **Defenders of Wildlife (cont.)**

**West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs)**
**Based on WWEC USFS & BLM Jan 2009 RODs**

| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
|---|---|---|---|
| 4 | All historic properties in the Area of Potential Effect (APE) will be identified and evaluated. The APE shall include that area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties and shall include a reasonable construction buffer zone and laydown areas, access roads, and borrow areas, as well as a reasonable assessment of areas subject to effects from visual, auditory, or atmospheric impacts, or impacts from increased access. | The APE has been defined in the Programmatic Agreement (PA), which is attached to the Final EIS (Appendix N). For the purpose of the EIS, the Analysis Area is defined as the geographic area in which impacts are likely to occur. | EIS Section 3.3.1.4 (Affected Environment and Environmental Consequences; Cultural Resources; Introduction Note on Vocabulary); Appendix N. |

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**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 5 | Project proponents must develop a cultural resources management plan (CRMP) to outline the process for compliance with applicable cultural resource laws during pre-project planning, management of resources during operation, and consideration of the effect of decommissioning. CRMPs should meet the specifications of the appropriate agency and address compliance with all appropriate laws. CRMPs should include the following, as appropriate: identification of the federally recognized Tribes, SHPOs, and consulting parties for the project; identification of long- and short-term management goals for cultural resources within the APE of the project; the definition of the APE; appropriate procedures for inventory, evaluation, and identification of effects to historic properties; evaluation of eligibility for the NRHP for all resources in the APE; description of the measures to avoid, minimize, or mitigate adverse effects to historic properties; procedures for inadvertent discovery; procedures for considering NAGPRA issues, monitoring needs, and plans to be employed during construction; curation procedures; anticipated personnel requirements and qualifications; public outreach and interpretation plans; and discussion of other concerns. The draft CRMP should be reviewed and approved by the agency POC in consultation with historic preservation partners, including appropriate SHPOs, Tribes, and consulting parties. CRMPs must specify procedures that would be followed for compliance with cultural resource laws, should the project change during the course of implementation. | The requirements set forth in this IOP are addressed in the EIS Cultural Resources section, the EIS Consultation and Collaboration section, and the EIS Appendix B.NFederal and state agencies have reviewed and commented on the analysis and interpretation, and will continue to do so as the project progresses to ensure the analysis and the project meet their requirements. | EIS Section 3.3 (Affected Environment and Environmental Consequences; Cultural Resources); EIS Appendix B (Environmental Protection Measures), Attachment N (PA); EIS Section 5.0 (Consultation and Collaboration) |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 6 | Project applicants will provide cultural resources training for project personnel regarding the laws protecting cultural resources, appropriate conduct in the field (such as procedures for the inadvertent discovery of human remains), and other project-specific issues identified in the CRMP. Training plans should be part of the CRMP and should be subject to the approval of the POC. When government-to-government consultation identifies the need and the possibility, Tribes may be invited to participate in or contribute to relevant sessions. | CUL-7 To minimize unauthorized collecting of archaeological material or vandalism to known archaeological sites, all workers will attend mandatory training on the significance of cultural resources and the relevant federal regulations intended to protect them. | EIS Table 2.7-1 and Appendix B (Environmental Protection Measures); Attachment N (PA); and EIS Appendix B (EPMs) |
| 7 | If adverse effects to historic properties will result from a project, a Historic Property Treatment Plan will be developed in consultation with the SHPO, the appropriate federally recognized Tribes, and any consulting parties. The plan will outline how the impacts to the historic properties would be mitigated, minimized, or avoided. Agency officials will give full consideration to the applicable mitigation measures found in Section 3.10.5.2 of the final PEIS when consulting during the project pre-planning stages to resolve adverse effects on historic properties. | The Proponents will prepare and submit a Treatment Plan for any historic property eligible for or listed on the National Register of Historic Places (NRHP) that will be impacted by the Project. The plan will specify how each property will be treated, including mitigation measures. The Plan will include an Unanticipated Discovery Plan that details the steps to be taken during construction in response to a new find of an historic property potentially eligible for listing on the NRHP during construction. | EIS Table 2.7-1 and Appendix B (Environmental Protection Measures); Attachment N (PA); and EIS Appendix B (Framework Paleontological Resource Protection Plan) |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 8 | As directed by the agency POC, project proponents will prepare a public education and outreach component regarding project-related cultural resource issues (e.g. discoveries, impacts) such as a public presentation, a news article, a publication, or a display. Public education and outreach components will be subject to Agency approval and Tribal review and consultation when the content or format is of interest to affected Tribes. | The PA includes Compensatory Mitigation Measures as required: Fund or provide interpretive, educational exhibits placed in museums or nearby interpretive centers; Develop an illustrated guide to the regional archaeology and history, which would present the results of the Project's archaeology/history in layperson's terms for the general public; Provide new markers for the BLM and other public groups to position along historic trails; Fund or provide outdoor, interpretive wayside exhibits along access points to trails, highways, and other linear resources; Fund or provide educational films or curriculum for area school districts about the history and significance of the linear resources.<br><br>The PA also includes Conservation Easements – Where feasible and appropriate, conservation easements will be considered to preserve important archaeological and historic sites, and high integrity linear resource segments, or to preserve viewsheds. | EIS Section 3.3 (Affected Environment and Environmental Consequences, Cultural Resources, Mitigation Measures); Appendix N (PA) |
| 9 | Cultural resources inventory, evaluation, and mitigation practices should incorporate modeling and sampling strategies to the extent practicable, in concurrence with SHPOs and other relevant parties, and as approved by the agency POC. | Federal and State agencies have reviewed and commented on the analysis and interpretation, and will continue to do so as the project progresses to ensure the analysis and the project meet their requirements. | EIS Section 3.3 (Affected Environment and Environmental Consequences; Cultural Resources) |
| 10 | Project applicants shall provide all cultural resources reports and data in an electronic format that is approved by the Agency POC and integrated across jurisdictional boundaries, that meets current standards, and that is compatible with SHPO systems. The Agency will submit this data to the SHPO in a timely fashion. Project proponents should submit cultural resources data on a regular basis to ensure that SHPO systems are kept up to date for reference as the different phases of the project proceed. Paper records may also be required by the agency. | All completed reports have been submitted to the relevant state's SHPO, and this process will continue. | Administrative Record |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 11 | Cultural resources inventory procedures, specified in the CRMP, will include development of historic contexts based on the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716) sufficient to support the evaluation of cultural resources encountered in the APE. | To identify historic properties and TCPs within the affected environment, the project proponents conducted a literature review, data sources for the literature review included cultural and historical contexts. Federal agencies have reviewed and commented on the analysis and interpretation, and will continue to do so as the project progresses to ensure the analysis and the project meet their requirements. | EIS Section 3.3.2.4 (Affected Environment and Environmental Consequences; Cultural Resources; Affected Environment; Methods) |
| Traditional Cultural Properties | | | |
| 1 | The appropriate agency, assisted by the applicant, must comply with all laws, policies, and regulations pertaining to government-to-government consultation with federally recognized Tribes. Agencies shall initiate consultation with affected Tribes at the outset of project planning and shall continue consultation throughout project planning, construction, operation, and decommissioning. Consultation shall include, but not be limited to, the following: (a) identification of potentially affected Tribes; (b) identification of appropriate Tribal contacts and the preferred means of communication with these Tribes; (c) provision to the Tribes of project-specific information (e.g., project proponents, maps, design features, proposed ROW routes, construction methods, etc.) at the outset of project planning and throughout the life of the project; (d) identification of issues of concern specific to affected Tribes (e.g., potential impacts to culturally sensitive areas or resources, hazard and safety management plans, treaty reserved rights and trust responsibilities); (e) identification of areas and resources of concern to Tribes; and (f) resolution of concerns (e.g., actions to avoid, minimize, or mitigate impacts to important resources; Memoranda of Agreement stating what actions would be taken to mitigate project effects; or agreements for Tribal participation in monitoring efforts or operator training programs). | In compliance with Section 106 of the NHPA (as amended) and the revised ACHP 3 regulations (36 CFR 800), the BLM initiated government-to-government consultation with Native American tribes in the Project area... Table 5.2-2 lists the Native American tribes that have been contacted and summarizes the concerns they have raised to date and the status of consultation. The final determination of effects and resolution of adverse effects, through the Section 106 consultation process, will not be complete until surveys of all lands crossed by the project have been completed. The PA will specify how treatment plans will be completed to set forth the measures to minimize or mitigate the project's adverse effects to any historic property that the BLM may determine is adversely affected and where it is not feasible and prudent to avoid effects to that historic property by project relocation. | EIS Section 5.2 (Consultation and Collaboration; Consultation); EIS Section 3.3.1.4 (Affected Environment and Environmental Consequences; Cultural Resources; Regulatory Framework; Scope of the NEPA Analysis); EIS Section 3.3.3.2 (Affected Environment and Environmental Consequences; Cultural Resources; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction); Appendix N (PA). |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | The appropriate agency, assisted by the applicant, must comply with all pertinent laws, policies, and regulations addressing cultural and other resources important to Tribes, including the NHPA, the Archaeological Resources Protection Act (ARPA), the Native American Graves Protection Act (NAGPRA), and other laws and regulations as listed in Table 3.11-2 of the PEIS. | The BLM is continuing government-to-government consultation (see Section 3.3 and Chapter 5). | EIS Section 3.3 (Affected Environment and Environmental Consequences; Cultural Resources) |
| 3 | The agencies shall recognize the significance to many Tribes of traditional cultural places, such as sacred sites, sacred landscapes, gathering grounds, and burial areas, and shall seek to identify such areas through consultation with affected Tribes early in the project planning process. Agencies shall seek to avoid, minimize, or mitigate impacts to such places in consultation with the Tribes, project proponents, and other relevant parties. Where confidentiality concerning these areas is important to an affected Tribe, agencies shall honor such confidentiality unless the Tribe agrees to release the information. | In compliance with Section 106 of the NHPA (as amended) and the revised ACHP 3 regulations (36 CFR 800), the BLM initiated government-to-government consultation with seven Native American tribes in the Project area... Table 5.2-2 lists the Native American tribes that have been contacted and summarizes the concerns they have raised to date and the status of consultation. The final determination of effects and resolution of adverse effects, through the Section 106 consultation process, will not be complete until surveys of all lands crossed by the project have been completed. Only then can the BLM and other federal agencies complete their obligations under Section 106 and the PA. | EIS Section 5.2 (Consultation and Collaboration; Consultation); EIS Section 3.3.1.3 (Affected Environment and Environmental Consequences; Cultural Resources; Introduction; Scope of the NEPA Analysis) |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 4 | A protocol must be developed for inadvertent discovery of Native American human remains and funerary items to comply with the NAGPRA in consultation with appropriate federally recognized Tribes. Unexpected discovery of such items during construction must be brought to the immediate attention of the responsible federal agency's authorized officer. Work must be halted in the vicinity of the find of Native American graves and funerary items to avoid further disturbance to the resources while they are being evaluated and appropriate mitigation measures are being developed. The procedures for reporting items covered under NAGPRA must be identified in the CRMP. | CR-2 An Unanticipated Discovery Plan will be included as part of the Historic Properties and Trails Plan (HPTP). This plan will specify what steps will be taken if a subsurface cultural resource or fossil is discovered during construction, including stopping construction in the vicinity of the find, notification of the appropriate land management agency, identification of a qualified archaeologist or paleontologist to conduct an evaluation of the find, and the development of an approved data recovery program or other mitigation measures.<br>CR-8 If remains are discovered, construction will be halted and the coroner will be notified and measures specified in the HPTP will be followed. | EIS Appendix B (Environmental Protection Measures; Framework Paleontological Resources Protection Plan); Appendix N (PA); EIS Section 3.3.3.2 (Affected Environment and Environmental Consequences; Cultural Resources; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction) |
| Visual Resources | | | |
| 1 | Applicants shall identify and consider visual resource management (VRM) and scenery management (SMS) issues early in the design process to facilitate integration of VRM and scenery treatments into the overall site development program and construction documents. Visual/scenery management considerations, environmental analyses, mitigation planning, and design shall reference and be in accordance with the land management agency visual/scenery management policies and procedures applicable to the jurisdiction the project lies within. Applicants shall coordinate between multiple agencies on visual/scenery sensitive issues when projects transition from one jurisdiction to another, especially when transitions occur within a shared viewshed. | The visual analysis has been conducted using applicable agency procedures, as described in this IOP. Federal agencies have reviewed and commented on the analysis and interpretation, and will continue to do so as the project progresses to ensure the analysis and the project meet their requirements. Federal guidance comes from 1) the BLM's RMPs and MFPs for each BLM District or FO throughout the Project area; 2) the Forest Service's Caribou, Medicine Bow, and Sawtooth Forest Plans; 3) the BLM's Oregon and Mormon Pioneers National Historic Trail Management Plan (BLM 1986a) and Oregon/California National Scenic Trail Goals; and 4) the visual resource values of the 1995 City of Rocks Comprehensive Management Plan (CMP; NPS 1995). For information regarding amendments to any of the land use planning documents listed above, please refer to Appendix F. State guidance is found in the Oregon NHT/Bear Lake Scenic Byway, Pioneer Historic Byway, and Snake River Canyon Scenic Byway Goals and Policies. Local guidance is found in plans and policy documents for Sweetwater and Lincoln County, Wyoming, as well as Cassia County, Idaho. | EIS Section 3.2.1.3 (Affected Environment and Environmental Consequences; Visual Resources, Affected Environment; Regulatory Framework), and Appendix G |

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
| 2 | Applicants shall prepare a VRM or scenery management plan. The applicant's planning team shall include an appropriately trained specialist, such as a landscape architect with demonstrated VRM and/or SMS experience. The VRM/SMS specialist shall coordinate with the BLM/FS on the availability of the appropriate visual or scenic inventory data, VRM management class delineations, Scenic Integrity Objectives (SIOs), and federal agency expectations for preparing project plans and mitigation strategies to comply with RMP or LRMP direction related to scenery and/or visual resources.<br>Applicants shall confirm that a current Visual Resource Inventory and/or Scenic Class inventory is available and that the resource management plan (RMP) or land resource and management plan (LRMP) VRM classifications or SIOs have been designated in the current land management plan. Project plans shall abide by the VRM class designations and SIOs and consider sensitivities defined within the visual or scenic resource Inventory. If visual or scenic management objectives are absent, then the proper inventory and classification process shall be followed to develop them in accordance with the BLM VRM manual and handbooks or FS SMS process, depending on the agency. When the VRM management classes or SIOs are absent, then the project alternatives must reflect a range of management options related to scenery and visual resources that reflect the values identified in the visual/scenic inventory. Responsibility for developing an inventory or VRM management classes (or in the case of the FS, Scenic Classes and SIOs) will remain with the respective agency, but how to accomplish these tasks will be determined by the Field Office Manager or Forest Supervisor, who will consider the applicant's role and financial participation in completing the work. | The main components of the visual resource inventory included identifying the existing landscape conditions, potential sensitive viewers, and the representative KOPs based on potential viewers; evaluating visual contrast ratings for each KOP; applying BLM's VRM classes and objectives; and assessing visual contrast for areas not managed by BLM. The non-BLM/non-Forest Service portions of the proposed Project and alternatives were analyzed using Visual Sensitivity/Visual Quality Ratings, and Project Visibility to determine impacts. The analysis on BLM-administered lands and National Forests used the BLM's VRM system and Forest Service's SMS/VMS, respectively. The methods used for the visual resources analysis were based on the BLM (1986a) Visual Resource Contrast Rating System Manual (BLM Manual, Section 8431) and the Forest Service SMS (Forest Service 1995a). The degree of potential impact on viewers is based on the level of viewer sensitivity combined with Project visibility and contrast relative to the existing landscape. | EIS Section 3.2.1.4 (Affected Environment and Environmental Consequences; Visual Resources; Affected Environment; Methods) and Appendix G |

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**N3** **Defenders of Wildlife (cont.)**

**West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs)**
**Based on WWEC USFS & BLM Jan 2009 RODs**

| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
|---|---|---|---|
| 3 | Visual and scenic mitigation planning/design and analysis shall be performed through integrated field assessment, applied global positioning system (GPS) technology, field photo documentation, use of computer-aided design and development software, 3-D modeling GIS software, and visual simulation software, as appropriate. Proposed activities, projects, and site development plans shall be analyzed and further developed using these technologies to meet visual and scenic objectives for the project area and surrounding areas sufficient to provide the full context of the viewshed. Visual simulations shall be prepared according to BLM Handbook H-8432-1, or other agency requirements, to create spatially accurate depictions of the appearance of proposed facilities, as reflected in the 3-D design models. Simulations shall depict proposed project appearance from sensitive/scenic locations as well as more typical viewing locations.<br>Transmission towers, roads, compressor stations, valves, and other aboveground infrastructure should be integrated esthetically with the surrounding landscape in order to minimize contrast with the natural environment. | The visual and scenic mitigation planning/design and analysis approach used for the project meets the requirements set forth in this IOP. | EIS Section 3.2 (Affected Environment and Environmental Consequences; Visual Resources) and Appendix G |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 4 | Applicants shall develop adequate terrain mapping on a landscape/viewshed scale for site planning/design, visual impact analysis, visual impact mitigation planning/design, and for full assessment and mitigation of cumulative visual impacts through applied, state-of-the-art design practices using the cited software systems. The landscape/viewshed scale mapping shall be geo-referenced and at the same Digital Elevation Model (DEM) resolution and contour interval within the margin of error suitable for engineered site design. This level of mapping shall enable proper placement of proposed developments into the digital viewshed context. Final plans shall be field verified for compliance. | The visual and scenic planning/design and analysis approach used for the project meets the requirements set forth in this IOP. | EIS Section 3.2 (Affected Environment and Environmental Consequences; Visual Resources) and Appendix G |
| 5 | The full range of visual and scenic best management practices shall be considered, and plans shall incorporate all pertinent best management practices (BMPs). Visual and scenic resource monitoring and compliance strategies shall be included as a part of the project mitigation plans. | The visual analysis has been conducted using applicable agency procedures, as described in this IOP. Federal agencies have reviewed and commented on the analysis and interpretation, and will continue to do so as the project progresses to ensure the analysis and the project meet their requirements. Proposed mitigation measures are identified in the body of the EIS. | EIS Section 3.2 (Affected Environment and Environmental Consequences; Visual Resources); EIS Section 3.2 (Affected Environment and Environmental Consequences, Visual Resources, Mitigation Measures), and Appendix G |
| 6 | Compliance with VRM/SMS objectives shall be determined through the use of the BLM Contrast Rating procedures defined in BLM Handbook H- 431-1 Visual Contrast Rating, or the FS SMS Handbook 701. Mitigation of visual impacts shall abide by the requirements of these handbooks. | The methods used for the visual resources analysis were based on the BLM (1986a) Visual Resource Contrast Rating System Manual (BLM Manual, Section 8431) and the Forest Service SMS/VMS (Forest Service 1995a/Bacon 1974). | EIS Section 3.2.1.4 (Affected Environment and Environmental Consequences; Visual Resources, Affected Environment; Methods), and Appendix G |

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**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Public Health and Safety | | | |
| 1 | An electricity transmission project shall be planned by the applicant to comply with FAA regulations, including lighting regulations, and to avoid potential safety issues associated with proximity to airports, military bases or training areas, or landing strips. | Towers over 200 feet are required to be lit at night. No Gateway West structures would be that tall. Activities accompanied by helicopter flight operations would operate under the control of the FAA. The Proponents would file a notice of construction activities, (Federal Regulation Title 14 Part 77) with the FAA. Construction of the Proposed Action or Action Alternatives would not affect airports or airstrips. Air traffic patterns would not be affected by the placement of new structures or conductors. The EIS and the Siting Study indicate that military operations areas were considered during project planning. At the request of IDANG and the U.S. Air Force, towers in specified areas would be lit using special lights, depending on the selected route. | EIS Section 3.19.1.3 (Affected Environment and Environmental Consequences; Transportation; Affected Environment; Regulatory Framework), Section 3.19.1.3 (Affected Environment and Environmental Consequences; Transportation; Affected Environment; Regulatory Framework; Federal; Federal Aviation Administration), 3.19.2.2 (Affected Environment and Environmental Consequences; Transportation; Direct and Indirect Effects; Effects Common to All Action Alternatives). EIS Section 2.1.1 (Structure Lighting). |
| 2 | A health and safety program shall be developed by the applicant to protect both workers and the general public during construction, operation, and decommissioning of an energy transport project. The program should identify all applicable federal and state occupational safety standards, establish safe work practices for each task (e.g., requirements for personal protective equipment and safety harnesses, Occupational Safety and Health Administration [OSHA] standard practices for safe use of explosives and blasting agents, measures for reducing occupational electromagnetic field [EMF] exposures), and define safety performance standards (e.g., electrical system standards). The program should include a training program to identify hazard training requirements for workers for each task and establish procedures for providing required training to all workers. Documentation of training and a mechanism for reporting serious accidents to appropriate agencies should be established. | Information on each of these topics is found in various sections of the POD and EIS. A health and safety program is a standard operating procedure for all contractors and the Proponents. The final construction BLM POD and Forest Service COM Plan shall detail Proponent and contractor health and safety plans. | POD and EIS Section 3.22 (Affected Environment and Environmental Consequences; Public Safety); Section 3.21 (Affected Environment and Environmental Consequences; Electrical Environment); Section 3.14 (Affected Environment and Environmental Consequences; Geologic Hazards); 3.19.1.3 (Affected Environment and Environmental Consequences, Transportation; Affected Environment; Regulatory Framework; Applicable Regulations) |

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| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 3 | The health and safety program shall establish a safety zone or setback from roads and other public access areas that is sufficient to prevent accidents resulting from various hazards. It should identify requirements for temporary fencing around staging areas, storage yards, and excavations during construction or decommissioning activities. It should also identify measures to be taken during the operations phase to limit public access to those components of energy facilities that present health or safety risks. | Information on each of these topics is found in various sections of the POD and EIS. A health and safety program is a standard operating procedure for all contractors and the Proponents. The final construction BLM POD and Forest Service COM Plan shall detail Proponent and contractor health and safety plans. | Appendix B (POD) and EIS Section 3.22 (Affected Environment and Environmental Consequences; Public Safety); Section 3.21 (Affected Environment and Environmental Consequences; Electrical Environment); Section 3.14 (Affected Environment and Environmental Consequences; Geologic Hazards); 3.19.1.3 (Affected Environment and Environmental Consequences; Transportation; Affected Environment, Regulatory Framework; Applicable Regulations) |
| 4 | Applicants will develop a comprehensive emergency plan that considers the vulnerabilities of their energy system to all credible events initiated by natural causes (earthquakes, avalanches, floods, high winds, violent storms, etc.), human error, mechanical failure, cyber attack, sabotage, or deliberate destructive acts of both domestic and international origin and the potential for and possible consequences of those events. Vulnerability, threat, and consequence assessment methodologies and criteria in the sector-specific plan (SSP) for energy will be used and appropriate preemptive and mitigative response actions will be identified. The applicant must coordinate emergency planning with state, local, and Tribal emergency and public safety authorities and with owners and operators of other energy systems collocated in the corridor or in adjacent corridors that could also be impacted. | Section 3.22 addresses concerns commonly associated with transmission lines. The Proponents shall submit an emergency response plan that addresses vulnerabilities applicable to electric transmission lines. | EIS Section 3.22 (Affected Environment and Environmental Consequences; Public Safety) |

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Defenders of Wildlife (cont.)

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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 5 | In addition to directives contained in other IOPs herein, the applicant must identify all federal, state, and local regulations pertaining to environmental protection, worker health and safety, public safety, and system reliability that are applicable throughout the construction, operation, and decommissioning phases of their facility's life cycle and must develop appropriate compliance strategies, including securing all necessary permits and approvals. | Table 1.4-1 lists the major federal, state, and local permits, approvals, and consultations identified for the construction and operation of Gateway West. The Public Safety section of the EIS presents the regulatory framework and the effects from construction, operation, and decommissioning as related to environmental contamination, wind and ice storm, fire hazards, and electrocution. The Noise section of the EIS presents additional regulatory framework and effects from the project as related to worker or public health and safety. The Air Quality and Water Resources sections of the EIS present additional regulatory framework and effects from the project as related to public health and safety. The EIS section describing the Proponents' Purpose and Need for the Project presents their requirements related to system reliability. Appendix B of the EIS (the POD) includes the following framework plans related to health and safety: (Environmental Protection Measures, Traffic and Transportation Management), Stormwater Pollution Prevention), Spill Prevention, Containment, and Countermeasures, Blasting, and Operations, Maintenance and Emergency Response. | EIS Section 1.4 (Purpose and Need, Authorizing Laws and Regulations), Section 3.22 (Affected Environment and Environmental Consequences; Public Safety), Section 3.23 (Affected Environment and Environmental Consequences; Noise), Section 3.20 (Affected Environment and Environmental Consequences; Air Quality), Section 3.16 (Affected Environment and Environmental Consequences; Water Resources); EIS Appendix B (POD) |
| Hazardous Materials Management | | | |
| 1 | Applicants for petroleum pipelines and projects involving oil-filled electrical devices shall develop a spill prevention and response plan identifying spill prevention measures to be implemented, training requirements, appropriate spill response actions, and procedures for making timely notifications to authorities. The spill prevention and response plan should include identification of any sensitive biotic resources and locations (such as habitats) that require special measures to provide protection, as well as the measures needed to provide that protection. | Some types of electrical equipment, such as transformers and some types of reactors and circuit breakers, are filled with an insulating mineral oil. Attachment B, Spill Prevention, Containment, and Countermeasures, includes measures for spill prevention practices, requirements for refueling and operation of equipment near waterbodies, procedures for emergency response and incident reporting, and training requirements. | POD Section 3.6.7 (Project Description; Substation Construction; Oil Containment); EIS Appendix B (Environmental Protection Measures and Spill Prevention, Containment, and Countermeasures Plan) |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
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| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Fire Management | | | |
| 1 | Applicants shall develop a fire management strategy to implement measures to minimize the potential for a human-caused fire during project construction, operation, and decommissioning. The strategy should consider the need to reduce hazardous fuels (e.g., native and non-native annual grasses and shrubs) and to prevent the spread of fires started outside or inside a corridor, and clarify who has responsibility for fire suppression and hazardous fuels reduction for the corridor. | Elements of the fire management strategy are addressed in the Plan for Operations, Maintenance, and Emergency Response Activities and Fire Prevention and Suppression Plan in the POD; EIS Section 3.22 Public Safety; EIS Section 3.6 Vegetation Communities; and EIS Section 3.17 Land Use. | Appendix B (Framework Fire Prevention and Suppression Plan in the POD); EIS Section 3.22 (Affected Environment and Environmental Consequences; Public Safety), Section 3.6 (Affected Environment and Environmental Consequences; Vegetation Communities), and Section 3.17 (Affected Environment and Environmental Consequences; Land Use) |
| 2 | Applicants must work with the local land management agency to identify project areas that may incur heavy fuel buildups, and develop a long-term strategy on vegetation management of these areas. The strategy may include land treatment during project construction, which may extend outside the planned ROW clearing limits. | Elements of the fire management strategy are addressed in the Plan for Operations, Maintenance, and Emergency Response; the POD; EIS Section 3.22 Public Safety; EIS Section 3.6 Vegetation Communities; and EIS Section 3.17 Land Use. | EIS Appendix B (Environmental Protection Measures and Framework plans for Operations, Maintenance, and Emergency Response Plan, Fire Prevention and Suppression Plan); EIS Section 4.2 (Affected Environment and Environmental Consequences; Vegetation Management), EIS Section 3.22 (Affected Environment and Environmental Consequences; Public Safety), Section 3.6 (Affected Environment and Environmental Consequences; Vegetation Communities), and Section 3.17 (Affected Environment and Environmental Consequences; Land Use) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| IOPs for Project Construction | | | |
| General | | | |
| 1 | To avoid conflict with federal and nonfederal operations, the applicant shall be aware of liabilities pertaining to environmental hazards, safety standards, and military flying areas. | Military flying areas in the project area and been investigated and included that information in the land use section of the EIS. | EIS Section 3.17 (Affected Environment and Environmental Consequences; Land Use), Section 2.1.1 (Structure lighting). |
| 2 | The applicant shall locate all stationary construction equipment (i.e., compressors and generators) as far as practicable from nearby residences. | The EIS includes noise mitigation measures that would be followed during construction. | EIS Section 3.23 (Affected Environment and Environmental Consequences, Noise, Mitigation) |
| 3 | Applicants will pay fair market value to the land management agency for any merchantable forest products that will be cut during ROW clearing. The local land management agency will determine the fair market value, which will be paid prior to clearing. The applicant will either remove the forest products from the area or will stack the material at locations determined by the local land management agency. Treatment of un-merchantable products will be determined by the local land management agency. | Construction through forests would require the removal of trees for access roads and ROW clearing. When these activities occur, the merchantable value of the timber is determined and the landowner or land management agency would be compensated for the timber taken. The EIS discloses that timber will be removed and treated per the land owner's discretion, and would therefore meet the requirements in Federal land use plans regarding removal and disposal. | EIS Section 3.17.2.2 (Affected Environment and Environmental Consequences; Land Use; Direct and Indirect Effects; Effects Common to Action Alternatives; Construction; Timber Management) |
| Soils, Excavation and Blasting | | | |
| 1 | Applicants shall salvage, safeguard, and reapply topsoil from all excavations and construction activities during restoration. | REC-16 The topsoil layer will be removed, taking care not to mix it with the underlying sub-soil. Where topsoil separation is employed, topsoil will be stored in a separate stockpile. | EIS Section 3.15 (Affected Environment and Environmental Consequences; Soils) and Table 2.7-1 |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
| | | To facilitate reclamation of temporarily disturbed areas, topsoil will be salvaged and protected… REC-16 The topsoil layer will be removed, taking care not to mix it with the underlying sub-soil. Where topsoil separation is employed, topsoil will be stored in a separate stockpile. REC-18 Topsoil and subsurface soils will be replaced in the proper order during reclamation. REC-19. Where it is necessary to spread soils (subsurface soils or waste rock resulting from excavations or foundation drilling), it will be done where practicable and in close proximity to where the disturbance occurred (within the ROW). Material will be spread uniformly to match existing contours and covered with topsoil when available and reseeded. | EIS Appendix B (EPMs), EIS Section 3.15 (Affected Environment and Environmental Consequences; Soils), and Table 2.7-1 |
| 2 | All areas of disturbed soil shall be restored by the applicant using weed-free native grasses, forbs, shrubs, and trees as directed by the agency. Restoration should not be unnecessarily delayed. If native species are not available, noninvasive vegetation recommended by agency specialists may be used. | Seeding will be done as soon after ground disturbing activities are complete and at the appropriate time of year; preferably in the fall or in the spring if fall is not an option. If there is a lag-time between the end of ground disturbing activities and seeding, BMPs from the SWPPP will be implemented. The choice of seed mixtures will be dependent upon the existing vegetation types, as well as the availability of commercial, weed-free live seed at the time of seeding. Because there are a variety of vegetation communities across the length of the project, the Proponents are proposing to use several different seed mixes (Appendix B) on BLM and Forest Service managed lands. REC-25 On privately owned lands, the Proponents will use seed mixes as approved in advance by the land managing agency and the landowner (OM-15). | EIS Appendix B (Framework Reclamation Plan and EPMs) |
| 3 | The applicant must not create excessive slopes during excavation. Areas of steep slopes, biological soil crusts, erodible soil, and stream channel crossings will often require site-specific and specialized construction techniques by the applicant. These specialized construction techniques should be implemented by adequately trained and experienced employees. | EPMs to minimize impacts on these resources would be included in the Framework Reclamation Plan for construction Activities, the SWPPP, and the SPCC Plan. | EIS Appendix B (Framework Reclamation Plan, Framework Stormwater Pollution Prevention Plan, and Framework Spill Prevention, Containment, and Countermeasures Plan) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 4 | Blasting activities will be avoided or minimized in the vicinity of sole source aquifer areas to reduce the risk of releasing sediments or particles into the groundwater and inadvertently plugging water supply wells. | Southern and southwest Idaho is underlain by the Snake River Plain aquifer (Segments 5 through 10). The Eastern Snake River Plain Aquifer is a sole source aquifer. Gateway West will likely need to blast over a sole source aquifer due to shallow bedrock. An analysis has been conducted of wells within ½ mile of the route that could be affected by blasting. | EIS Section 3.16 (Affected Environment and Environmental Consequences; Water Resources) |
| 5 | The applicant must backfill foundations and trenches with originally excavated material as much as possible. Excess excavation materials should be disposed of by the applicant only in approved areas. | To facilitate reclamation of temporarily disturbed areas, topsoil will be salvaged and protected… REC-16 The topsoil layer will be removed, taking care not to mix it with the underlying sub-soil. Where topsoil separation is employed, topsoil will be stored in a separate stockpile. REC-18 Topsoil and subsurface soils will be replaced in the proper order during reclamation. REC-19 Where it is necessary to spread soils (subsurface soils or waste rock resulting from excavations or foundation drilling), it will be done where practicable and in close proximity to where the disturbance occurred (within the ROW). Material will be spread uniformly to match existing contours and covered with topsoil when available and reseeded. | EIS Appendix B (Framework Reclamation Plan and EPMs) |
| 6 | The applicant shall obtain borrow (fill) material only from authorized sites. Existing sites should be used in preference to new sites. | If needed, the Applicants would obtain material from authorized sites. | EIS Appendix B (EPMs) |
| 7 | The applicant shall prepare an explosives use plan that specifies the times and meteorological conditions when explosives will be used and specifies minimum distances from sensitive vegetation and wildlife or streams and lakes. | The construction contractor will be required to prepare an overall Blasting Plan for the Project, subject to the approval of the Proponents. The Blasting Plan will detail the contractor's proposals for compliance with the Proponents' blasting specifications and will detail the general concepts proposed to achieve the desired excavations using individual shot plans. | Siting Study Section 3.7.1 (Project Description; Special Construction Techniques; Blasting) |
| | | This attachment outlines the procedures and safety measures to be used if blasting activities are required during construction. The Proponents will prepare a site-specific Blasting Plan prior to construction that incorporates these measures and demonstrates how and where they will be applied in the field. | EIS Appendix B (Environmental Protection Measures and Framework Blasting Plan) |
| 8 | If blasting or other noisy activities are required during the construction period, the applicant must notify nearby residents in advance. | Noise mitigation measures would be followed during construction. | EIS Section 3.23 (Affected Environment and Environmental Consequences; Noise; Mitigation), Table 2.7-1 |

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Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Mitigation and Monitoring | | | |
| 1 | All control and mitigation measures established for the project in the POD and other required plans must be maintained and implemented by the applicant throughout construction. Necessary adjustments may be made with the concurrence of the appropriate agency. | Table 2.7-1 and Appendix B identify Proposed EPMs that would be followed during Project-related construction activity. The Proponents have committed to implementing these measures. Therefore, the EPMs are considered part of the Project description. The impact analysis in this EIS assumes implementation of all EPMs. However, where other impacts are identified that are not addressed by these EPMs, or where the EPMs are not adequate to reduce impacts, the EIS identifies additional mitigation measures that will apply to federal lands. The Proponents have agreed to incorporate EPMs into Environmental Management Plans that would be included in the construction POD developed for this proposed Project, and implementation of the EPMs would be monitored in the same fashion as the mitigation measures developed in this EIS. | EIS Table 2.7, and individual resource sections in Chapter 3; EIS Appendix B (Environmental Protection Measures) |
| Surface and Groundwater Resources | | | |
| 1 | The applicant must safeguard against the possibility of dewatering shallow groundwater and/or wetlands in the vicinity of project sites during foundation excavations or excavations for buried pipelines. | As part of the 404 permitting process, the USACE would evaluate whether wetlands have been avoided to the extent practical and whether the effects have been adequately mitigated. The permitting process would also identify additional requirements as necessary to comply with USACE regulations. These would include the necessity for compensatory mitigation for any permanent loss of wetland or wetland function. In order to minimize impacts to wetlands the Proponents have proposed a Reclamation Revegetation and Weed Management Plan, a SWPPP, and a SPCC Plan (see Appendix B). Dewatering, the elimination of water from waterways so that excavation can occur, could result in a local and temporary drawdown of groundwater levels, temporarily reducing the yield of nearby water supply wells. In addition, blasting or drilling for tower foundations could reduce flows in wells and springs. Water supply wells are typically deeper than the proposed maximum excavation depth of 40 feet, so a temporary drawdown limited to that depth likely will not affect water yield. | EIS Section 3.9.2.2 (Affected Environment and Environmental Consequences; Wetlands and Riparian Areas; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction), Section 3.16.2.2 (Affected Environment and Environmental Consequences; Water Resources; Direct and Indirect Effects; Effects Common to All Action Alternatives; Groundwater) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | The applicant must implement erosion controls complying with county, state, and federal standards, such as jute netting, silt fences, and check dams, and secure all necessary storm water pollution prevention plan (SWPPP) permits. | This attachment addresses measures to be undertaken to prevent stormwater pollution. To comply with criteria in Environmental Protection Agency's (EPA's) Clean Water Act, all construction site operators engaged in clearing, grading, and excavating activities that disturb one acre or more, must obtain a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges (Code of Federal Regulations, Title 40, Parts 122 and 123). NPDES permits (also called Construction General Permits) are issued by EPA or similar authorized state entity following submittal of a Notice of Intent (NOI) for construction activities, and preparation of a Stormwater Pollution Prevention Plan (SWPPP) that describes how erosion and sediment transport will be minimized to adjacent waterbodies. Two SWPPPs will be necessary for Gateway West. Wyoming has its own stormwater control program; therefore construction stormwater plans in Wyoming will be submitted to Wyoming Department of Environmental Quality (DEQ). Measures to assure that construction activities comply with state and EPA requirements for stormwater management to be incorporated into the SWPPP include:... | EIS Appendix B (Environmental Protection Measures, Framework Stormwater Pollution Prevention Plan |
| 3 | The applicant shall minimize stream crossings by access roads to the extent practicable. All structures crossing intermittent and perennial streams should be located and constructed so that they do not decrease channel stability, increase water velocity, or impede fish passage. | Wherever possible, new access roads will be constructed within the proposed transmission line ROW, or existing roads will be used. Erosion control and sedimentation measures such as water bars, culverts, sediment basins, or perimeter control will be installed as required to minimize erosion during and subsequent to construction of the Project. The Proponents have committed to the preparation of a SWPPP (Appendix B), which includes measures for temporary and permanent erosion and sediment control. A Traffic and Transportation Management Plan will be developed and implemented to provide site-specific details showing how the Project will comply with the EPMs listed in this attachment. | POD (Appendix B); EIS Section 3.16 (Affected Environment and Environmental Consequences; Water Resources; Affected Environment; Methods; Surface Water Crossings); Appendix B (Environmental Protection Measures, Framework Traffic and Transportation Management Plan) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| | | ...many of the potential impacts would be reduced or eliminated by complying with the permitting requirements for each crossing site, which would regulate the methods used, BMPs required, and timing of construction in order to minimize effects when important fish life histology stages are present... If culverts do not meet guidelines for insuring fish passage, some impedance or total blockage to passage may occur... To ensure these impacts are minimized the Proponents have proposed the EPMs found in Table 2.7-1 and Appendix B. OM-16 states: Routine and corrective O&M activities in streams with sensitive fish species will occur from July 1 to September 1 in an effort to minimize impact to spawning and migration activities. These activities include, but are not limited to, culvert installation and or replacement, stream bank stabilization. Fording streams at existing crossings on existing roads (e.g., dip, culvert, bridge) will occur as necessary throughout the year. FISH-1 states: On BLM-administered land, all culverts, whether temporary or permanent, must be designed to meet BLM Gold Book standards (Surface Operating Standards and Guidelines for Oil and Gas Exploration Development). On NFS lands, Forest Plan standards and guidelines shall apply. | EIS Section 3.10.2.2 (Affected Environment and Environmental Consequences; General Wildlife and Fish; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction; Fish) and Table 2.7-1. |
| 4 | Applicants shall not alter existing drainage systems and should give particular care to sensitive areas such as erodible soils or steep slopes. Soil erosion should be reduced at culvert outlets by appropriate structures. Catch basins, roadway ditches, and culverts should be cleaned and maintained. | Erosion control and sedimentation measures such as water bars, culverts, sediment basins, or perimeter control will be installed as required to minimize erosion during and subsequent to construction of the Project. The Proponents have committed to the preparation of a SWPPP (Appendix B), which includes measures for temporary and permanent erosion and sediment control, also see the Framework Traffic and Transportation Management Plan and EPMs listed in this appendix. | POD (Appendix B); EIS Section 3.16.2.2 (Affected Environment and Environmental Consequences; Water Resources; Direct and Indirect Effects; Effects Common to All Action Alternatives; Surface Water Crossings); EIS Appendix B (Environmental Protection Measures, Framework Traffic and Transportation Management Plan) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 5 | Applicants must not create hydrologic conduits between aquifers. | Groundwater basins potentially affected generally have groundwater deeper than 40 feet, which would be below the maximum depth of excavation. With shallow excavation and deeper groundwater, there is little likelihood that groundwater could be affected during construction. Shallow groundwater of less than 14 feet is present in Segments 4, 5, and 7. It is not expected that groundwater would be significantly affected by any phase of the Project. | EIS Section 3.16.2.2 (Affected Environment and Environmental Consequences; Water Resources, Direct and Indirect Effects; Effects Common to All Action Alternatives; Groundwater) |
| Paleontological Resources | | | |
| 1 | Project construction activities will follow the protective measures and protocols identified in the paleontological resources mitigation plan. | The POD presents the procedures to be undertaken to inventory, evaluate, and protect cultural and resources. The EIS includes additional measures required by the Agencies: PALEO-4 (monitoring requirements) and PALEO-5 (survey requirements). | EIS Section 3,13, Table 2.7-1, and Appendix B (Environmental Protection Measures and Framework Paleontological Resources Protection Plan) |
| 2 | All paleontological specimens found on federal lands remain the property of the U.S. government. Specimens, therefore, may only be collected by a qualified paleontologist under a permit issued by the managing agency and must be curated in an approved repository. | CUL-1 All work conducted under the Cultural Resources and Paleontological Monitoring and Mitigation Plan will be performed by qualified paleontologists... with trained assistants. CUL-2 An Unanticipated Discovery Plan will be included as part of the HPTP..... This plan will specify what steps will be taken if a subsurface... fossil is discovered during construction, including stopping construction in the vicinity of the find, notification of the appropriate land management agency, identification of a qualified... paleontologist to conduct an evaluation of the find, and the development of an approved data recovery program or other mitigation measures. CUL-3 The Cultural Resource and Paleontological Monitoring and Mitigation Plan will include provisions for the preparation and curation of any fossil collections from federal lands and for the preparation of a final report based on the data recovered for activities on federal lands. | EIS Appendix B (Environmental Protection Measures and Framework Paleontological Resource Plan) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Ecological Resources | | | |
| 1 | Areas that are known to support ESA-listed species, BLM-sensitive, FS-sensitive, and state-listed species or their habitats must be identified and marked with flagging or other appropriate means to avoid direct impacts during construction activities. Construction activities upslope of these areas should be avoided to prevent indirect impacts of surface water and sediment runoff. | Environmental oversight will be conducted for construction activities. G-3 states: Third-party Environmental Construction Inspection Contractor (CIC) Monitors approved by the Agencies will monitor construction activities. Monitoring activities will be structured in accordance with the Environmental Compliance Management Plan included as Appendix B of the Plan of Development. Monitoring entails being present during these activities, communicating with contractors, taking daily notes, ensuring that all impacts occur within the designated limits, ensuring that the requirements of the Project EPMs that the Proponents have incorporated as part of the Project and additional measures required on federal lands are being met, and using best professional judgment to ensure that Project activities do not adversely affect special status plant and wildlife species. EPMs for special status species are included. | EIS Table 2.7-1; Appendix B (Framework Plant and Wildlife Conservation Plan and EPMs); EIS Section 3.7 (Special Status Plants) and Section 3.11 (Special Status Wildlife and Fish Species) |
| | | EIS Appendix B, Framework Stormwater Pollution Prevention Plan, includes measures for temporary and permanent erosion and sediment control that will be used during construction, operation, and maintenance of the transmission line and ancillary facilities. The SWPPP will be designed to avoid direct impacts of surface water and sediment runoff in all habitats. | EIS Appendix B (Environmental Protection Measures and Framework Stormwater Pollution Prevention Plan) |
| 2 | All construction activities that could affect wetlands or waters of the United States must be conducted in accordance with the requirements identified in permits issued by the U.S. Army Corps of Engineers. | Table 1.4-1 lists the major... permits... identified for the construction and operation of Gateway West. The Proponents would be responsible for obtaining all permits and approvals required to implement the proposed Project... U.S. Department of the Defense, Army Corps of Engineers, Omaha District, Walla Walla District: 1) Section 10, Rivers and Harbors Act Permit... for construction across the Snake River; and 2) Section 404, Clean Water Act Permit... for the placement of dredge or fill material into all Waters of the United States, including jurisdictional wetlands. | EIS Section 1.4 (Purpose and Need; Authorizing Laws and Regulations), EIS Section 3.9 (Affected Environment and Environmental Effects; Wetlands and Riparian Areas) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Visual Resources | | | |
| 1 | A pre-construction meeting with BLM/FS landscape architects or other designated visual/scenic resource specialist shall be held before construction begins to coordinate on the VRM/SMS mitigation strategy and confirm the compliance-checking schedule and procedures. Applicants shall integrate interim/final reclamation VRM/SMS mitigation elements early in the construction, which may include treatments such as thinning and feathering vegetation along project edges, enhanced contour grading, salvaging landscape materials from within construction areas, special revegetation requirements, etc. Applicants shall coordinate with BLM/FS in advance to have BLM/FS landscape architects or other designated visual/scenic resource specialists onsite during construction to work with implementing BMPs. | The visual analysis has been conducted using applicable agency procedures. Federal agencies have reviewed and commented on the analysis and interpretation, and will continue to do so as the project progresses to ensure the analysis and the project meet their requirements. Proposed mitigation measures are identified in the body of the EIS. | EIS Section 3.2 (Affected Environment and Environmental Consequences; Visual Resources), Appendix G. |
| Cultural Resources | | | |
| 1 | Project applicants shall provide all cultural resources reports and data in an approved electronic format that is integrated across jurisdictional boundaries, that meets current standards, and that is compatible with SHPO systems. Project proponents shall submit cultural resources data on a regular basis to ensure that SHPO systems are kept up to date for reference as the different phases of the project proceed. | All completed reports have been submitted to SHPO, and this process will continue. | Administrative Record |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | When an area is identified as having a high potential for cultural resources but none are found during a pre-construction field survey, a professionally qualified cultural resources specialist will be required to monitor ground-disturbing activities during project construction, and to complete a report when the activities are finished. The protocol for monitoring should be identified in the CRMP. | CR-2 Unanticipated Discovery Plan covers applicable monitoring and notification procedures. | EIS Section 3.3 (Affected Environment and Environmental Consequences; Cultural Resources), Appendix B (EPMs), and Appendix N (PA) |
| 3 | When human remains, funerary objects, sacred objects, or objects of cultural patrimony are inadvertently discovered, the provisions of NAGPRA shall apply and the process identified in the CRMP must be followed. | CR-2 An Unanticipated Discovery Plan will be included as part of the HPTP. This plan will specify what steps will be taken if a subsurface cultural resource or fossil is discovered during construction, including stopping construction in the vicinity of the find, notification of the appropriate land management agency, identification of a qualified archaeologist or paleontologist to conduct an evaluation of the find, and the development of an approved data recovery program or other mitigation measures. CUL-8 If human remains are discovered, construction will be halted and the coroner will be notified | EIS Appendix B (Environmental Protection Measures); EIS Section 3.3. (Affected Environment and Environmental Consequences; Cultural Resources; Mitigation Measures); Appendix N (PA) |
| Hazardous Materials and Wastewater | | | |
| 1 | Any wastewater generated by the applicant in association with temporary, portable sanitary facilities must be periodically removed on a schedule approved by the agency, by a licensed hauler and introduced into an existing municipal sewage treatment facility. Temporary, portable sanitary facilities provided for construction crews should be adequate to support expected on-site personnel and should be removed at completion of construction activities. | Construction permits will include these requirements. | Administrative Record |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | All hazardous materials (including vehicle and equipment fuels) brought to the project site will be in appropriate containers and will be stored in designated and properly designed storage areas with appropriate secondary containment features. Excess hazardous materials will be removed from the project site after completion of the activities in which they are used. | The Proponents will prepare a Spill Prevention, Containment, and Countermeasures Plan (SPCC Plan) for review and approval by the appropriate regulatory agencies. That plan will include site-specific implementation of cleanup procedures in the event of soil contamination from spills or leaks of fuels, lubricants, coolants, or solvents as outlined in this attachment. | EIS Appendix B (Environmental Protection Measures, Framework Spill Prevention, Containment, and Countermeasures Plan) |
| Air Emissions | | | |
| 1 | The applicant shall cover construction materials and stockpiled soils if these are sources of fugitive dust. | BMPs will be used as appropriate and as described in the SWPPP to stabilize the stockpile and limit erosion.., control dust, ...in stockpiled soils. Sources, including construction projects, operating within Wyoming and Idaho are required to control fugitive dust emissions. Section 3.20 includes the fugitive dust regulations and control measures that apply to the Project. Construction materials would not be a source of fugitive dust. | EIS Appendix B (Framework Reclamation Plan); EIS Section 3.20 (Affected Environment and Environmental Consequences; Air Quality; Affected Environment, Regulatory Framework; State Level; Fugitive Dust Control); Administrative Record |
| 2 | To minimize fugitive dust generation, the applicant shall water land before and during surface clearing or excavation activities. Areas where blasting would occur should be covered with mats. | BMPs will be used as appropriate and as described in the SWPPP to stabilize the stockpile and limit erosion.., control dust, ...in stockpiled soils. Sources, including construction projects, operating within Wyoming and Idaho are required to control fugitive dust emissions. Table 3.20-2 lists the fugitive dust regulations and control measures that apply to the Project. | EIS Appendix B (Framework Reclamation Plan); EIS Section 3.20 (Affected Environment and Environmental Consequences; Air Quality; Affected Environment; Regulatory Framework; State Level; Fugitive Dust Control); EIS Appendix B(Environmental Protection Measures and Framework Blasting Plan) |
| Noise | | | |
| 1 | The applicant shall limit noisy construction activities (including blasting) to the least noise-sensitive times of day (i.e., daytime only between 7 a.m. and 10 p.m.) and weekdays. | Construction activities at the substations could last from several weeks to several months on an intermittent schedule. Construction equipment would be operated on an as-needed basis during this period and activities would occur for limited lengths of time at a specific location and would occur during daytime hours in order to minimize impacts at NSAs. The EIS includes noise mitigation measures that would be followed during construction. | EIS Section 3.23.2 (Affected Environment and Environmental Consequences; Noise; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction) |

**ATTACHMENT N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Fire Safety | | | |
| 1 | The applicant must ensure that all construction equipment used is adequately muffled and maintained and that spark arrestors are used with construction equipment in areas with, and during periods of, high fire danger. | To reduce the potential for construction-related fires, BLM recommends a fire control plan be part of any contract between the Proponents and contractors. This plan should include specific measures to control fire... The contractors should also prepare a fire prevention plan that will include potential fire hazards... and housekeeping procedures. | EIS Section 3.22 (Affected Environment and Environmental Consequences; Public Safety; Direct and Indirect Effects; Effects Common to All Action Alternatives; Construction; Fire Hazards) |
| 2 | Flammable materials (including fuels) will be stored in appropriate containers. | WQA-13 Construction industry standard practices and BMPs will be used for spill prevention and containment. | EIS Appendix B (Environmental Protection Measures; Framework Spill Prevention, Containment, and Countermeasures Plan) |
| IOPs for Project Operation | | | |
| Mitigation and Monitoring | | | |
| 1 | All control and mitigation measures established for the project shall be maintained and implemented by the applicant throughout the operation of the project. Necessary adjustments may be made with the concurrence of the appropriate agency. | EPMs, proposed by the Proponents, are provided in Appendix B and are considered part of the Project description for the proposed and alternative routes and design alternatives. This plan includes environmental protection measures for site access and road management, vegetation management, noxious weed control, protection measures for aquatic resources, protection for threatened, endangered and sensitive plant and animal species, restoration and revegetation, protection measures for cultural resources, fire protection, and emergency notification procedures. | EIS Section 2.7.5 (Alternatives, Components Common to All Action Alternatives, Table 2.7-1 Proposed EPMs and Agency Mitigation Measures); EIS Appendix B (Framework Operations, Maintenance, and Emergency Response Plan) |
| Ecological Resources | | | |
| 1 | Applicants shall review existing information regarding plant and animal species and their habitats in the vicinity of the project area and identify potential impacts to the applicable agencies. | This section addresses potential impacts... from the Proposed Route and its Alternatives, during… operation. | EIS Section 3.6 (Affected Environment and Environmental Consequences; Vegetation Communities), Section 3.7 (Affected Environment and Environmental Consequences; Special Status Plants), Section 3.10 (Affected Environment and Environmental Consequences; General Wildlife and Fish), Section 3.11 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species) |

**ATTACHMENT**

**N3**

## Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | Project staff shall avoid harassment or disturbance of wildlife, especially during reproductive courtship, migratory, and nesting seasons. | WILD-1 Requests for exceptions from closure periods and areas will be submitted by the Proponents to the appropriate BLM Field Office in which the exception is requested through the Environmental Construction Inspection Contractor (CIC). Established exception processes on BLM-managed lands will be followed. The agency, the CIC, or a contractor chosen by the Proponents and approved by the agency will conduct any surveys and coordinate with any other agencies as necessary. Factors considered in granting the exception include animal conditions, climate and weather conditions, habitat conditions and availability, spatial considerations (e.g., travel routes and landscape connectivity), breeding activity levels, incubation or nestling stage, and timing, intensity, and duration of the Proposed action. Requests will be submitted in writing no more than 2 weeks prior to the proposed commencement of the construction period, to ensure that conditions during construction are consistent with those evaluated. The authorized officer, on a case-by-case basis, may grant exceptions to seasonal stipulations, and has the authority to cancel this exception at any time. A good faith effort will be made to act on exceptions within 5 business days of receiving a request to allow for orderly` construction mobilization. The CIC will conduct any required site visit and report the status to BLM for consideration of the decision to accept or deny the request. There is no exception process for NFS lands; all closure periods will be adhered to. Any proposed modifications to closure periods will be discussed on a case-by-case basis with the Forest Service. | EIS Section 3.10 (Affected Environment and Environmental Consequences; General Wildlife and Fish), Section 3.11 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species), Table 2.7-1, and Appendix B (Framework Operations, Maintenance, and Emergency Response Plan, Environmental Protection Measures) |

ATTACHMENT

N3

Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 3 | Observations by project staff of potential wildlife problems, including wildlife mortality, will be immediately reported to the applicable agency authorized officer. | OM-23 If sensitive wildlife species are discovered during O&M activities, and the animals are not directly within ground disturbance areas, they will be protected by marking the edges of the ROW and new access roads in the general vicinity to ensure that workers do not leave those areas. If the animals are within work areas that have, or will have, ground disturbance, the Proponents will establish an appropriate buffer zone and will contact the federal or state land manager immediately. The federal or state agency may evaluate the adequacy of the buffer on a case by case basis. Unless the Proponents are informed otherwise, work outside of the buffer area will continue. If the Proponents need to work within the buffer area, the Agencies and Proponents will work together to develop a solution that is acceptable to both parties and will allow for the Proponents to complete the work in a timely manner or within the scheduled outage window, if applicable. After the O&M activities are completed or no longer pose a threat to the species, the marking (stakes) will promptly be removed to protect the site's significance and location from unwanted attention. As needed, marking will be reinstated during the land rehabilitation period. OM-26 If sensitive wildlife species are killed or injured due to O&M activities, the appropriate federal agency will be notified. | EIS Table 2.7-1, Section 3.7 Affected Environment and Environmental Consequences; Special Status Plants), Section 3.10 (Affected Environment and Environmental Consequences; General Wildlife and Fish), Section 3.11 (Affected Environment and Environmental Consequences; Special Status Wildlife and Fish Species); EIS Appendix B (Framework Operations, Maintenance, and Emergency Response Activities, Environmental Protection Measures) |
| Pesticide and Herbicide Use | | | |
| 1 | If pesticides are used, the applicant shall ensure that pesticide applications as specified in the integrated vegetation management plan are conducted within the framework of agency policies and entail only the use of EPA registered pesticides that are applied in a manner consistent with label directions and state pesticide regulations. Pesticide use should be limited to non-persistent immobile pesticides and may be applied only in accordance with label and application permit directions and stipulations for terrestrial and aquatic applications (BLM 2007b). | The use of herbicides is included in the Framework Reclamation Plan, and these requirements will be met. | EIS Table 2.7-1; Section 3.8 (Affected Environment and Environmental Consequences; Invasive Plant Species), and Appendix B (Framework Reclamation Plan, Environmental Protection Measures) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 2 | Pesticide and herbicide uses must be avoided in the vicinity of sole source aquifer areas (BLM 2007b). | The use of herbicides is included in the Framework Reclamation Plan, and this requirement will be met. REC – 7 It may also be applicable to use other forms of weed control or eradication (mechanical control, hand control, grazing, biological agents), and the Final Reclamation Plan will discuss those options, as applicable. | EIS Table 2.7-1, Section 3.8 (Affected Environment and Environmental Consequences; Invasive Plant Species), and EIS Appendix B (Framework Reclamation Plan, Environmental Protection Measures) |
| Visual Resources | | | |
| 1 | Terms and conditions for VRM/SMS mitigation compliance shall be maintained and monitored for compliance with visual objectives, with adaptive management adjustments and modifications as necessary and approved by the BLM/FS landscape architect or other designated visual/scenic resource specialist. | Project in general compliant with VRM/SMS objectives. Where the Proposed or Alternative Routes would not be in conformance with VRM or SMS objectives, management plan amendments are proposed. See EIS Section 3.2 for visual resource mitigation and Appendix F and G for plan amendments and visual resource impacts analysis, respectively. | EIS Section 3.2 (Affected Environment and Environmental Consequences; Visual Resources); EIS Appendix F (Proposed Land Use Amendments), EIS Appendix G (Visual Resource Amendment Analysis) |
| Hazardous Materials, Waste, and Wastewater | | | |
| 1 | The applicant shall provide secondary containment for all on-site hazardous materials and waste storage areas. | WQA-13 Construction industry standard practices and BMPs will be used for spill prevention and containment. WQA-15 All staging areas will contain fueling areas with containment. Where fueling must be conducted along the ROW, the plan will specify BMPs.WQA-22 Pumps and temporary fuel tanks for the pumps will be stored in secondary containment. Containment will provide a minimum volume equal to 110 percent of the volume of the largest storage vessel located in the yard. | EIS Appendix B (Environmental Protection Measures; Framework Spill Prevention, Containment, and Countermeasures) |
| 2 | The applicant shall ensure that wastes are properly containerized and removed periodically for disposal at appropriate off-site permitted disposal facilities. | The Proponents will prepare a Spill Prevention, Containment, and Countermeasures Plan (SPCC Plan) for review and approval by the appropriate regulatory agencies. That plan will include site-specific implementation of cleanup procedures in the event of soil contamination from spills or leaks of fuels, lubricants, coolants, or solvents as outlined in this attachment. | EIS Appendix B (Environmental Protection Measures; Framework Spill Prevention, Containment, and Countermeasures) |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| 3 | In the event of an accidental release to the environment, the applicant must initiate spill cleanup procedures and document the event, including a cause analysis; appropriate corrective actions taken; and a characterization of the resulting environmental or health and safety impacts. Documentation of the event should be provided to the land management agency's authorized officer and other federal and state agencies, as required. | The Proponents will prepare a Spill Prevention, Containment, and Countermeasures Plan (SPCC Plan) for review and approval by the appropriate regulatory agencies. That plan will include site-specific implementation of cleanup procedures in the event of soil contamination from spills or leaks of fuels, lubricants, coolants, or solvents as outlined in this attachment. | EIS Appendix B (Environmental Protection Measures; Framework Spill Prevention, Containment, and Countermeasures) |
| Air Quality | | | |
| 1 | Dust abatement techniques (e.g., water spraying) shall be used by the applicant on unpaved, unvegetated surfaces to minimize airborne dust. Water for dust abatement should be obtained and used by the applicant under the appropriate state water use permitting system. Used oil will not be used for dust abatement. | Sources, including construction projects, operating within Wyoming and Idaho are required to control fugitive dust emissions. Table 3.20-2 lists the fugitive dust regulations and control measures that apply to the Project. The Proponents have proposed that construction water would be obtained from municipal sources and landowners. No new water rights would be required. | EIS Section 3.20 (Affected Environment and Environmental Consequences; Air Quality; Affected Environment; Regulatory Framework; State Level; Fugitive Dust Control), Section 3.16 (Affected Environment and Environmental Consequences; Water Resources; Direct and Indirect Effects, Effects Common to All Action Alternatives; Construction) |
| Noise | | | |
| 1 | The applicant shall ensure that all equipment has sound-control devices no less effective than those provided on the original equipment. | The Proponents shall include noise mitigation measures in the Construction POD and COM Plan to ensure that equipment has sound control devices no less effective than those provided on original equipment. | Not Applicable |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| IOPs for Project Decommissioning | | | |
| General | | | |
| 1 | Where applicable, decommissioning activities will conform to agency standards and guidance for mitigation and reclamation (e.g., BLM's Gold Book4). | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 2 | Applicants must receive approval for changes to the ROW authorization prior to any modifications to the ROW required for decommissioning. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 3 | Gravel work pads will be removed; gravel and other borrow material brought to the ROW during construction will be disposed of as approved by the agency. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 4 | Any wells constructed on the ROW to support operations will be removed and properly closed in accordance with applicable local or state regulations. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |

ATTACHMENT

N3

Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| WWEC IOP # | WWEC IOP Description | GW Response Description | GW Response Source(s) |
| 5 | All equipment, components, and above-ground structures must be cleaned and removed from the site for reclamation, salvage, or disposal; all below-ground components will be removed to a minimum depth of three feet to establish a root zone free of obstacles; pipeline segments and other components located at greater depths may be abandoned in place provided they are cleaned (of all residue) and filled with inert material to prevent possible future subsidence. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 6 | Dismantled and cleaned components will be promptly removed; interim storage of removed components or salvaged materials that is required before final disposition is completed will not occur on federal land. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 7 | At the close of decommissioning, applicants will provide the federal land manager with survey data precisely locating all below-grade components that were abandoned in place. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| Mitigation and Monitoring | | | |
| 1 | All control and mitigation measures established for the project in the POD and other required plans will be incorporated into a decommissioning plan that will be approved by the federal land manager(s); the decommissioning plan will include a site reclamation plan and a monitoring program and will be coordinated with owners and operators of other systems on the corridor to ensure no disruption to the operation of those systems. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |

**ATTACHMENT**

**N3**

**Defenders of Wildlife (cont.)**

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Surface Water | | | |
| 1 | A SWPPP permit will be obtained and its provisions implemented for all affected areas before any ground-disturbance activities commence. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. NPDES permitting requirements will be followed. | EIS Appendix B, Table 1.4-1, EIS Chapter 1 |
| Transportation | | | |
| 1 | Additional access roads needed for decommissioning will follow the paths of access roads established during construction to the greatest extent possible; all access roads not required for the continued operation and maintenance of other energy systems present in the corridor shall be removed and their footprints reclaimed and restored. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| Restoration | | | |
| 1 | Topsoil removed during decommissioning activities shall be salvaged and reapplied during final reclamation; all areas of disturbed soil shall be reclaimed using weed-free native shrubs, grasses, and forbs or other plant species approved by the land management agency; grades will be returned to pre-development contours to the greatest extent feasible. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 2 | The vegetation cover, composition, and diversity shall be restored to values commensurate with the ecological setting, as approved by the authorizing officer. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |

ATTACHMENT

N3

Defenders of Wildlife (cont.)

| West-Wide Energy Corridors (WWEC) Interagency Operating Procedures (IOPs) Based on WWEC USFS & BLM Jan 2009 RODs | | | |
|---|---|---|---|
| **WWEC IOP #** | **WWEC IOP Description** | **GW Response Description** | **GW Response Source(s)** |
| Hazardous Materials and Waste Management | | | |
| 1 | All fuels, hazardous materials, and other chemicals will be removed from the site and properly disposed of or reused. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 2 | Incidental spills of petroleum products and other chemicals will be removed and the affected area cleaned to meet applicable standards. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 3 | Solid wastes generated during decommissioning will be accumulated, transported, and disposed in permitted off-site facilities in accordance with state and local requirements; no solid wastes will be disposed of within the footprint of the ROW or the corridor. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |
| 4 | Hazardous wastes generated as a result of component cleaning will be containerized and disposed of in permitted facilities. | The Proponents shall decommission facilities in accordance with the terms and conditions of the agency authorizations. A decommissioning plan will be developed at the time of decommissioning. This plan shall incorporate construction EPMs and mitigation measures as appropriate at the time of decommissioning. | Not Applicable |

**ATTACHMENT**

| N3 | Defenders of Wildlife (cont.) |
|---|---|

# GIS Risk Analysis of the West-Wide Energy Corridors (WWECs) in Oregon

*Conducted by Defenders of Wildlife*
May 2014 – Oregon-specific version produced in July 2014
Jon Belak, Eliza Cava, Stephanie Dashiell, Anderson Shepard

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LANDSCAPE PERMEABILITY AND CONNECTIVITY
THREATENED AND ENDANGERED SPECIES
**CATEGORIZING RISKS AND RANKING ALL SEGMENTS**
**METHODOLOGIES FOR SPECIES-SPECIFIC WILDLIFE RISK ANALYSES**
GREATER SAGE GROUSE

*Note: this document represents an edited version of a broader, West-wide analysis report we produced in May, 2014. All analyses in this report were originally conducted at the West-wide scale, and therefore statistical inferences and categorizations of the energy corridors should be understood in the context of all 131 corridors, not just those 12 in Oregon. Please contact ecava@defenders.org for the full West-wide analysis report.*

## ATTACHMENT

## N3 Defenders of Wildlife (cont.)

### Introduction and Executive Summary

Defenders of Wildlife is working to address the threat of climate change by advocating for significant increases in renewable energy and energy conservation measures, while conserving our wildlife and natural resources. We recognize that well-sited transmission is needed across the West to connect load centers to renewable energy resources and enhance grid reliability and reduce congestion in order to increase its ability to incorporate variable renewable resources.

As directed by Section 368 of the Energy Policy Act of 2005, the Bureau of Land Management (BLM) and US Forest Service (USFS) undertook a programmatic environmental impact statement (PEIS) designating right-of-way (ROW) corridors across public lands in eleven Western states in order to streamline and facilitate the siting of linear energy infrastructure (pipelines and transmission lines). However, the original corridor designations, proposed in 2009, did not do enough to connect renewable (rather than fossil fuel-generated) energy to towns and cities, did not provide enough opportunity for public input on their construction, and did not adequately analyze potential impacts on wildlife and the environment. In response, Defenders joined fellow conservation organizations and one county in challenging the designation of the originally proposed corridors. The litigation resulted in a settlement agreement, in which the agencies agreed to review the corridors to address these issues. Pursuant to the settlement agreement, the agencies developed a work plan for initiating a Corridor Study to assess the overall usefulness of the corridors and review corridor placement, utilization, and the use of Interagency Operating Procedures. Following the Corridor Study, the agencies will initiate the first Regional Periodic Review of corridor designations, and develop a corridor monitoring plan to support the study.

In response to the above developments, Defenders of Wildlife undertook a transparent, replicable, and quantitative geospatial study to assess the wildlife risk potential of the original West-Wide Energy Corridors (WWECs) with the aim of identifying potential risks for each corridor and making subsequent corridor-specific recommendations. We also aim to provide the agencies with the methodologies we used to better understand potential wildlife impacts on a programmatic scale, and encourage the agencies to further develop their own analyses to inform future corridor siting. This analysis supports our recommendations contained in our letter to the BLM and USFS in response to their request for information to support the Corridor Study and Regional Periodic Review of the WWECs (79 Fed. Reg. 17567, 3/28/14). Our letter also contains additional recommendations on transmission planning and siting principles, informed by our work examining transmission and renewable energy projects over the past several years.

This report presents our GIS analysis of the WWECs, which includes both coarse-scale and fine-scale data for selected species. Four coarse-scale, west-wide data sets were used in order to generate comparable scores for each WWEC segment: state Crucial Habitat Assessment Tool (CHAT) values,[1] landscape permeability (a model of habitat connectivity),[2] "flowlines" (a model of preferred routes across the landscape connecting permeable habitat),[3] and occurrences of NatureServe ranked G-1 and G-2 (globally imperiled) species by watershed.[4] Additionally, we examined several fine-scale, individual key species datasets and maps, including desert tortoise, Mohave ground squirrel, bighorn sheep, Greater sage grouse, and Gunnison sage grouse [only Greater sage-grouse was included in this Oregon-specific review, and additional landscape-scale analyses was conducted in southern California and southwestern Arizona].

These analyses, especially those using the coarse-scale, West-wide datasets, are meant to serve as examples of how currently available wildlife species and habitat data, many of which were not available at the time of the original PEIS, can be used to identify segments and portions of segments likely to be of particularly high (or low) risk to wildlife for further analysis. Additional research on identified segments would provide the basis for agencies to fulfill Interior Secretarial Order 3330, which prioritizes a landscape-scale approach to mitigation with an emphasis on identifying ways to avoid impacts to wildlife and natural resources, minimize those that cannot be avoided, and offset any remaining impact. The agencies' detailed WWEC analysis encompassed in the Corridor Review must incorporate both coarse-scale and fine-scale special-status species information to:

- Avoid impacts by re-aligning or removing corridors with particularly high risk potential,

[1] http://westgovchat.org/about.
[2] Theobald, D. M., Reed, S. E., Fields, K. and Soulé, M. (2012), Connecting natural landscapes using a landscape permeability model to prioritize conservation activities in the United States. Conservation Letters, 5: 123–133. doi: 10.1111/j.1755-263X.2011.00218.x
[3] Ibid.
[4] NatureServe Analysis of Imperiled or Federally Listed Species by HUC-12, October 2011.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

- Minimize impacts by strengthening Interagency Operating Procedures (IOPs) and incorporating the use of wildlife-specific Best Management Practices (BMPs) and design features that would apply where datasets indicate wildlife risk is likely to be present, and
- Direct development of energy transmission infrastructure to those corridors deemed low risk, and compensate for any remaining site-specific impacts.

Our analytical approach estimates the conservation value of each WWEC by comparing available landscape prioritizations: it is not intended to replace an integrated analysis that would draw in all key data sources to produce a synthetic metric of "wildlife risk" for each segment. However, we see the development of such transparent, quantitative, and replicable methods, possibly in concert with an academic institution or USGS, as a required element for BLM's further examination of the WWECs. In addition, this effort could be seen as a pilot project in fulfillment of the Department of the Interior's plan to develop a geospatial tool for resource management across public lands, as identified in the Report to the Secretary on Landscape-Scale Mitigation (April 2014). The purpose of our analysis was to identify high-risk corridors for further investigation, and we look forward to seeing the results of this additional, needed research.

To make results easier to interpret, we divided each of the four scores into categories of Very High, High, Medium, Low, and Very Low relative risk [across all 131 segments]. A table of results for all scores and analyses for each segment [of those in Oregon], color-coded by risk category and ordered from highest to lowest statistical risk across all four categories is included in Appendix A.

Appendix A contains our maps and results, Appendix B contains our corridor-specific recommendations, and Appendix C contains our methodology for conducting the geospatial risk analysis that underlies our recommendations.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

### Coarse-Scale Risk Analysis

Background and general methods for our West-wide, coarse-scale GIS analyses are shown below. Quantitative results and maps are shown in Appendix A for all coarse-scale analyses. Detailed methodologies are shown in Appendix C.

State conservation priorities across the landscape

The Western Governors' Association and its Wildlife Council launched the Crucial Habitat Assessment Tool (CHAT) to "bring greater certainty and predictability to planning efforts by establishing a common starting point for discussing the intersection of development and wildlife."[5] The CHAT is a non-regulatory tool, which each state developed individually using common guidelines and methodologies,[6] and therefore reflects each state's conservation priorities. They are intended to be used early on in the planning and evaluation process, to provide landscape-scale information to guide project assessment and siting and identify areas that may warrant a finer-scale analysis. West-wide CHAT layers are provided in generalized hexagons of either 3 or 5 km diameters, and include conservation priorities not only for Species of Greatest Conservation Need but also for Species of Economic and Recreational Importance, as well as other values, not all of which are available for public analysis in the West-Wide CHAT database. Therefore, while we are very supportive of the overall CHAT effort, and find it extremely valuable as a screening tool, it will be important for the BLM and USFS to consult closely with the WGA and with individual states to interpret states' conservation priorities, even where our analysis found a relatively high CHAT risk score.

The final CHAT rank ranges from a high of 1 to a low of 6, and we assigned each WWEC segment a **CHAT "risk score"** from 0-10 (where 10 is high) based on that underlying data.

**Recommendation:** We encourage the agencies to view "Very High" (top priority) and "High" WWEC segment CHAT risk scores as places where they should proceed with caution, and work with state fish and game agencies and the Western Governors' Association to implement the full mitigation hierarchy of avoid, minimize, and where appropriate compensate for the resources potentially at risk. In conjunction with state wildlife agencies, consider revision of corridor route or requirement of locally-specific best management practices (BMPs) to minimize impacts.

Landscape permeability and connectivity

Wild animals need many resources to thrive, but one of the most important is space. Migratory species need to be able to roam the landscape from wintering to breeding grounds, and without habitat connectivity between these areas, these species cannot persist. More localized species need to be able to gradually shift their populations over time, in response to changes in climate, predation, development, or other factors, and must be able to encounter other populations of the same animal to maintain genetic diversity. Many western species are intolerant of disturbance, and therefore require large, contiguous blocks to buffer their preferred habitat from encroachment by development. For all of these reasons, maintaining the connectivity and permeability of the landscape is an essential component of Defenders' approach to prevent species and their habitats from becoming imperiled. We used two datasets developed by Theobald et. al.[7] to examine **Landscape Permeability** (a measure of species' ability to "percolate" across a connected landscape) and **Flowlines** of connectivity across the landscape, and assigned each WWEC segment a "risk score" from 0-10 based on the underlying data.

While states were directed to include a Connectivity or Linkage assessment in developing their CHATs, linkages developed at the state scale may not be applicable at the broader, landscape scale West-wide. The BLM and USFS have a responsibility to manage West-Wide and should use additional, appropriately scaled datasets. We are very supportive of the Department of the Interior's forthcoming effort to develop a stronger Geospatial Platform (as referenced in the

[5] http://westgovchat.org/about.
[6] Western Governors' Wildlife Council White Paper - Version III. Western Governor's Crucial Habitat Assessment Tool (CHAT): Vision, Definitions and Guidance for State Systems and Regional Viewer. July 2013 (Technical Updates Added December 2013). Available at http://www.westgov.org/policies/doc_download/1746-wgwc-white-paper-2013 [Accessed 3/13/2014].
[7] Theobald, D. M., Reed, S. E., Fields, K. and Soulé, M. (2012), Connecting natural landscapes using a landscape permeability model to prioritize conservation activities in the United States. Conservation Letters, 5: 123–133. doi: 10.1111/j.1755-263X.2011.00218.x

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

Secretarial Report on Landscape-Scale Mitigation released April 10, 2014) and encourage the WWEC agencies to work with USFWS, USGS, and other agencies to use best-available federal information to make decisions related to the maintenance of connectivity across public lands at the landscape scale.

**Recommendation:** The agencies should consider datasets that describe landscape-scale measures of connectivity, such as those developed by Theobold et al, to assess the impact that corridor designations might have on this crucial habitat function.

**Recommendation**: Where our analysis' scores for Permeability rank "Very High" (top priority) and "High" risk, work closely with state and federal wildlife and science agencies, including the USGS, to ensure that connectivity is maintained. Avoid siting corridors in areas of high permeability.

**Recommendation:** Where our analysis' scores for Flowlines rank "Very High" (top priority) and "High" risk, prioritize avoidance to reduce the number and magnitude of flowline crossings by WWEC segments. Where flowlines must unavoidably be crossed, minimize impacts to connectivity through the use of locally appropriate crossing structures, underground line construction, and other best management practices.

Threatened and Endangered Species

The revised corridor designations should be consistent with BLM wildlife policy, the purpose of which is to provide guidance to the agency in the conservation of the species, habitat and ecosystems found on BLM lands. In order to be consistent with agency policy, the WWECs should conserve habitat and wildlife and result in overall conservation benefits to BLM Special Status Species.[8] Establishing measurable wildlife and habitat standards will increase public support for the designations and enable the agency to evaluate the effectiveness of conservation and mitigation measures. BLM wildlife policies should be applied to the Corridor Review.

BLM Special Status Species policy, found in Manual 6480, has two broad objectives: to conserve and recover ESA-listed species and their ecosystems; and to proactively reduce or eliminate threats to Bureau sensitive species in order to minimize the likelihood and need of listing these species under the ESA. To achieve overall benefits for Special Status Species, the agency should be able to demonstrate, through programmatic, corridor and project analysis and monitoring, that the designation of WWECs contributes to the recovery of listed species and improves the conservation status of Bureau sensitive species. Risks to Special Status Species must be evaluated and quantified at appropriate spatial, biological, and temporal scales.[9]

Manual 6500 establishes BLM wildlife policy "to manage habitat with emphasis on ecosystems to ensure self-sustaining populations and a natural abundance and diversity of wildlife, fish and plant resources on the public lands." Policy objectives call for the agency to "restore, maintain, and improve wildlife habitat conditions" on BLM lands, and to "increase the amount and quality of habitat available." (emphasis added). Wildlife policy is also found within the BLM's Rangeland Health Standards. Agency regulations at 43 CFR, Subpart 4180 state that "[h]abitats are, or are making significant progress towards being, restored or maintained for Federal threatened and endangered species, Federal Proposed, Category 1 and 2 Federal candidate and other special status species."

In addition to BLM policy, under section 7(a)(1) of the ESA, BLM is explicitly obligated to utilize its existing authorities to affirmatively conserve ESA listed species. Section 7(a)(1) is designed to ensure that federal agencies "conserve" listed species, which means to improve the status of a species to the point where it no longer requires the ESA's protection. In order to fulfill obligations under section 7(a)(1), the agencies should consider and as best practicable avoid impacts to

[8] These are species which are proposed for listing, officially listed as threatened or endangered, or are candidates for listing as threatened or endangered under the provisions of the Endangered Species Act (ESA); those listed by a State in a category such as threatened or endangered implying potential endangerment or extinction; and those designated by each State Director as sensitive. BLM Manual 6840.01

[9] Analysis at the population level is consistent with BLM policy. For example, the 6840 manual calls for determining the "population condition" of sensitive species, and monitoring "populations and habitats" to determine whether conservation objectives are being met.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

geographic areas for recovery units for threatened and endangered species. BLM policy requires developers to implement mitigation measures for impacted species.

Finally, in addition to ESA section 7(a)(1), the agencies are required to consult with the USFWS under section 7(a)(2) to ensure that their actions are not likely to jeopardize listed species or result in the adverse modification of their designated critical habitat. While consultations have historically focused on the jeopardy standard, FWS has recently proposed redefining "destruction or adverse modification"[10] to focus more on recovery, in line with recommendations from the National Academy of Sciences and the majority of court decisions on this issue.[11] We expect that adverse modification and critical habitat will have more protective interpretations in the near future, and urge the agencies to consider the current rulemakings[12] in assessing potential impacts of WWEC corridor designation on critical habitat.

We believe the aforementioned BLM wildlife policy and ESA obligations provide clear guidance for the BLM's conservation objectives in the designation of WWECs and the Corridor Review. Agency wildlife policy should be used to analyze and develop a set of corridors which will:

- Conserve and help recover ESA-proposed and listed species as well as candidate and other Special Status Species;
- Reduce or eliminate threats to BLM sensitive species and minimize the likelihood of listing these species under the ESA; and
- Ensure viable (i.e., self-sustaining) populations and a natural abundance and diversity of wildlife, fish, and plant resources on the public lands.

These goals are achievable through smart planning and design without slowing the development of transmission lines or other energy development on public lands. In fact, careful planning that directs development away from the most important and sensitive places for wildlife and clarifies mitigation objectives will create greater certainty for developers and conservationists by providing clarity on what wildlife management standards must be met and what mitigation measures must be implemented to achieve these outcomes. We believe that BLM should apply this standard to corridor and project specific decision making. For example, where sensitive, threatened, and endangered species are present, BLM should demonstrate that development in designated corridors, coupled with necessary mitigation measures, achieves an overall conservation benefit.

With these specific goals in place for BLM Special Status Species, remaining impacts on individual species should be minimized and then offset through compensatory mitigation that creates benefits for wildlife in other appropriate locations.

To focus review and identify risks, the agencies must first identify where those threatened, endangered, and imperiled species are likely to be found. To assess potential risks and impacts on threatened and endangered species, we chose two analytical lenses: legal critical habitat designations and overlaps with ranges of imperiled and listed species. For **critical habitat**, we calculated the shortest distance (in meters) to all species' critical habitats within 2 km of each WWEC segment. We assigned a score from 0-10 to each WWEC segment based on the underlying **concentrations of imperiled species ranges**, measured at the watershed scale.

**Recommendation:** The agencies should conduct pre-consultation at the programmatic scale with the USFWS, following precedent set by the BLM for the Solar Programmatic Environmental Impact Statement. Programmatic consultation should include the scope of potential impacts both from the perspective of the jeopardy standard **and** the adverse modification of critical habitat standard, including its upcoming potential modifications.

[10] Proposed Rule, Interagency Cooperation-Endangered Species Act of 1973, as Amended, Definition of Destruction or Adverse Modification of Critical Habitat, http://federalregister.gov/a/2014-10503. Published 5/12/2014.
[11] National Research Council. *Science and the Endangered Species Act*. Washington, DC: The National Academies Press, 1995.
[12] In addition to footnote 10, see: Announcement of Draft Policy and Solicitation of Public Comment, Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act, https://federalregister.gov/a/2014-10502; and Proposed Rule, Listing Endangered and Threatened Species and Designating Critical Habitat, Implementing Changes to the Regulations for Designating Critical Habitat, http://federalregister.gov/a/2014-10504. Both published 5/12/2014.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

**Recommendation:** The agencies should identify any recovery units for threatened and endangered species and avoid impacting them to an extent that impedes recovery progress.

**Recommendation**: Where our analysis' scores for Imperiled Species risk is "Very High" (top priority) and "High," consult closely with state fish and game agencies and the US Fish and Wildlife Service to ensure that valuable wildlife resources are protected. Use the full mitigation hierarchy of avoid, minimize, and only then compensate for unavoidable impacts. In conjunction with state wildlife agencies, consider revision of corridor route or requirement of locally-specific best management practices (BMPs) to minimize impacts.

### Species-Specific Wildlife Risk Analyses

In addition to the coarse-scale, West-Wide analysis, we conducted a detailed summary of several species-specific conflicts defined for each WWEC based on more granular criteria than the synthesis risk assessment products above. These summaries are not intended to be an exhaustive list of potential conflict, but to provide BLM a basis to focus additional research and fieldwork. As with the coarse-scale analyses described above, full quantitative results for the following species-specific analyses can be found in the results table at the end of this section. Maps are interspersed throughout the following pages, and corridor-specific recommendations can be found in Appendix A.

Greater Sage-grouse

Greater sage-grouse are currently the focus of extensive, range-wide conservation efforts ahead of an expected listing decision by the Fish and Wildlife Service in 2015. They are also a sensitive indicator and umbrella species for the stage-steppe ecosystem of the high desert, with extensive habitat needs and a low tolerance for disturbance, including from tall structures intruding on their normally treeless landscape.[13] In developing conservation strategies for the species, many states identified "core" areas designed to protect a minimum of 75% of the population. We mapped these important habitat areas, which encompass at least 75% of the population across the range, and determined where WWEC segments intersected these areas.[14]

In developing its recommendations for avoiding listing of the Greater sage-grouse, the Conservation Objectives Team (COT) convened by the Fish and Wildlife Service used state core areas and other conservation designations to "identify the most important areas needed for maintaining sage-grouse representation, redundancy, and resilience across the landscape."[15] The COT report refers to these areas as Priority Areas for Conservation (PACs), and contends that "maintenance of the integrity of PACs...is the essential foundation for sage-grouse conservation."[16] The COT report recommends avoidance of energy development in PACs. The BLM's Sage-grouse National Technical Team (NTT) went further, stating:

> "We believe the conservation strategy most likely to meet the objective of maintaining or increasing sage-grouse distribution and abundance is to exclude energy development and other large-scale disturbances from priority habitats."[17]

The NTT report also recommended making priority sage-grouse habitats exclusion areas for new ROWs permits, with the following possible exceptions:

[13] Bureau of Land Management Sage-grouse National Technical Team. 2011. A Report on National Greater Sage - Grouse Conservation Measures. December 21, 2011.
[14] Doherty, K. E., Tack, J. D., Evans, J. S., & Naugle, D. E. (2010). Mapping breeding densities of greater sage-grouse: a tool for range-wide conservation planning. Completion report to the Bureau of Land Management for Interagency Agreement, (L10PG00911). http://www.conservationgateway.org/ConservationByGeography/NorthAmerica/UnitedStates/Documents/BLM-L10PG00911.pdf
[15] U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (Centrocercus urophasianus) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013. p 13.
[16] ibid., p 36.
[17] NTT Report 2011.

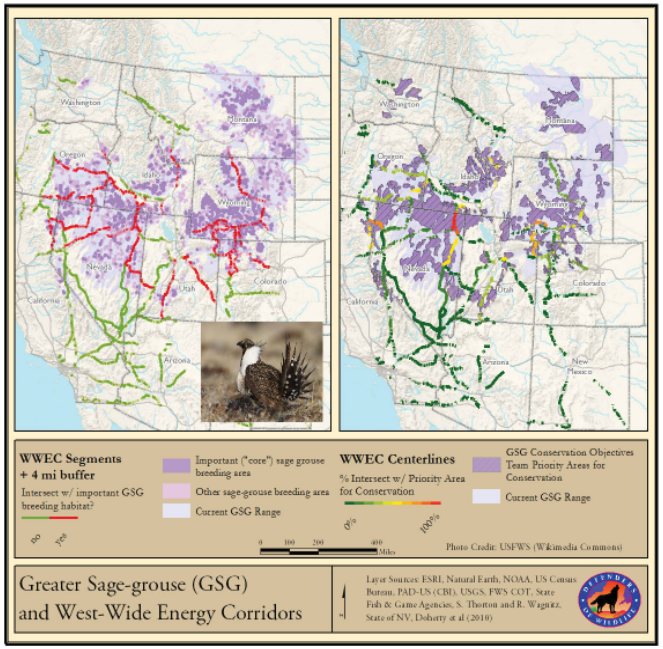
## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

- "Within designated ROW corridors encumbered by existing ROW authorizations: new ROWs may be co-located only if the entire footprint of the proposed project (including construction and staging), can be completed within the existing disturbance associated with the authorized ROWs.
- Subject to valid, existing rights: where new ROWs associated with valid existing rights are required, co-locate new ROWs within existing ROWs or where it best minimizes sage-grouse impacts. Use existing roads, or realignments as described above, to access valid existing rights that are not yet developed. If valid existing rights cannot be accessed via existing roads, then build any new road constructed to the absolute minimum standard necessary, and add the surface disturbance to the total disturbance in the priority area. If that disturbance exceeds 3% for that area, then make additional effective mitigation necessary to offset the resulting loss of sage-grouse."

Finally, the NTT report recommended that the BLM "evaluate and take advantage of opportunities to remove, bury, or modify existing power lines within priority sage-grouse habitat areas."

We note that the bi-state distinct population segment (DPS) of greater-sage grouse, on the border of California and Nevada, represent a particularly vulnerable population and are proposed for listing as a threatened species in 2015. It is particularly important to avoid sensitive areas of the DPS' range and avoid, minimize, and compensate for impacts to the bi-state DPS in accordance with the NTT recommendations described above. In the case of the bi-state sage grouse, due to its isolation and declining population status, we recommend that the NTT report recommendations apply not only to "core" breeding areas but to all breeding areas. WWEC segments with potential impact to the bi-state DPS include 18-23 (which bisects a large portion of the remaining range of the bi-state DPS) and 18-224.



## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

We mapped the overlap of each WWEC segment with PACs, as well as whether or not a WWEC segment, plus a four mile buffer to account for corvid predation,[18] intersects an important (or "core") breeding area.

**Recommendation:** As the PACs represent those areas defined by the states and the Fish and Wildlife Service as most important for greater sage-grouse conservation, we recommend re-routing or revising WWEC segments to exclude new infrastructure ROWs and avoid all new energy infrastructure development within PACs and within other identified "core" or "priority" areas, modified by the NTT Report's recommendations regarding existing ROWs as described above. WWEC segments that intersect with these areas should be revised to avoid them, or else should contain stipulations for limiting permitting to upgrades within the footprint of already authorized ROWs only.

**Recommendation:** We also recommend careful consideration to avoid, minimize, and mitigate impacts, whether through re-routing or undergrounding wires or limiting new construction to upgrades only, within four miles of PACs and other important "core" or "priority" habitats to reduce the impact of increased corvid predation.

Bighorn and pronghorn

Bighorn sheep (Ovis canadensis) and pronghorn antelope (Antilocarpa americana) are both wide-ranging, iconic Western species that require large tracts of connected, undisturbed habitats. We chose these two species as indicators to examine the connectivity across the landscape, and to demonstrate the importance of avoiding, minimizing, and mitigating risk from long linear developments such as transmission and pipelines that may block migration pathways.

Bighorn[19] range regionally from summering to wintering grounds, and are sensitive to disturbance on the landscape. Hunting, competition and disease from grazing animals, and habitat encroachment diminished the population nearly to extinction in the early 1900s. A concerted conservation and reintroduction effort across the West has led to the return of Bighorn numbers, but in order to continue its recovery the species needs access to suitable habitat blocks that males and family groups can expand and spread to as their numbers increase, as well as to maintain genetic connectivity.

Pronghorn[20] are a valuable game species that is the fastest land mammal in North America. However, they live in sensitive landscapes and do not jump, making them particularly vulnerable to disturbance along their long (100+ miles) migration paths. Today's population has been reduced by 95% since the 1800s, and pronghorn continue to lose habitat due to fragmentation and human development.

As both of these species are wide-ranging and their population levels fluctuate, we chose to use the Theobald et al (2012) "Flowlines" dataset described above as a coarse-scale approximation of their need for landscape connectivity. In the section above on Landscape permeability and connectivity, we showed how each segment scored in terms of number and importance ("betweenness centrality") of the flowlines that it crossed. The maps above show how those flowlines span and connect key habitat blocks for both species, and Map 15 in Appendix A shows the segments scored by the number and magnitude of flowlines crossings.

Note for example the high-value flowline that connects the central Sierra Nevada, goes north and east through Nevada, and then connects to the high desert of southeast Oregon--that crucial north-south connectivity pathway connects very large blocks of suitable Bighorn sheep habitat, but is crossed in as many as eight places by WWEC segments.

To show Bighorn sheep suitable habitat, we used a habitat model developed by the USGS Gap Analysis Program.[21] For Pronghorn distribution data, we pieced together datasets available at the state and regional levels,[22] processed each layer

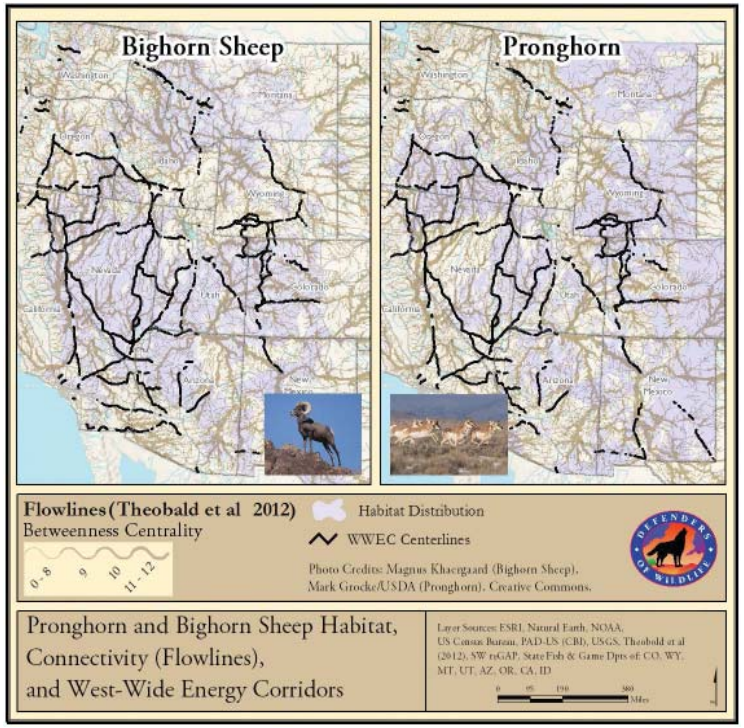
[18] Boarman, W., B. Heinrich. 1999. Corvus corax: Common Raven. The Birds of North America, 476: 1-32; Leu, M., Hanser, S.E., and Knick, S.T., 2008, The human footprint in the west-A large scale analysis of anthropogenic impacts: Ecological Applications, v. 18, p. 1119-1139. For more detail on corvid predation, see our detailed methodologies in Appendix B.
[19] http://www.defenders.org/bighorn-sheep/basic-facts
[20] http://www.wcs.org/saving-wildlife/hoofed-mammals/pronghorn.aspx
[21] http://gapanalysis.usgs.gov.
[22] Data sources for pronghorn distribution models include: SW Regional GAP for NV, UT, CO, NM, and AZ; Gaines, E., Kagan, J., Hak, J.C. (2000), "Oregon Land Ownership and Land Stewardship" v1. unpublished material; California Department of Fish and Wildlife, Colorado Division of Wildlife; DataBasin; Utah Division of Wildlife Resources; Wyoming Game and Fish Department; Montana Fish, Wildlife and Parks Biologists; Idaho Department of Fish and Game, and Arizona Game and Fish Department.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

to convert it into a shapefile as needed, and scaled the shapefiles for visualization at the West-wide scale. In the California desert only, we conducted a finer-scale analysis of WWEC segment intersects with Desert bighorn sheep core habitat.[23] A map of California Desert Bighorn Sheep is shown in the section below on Regions of Focus.

**Recommendation:** Prioritize maintaining connectivity for these wide-ranging species. Where available, follow locally-specific connectivity recommendations such as those for the Southern California Wildlands Linkages, Arizona Missing Linkages, Yellowstone to Yukon and Crown of the Continent Initiatives, and other efforts. Avoid impacts to linkages deemed of high importance in these initiatives and follow recommendations to minimize impacts (such as by bundling several corridors together to reduce proliferating right-of-ways across the landscape, and by incorporating wildlife-friendly crossing structures).




[23] Conservation Biology Institute (2013). Desert Bighorn Sheep - Intermountain & Unfiltered Core Habitat, DRECP. Dataset and metadata available at: http://databasin.org/datasets/18f70788685f4e7985d4a14915524cdd.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

# Appendix A Results and Maps

### GIS Risk Analysis Results

The table that follows details our analytical results, as described above, for each WWEC segment as it was designated in the 2009 PEIS. The column names describe the following analyses:

- Flowlines Score/Rank: Score of 0-10 for potential risk to connectivity Flowlines, and Rank of Low, Medium, High, or Very High based on quartiles.
- Permeability Score/Rank: as above.
- CHAT Score/Rank: as above.
- Imperiled Species Score/Rank: as above.
- % int w GSG PACs: % of WWEC segment area that overlaps with a Priority Area for Conservation for Greater sage-grouse.
- GSG impt. breeding areas: Whether or not the WWEC segment (plus a four-mile buffer to account for corvid predation) intersects a an important (or "core") breeding area.

The corridors are shown in rough order from most to least risk across the four West-wide scores, using a statistical methodology described in Appendix B. The colorations of the four West-Wide scores indicate their risk categories, determined using a Jenks algorithm as described in Appendix C.

| Name | CHAT Score | Flow-lines Score | Permea-bility Score | Imperiled Species Score |
|---|---|---|---|---|
| 110-233 | 3.92 | 5.02 | 8.25 | 0.58 |
| 11-103 | 2.56 | 0.00 | 5.07 | 0.60 |
| 112-226 | 5.95 | 2.64 | 4.60 | 0.00 |

Yellow text and background: Medium
Red text and background: Very High
Dark Green text and background: Very Low
Light Green text and background: Low
Orange text and background: High

*Note: this document represents an edited version of a broader, West-wide analysis report we produced in May, 2014. All analyses in this report were originally conducted at the West-wide scale, and therefore statistical inferences and categorizations of the energy corridors should be understood in the context of all 131 corridors, not just those 12 in Oregon. Please contact ecava@defenders.org for the full West-wide analysis report.*

### Map Set

**Map 1:** West-Wide overview of WWECs showing Corridors of Concern

**Map 2:** Oregon base map labeling all segments for reference

**Map 13:** CHAT scores

**Map 14:** Permeability scores

**Map 15:** Flowlines scores

**Map 16:** Critical Habitat

**Map 17:** Imperiled Species scores

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

### GIS Wildlife Risk Analysis Results

| Name | CHAT Score | Flow-lines Score | Permea-bility Score | Imperiled Species Score | % int. w GSG PACs | GSG impt. breeding areas | GuSG produc-tion areas | Sonoran DT CAT I or II | TCA | Moj. DT Priority Connectivity | Desert Bighorn Sheep | S. CA Wild-lands Linkage | Mohave Ground Squirrel |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 4-247 | 7.78 | 5.36 | 2.80 | 3.61 | 0% | | | | | | | | |
| 7-24 | 6.48 | 8.61 | 7.34 | 1.29 | 32% | yes | | | | | | | |
| 10-246 | 7.49 | 3.68 | 3.22 | 4.88 | 0% | | | | | | | | |
| 230-248 | 6.71 | 2.67 | 4.05 | 5.44 | 0% | | | | | | | | |
| 11-228 | 6.68 | 9.15 | 5.32 | 1.07 | 30% | yes | | | | | | | |
| 24-228 | 6.03 | 9.11 | 4.11 | 1.44 | 58% | yes | | | | | | | |
| 5-201 | 8.36 | 6.08 | 2.20 | 1.17 | 0% | | | | | | | | |
| 16-24 | 2.76 | 9.09 | 5.70 | 0.78 | 12% | yes | | | | | | | |
| 7-8 | 4.72 | 0.00 | 5.17 | 2.34 | 0% | | | | | | | | |
| 11-103 | 2.56 | 0.00 | 5.07 | 0.60 | 0% | | | | | | | | |
| 250-251 | 7.19 | 0.00 | 0.63 | 0.94 | 14% | yes | | | | | | | |
| 7-11 | 3.97 | 6.78 | 5.07 | 1.11 | 0% | | | | | | | | |

### Distance to Nearest Critical Habitats within 2 km (in meters)

| | |
|---|---|
| **10-246** | |
| Northern spotted owl | 0 |
| **230-248** | |
| Northern spotted owl | 0 |
| **7-24** | |
| Borax Lake chub | 1,300 |

## ATTACHMENT

| N3 | Defenders of Wildlife (cont.) |
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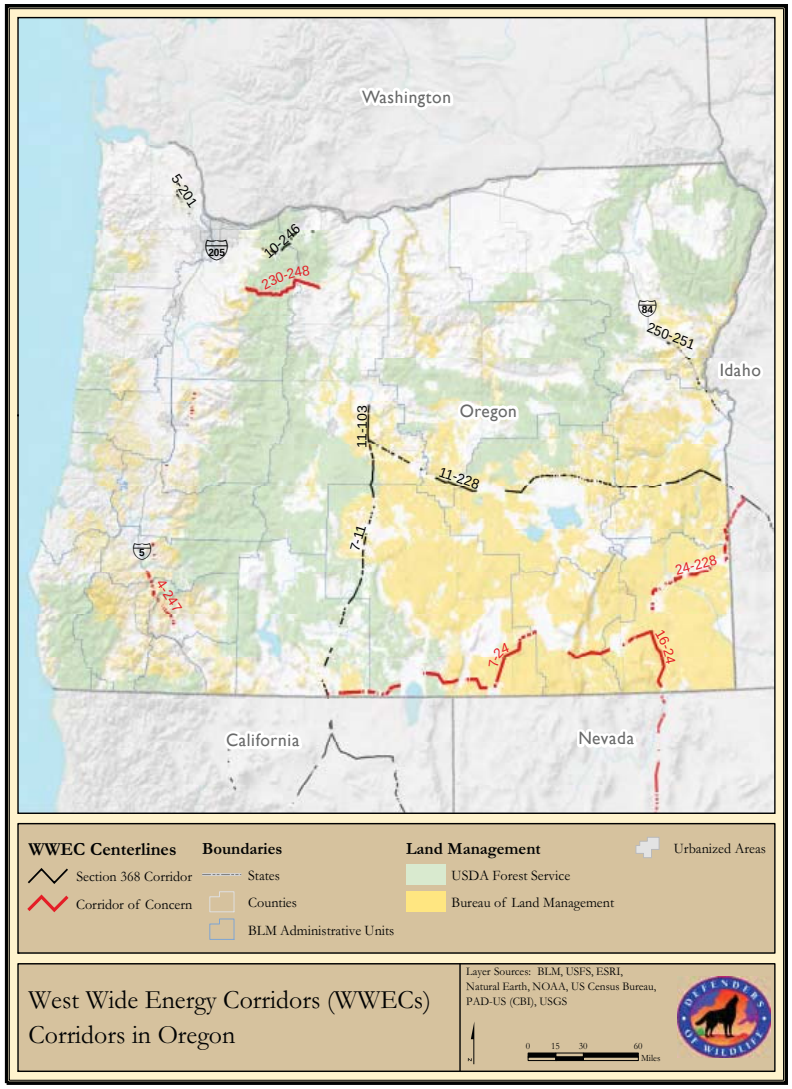
## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**



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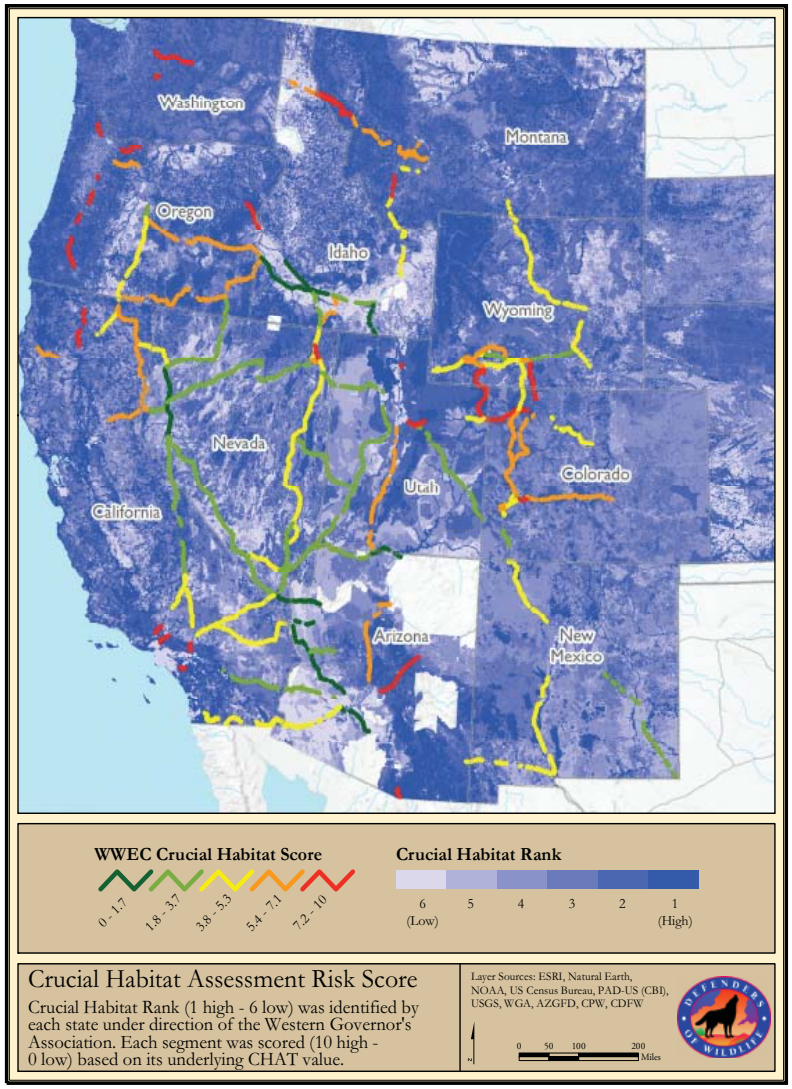

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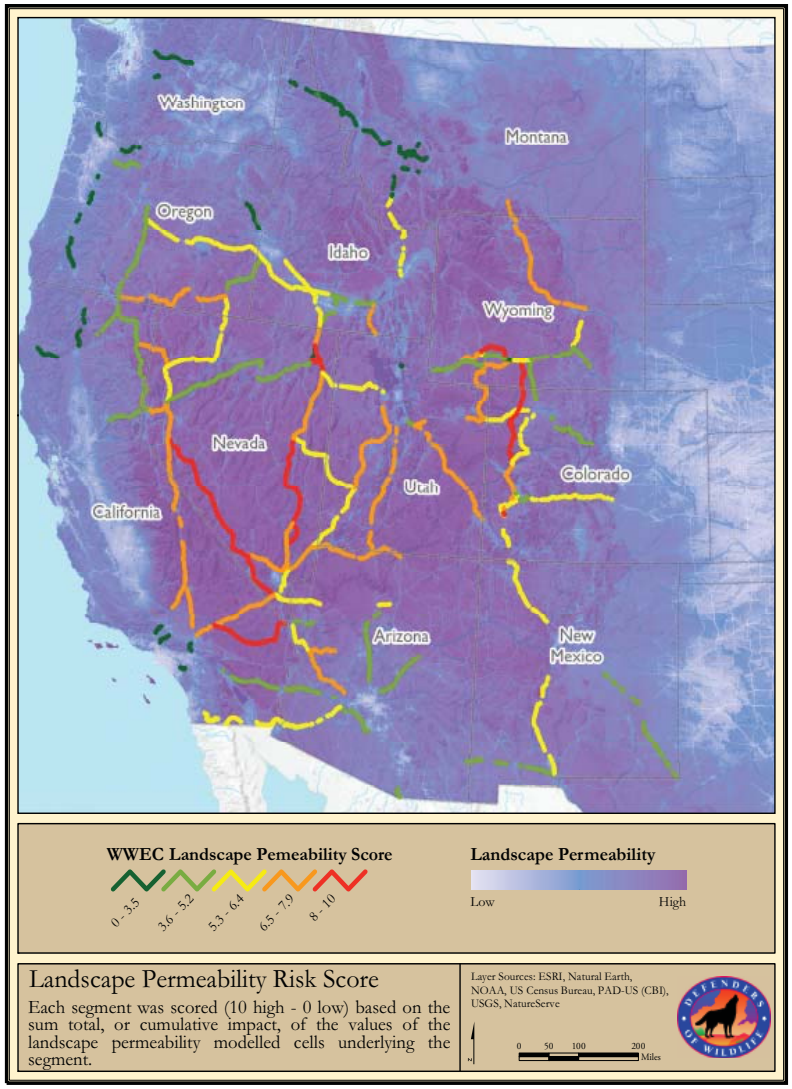

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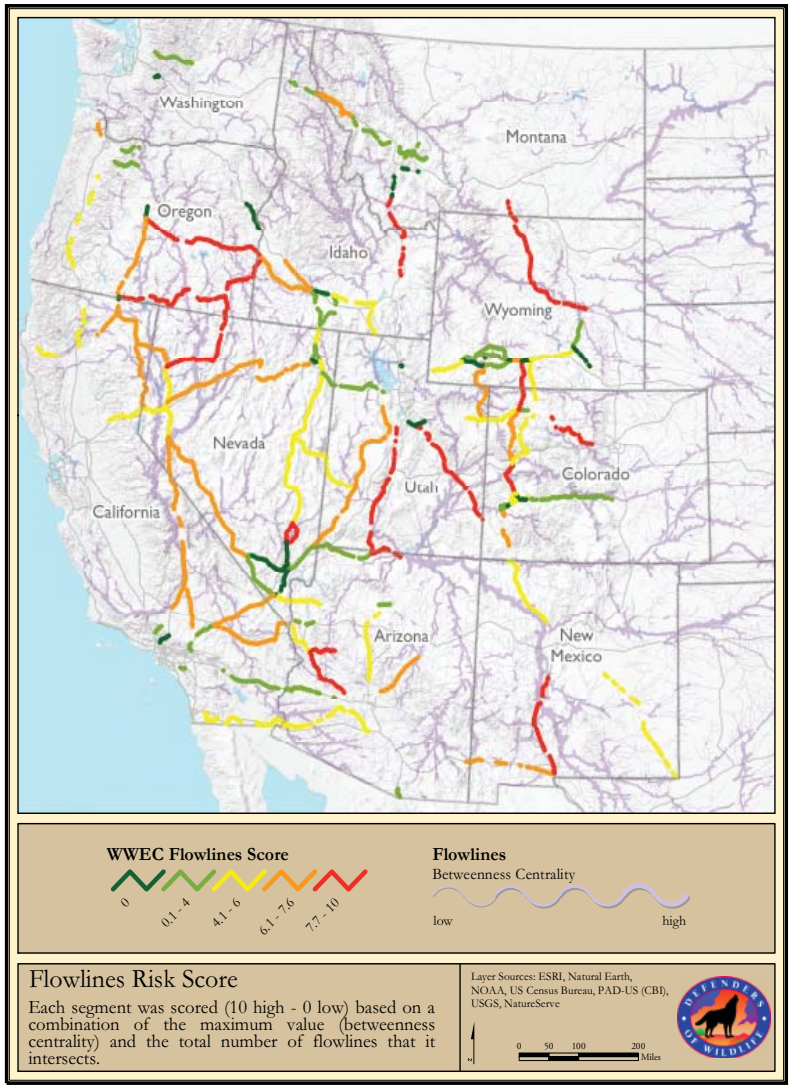

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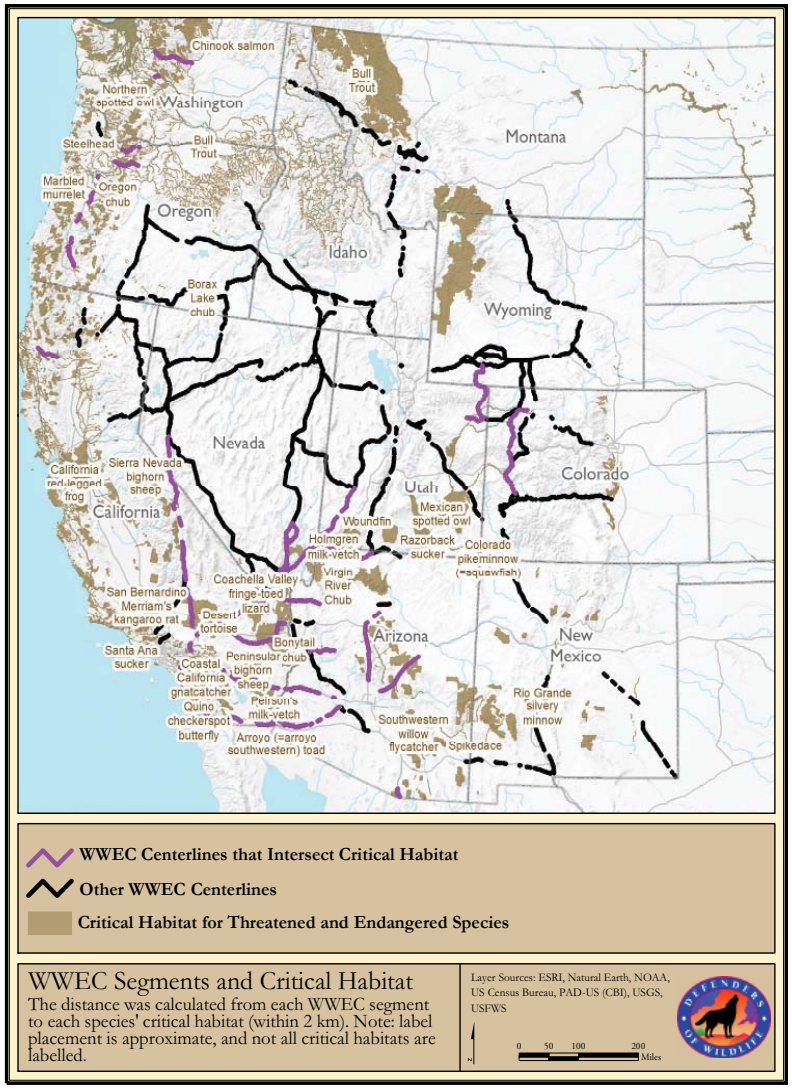

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| N3 | Defenders of Wildlife (cont.) |
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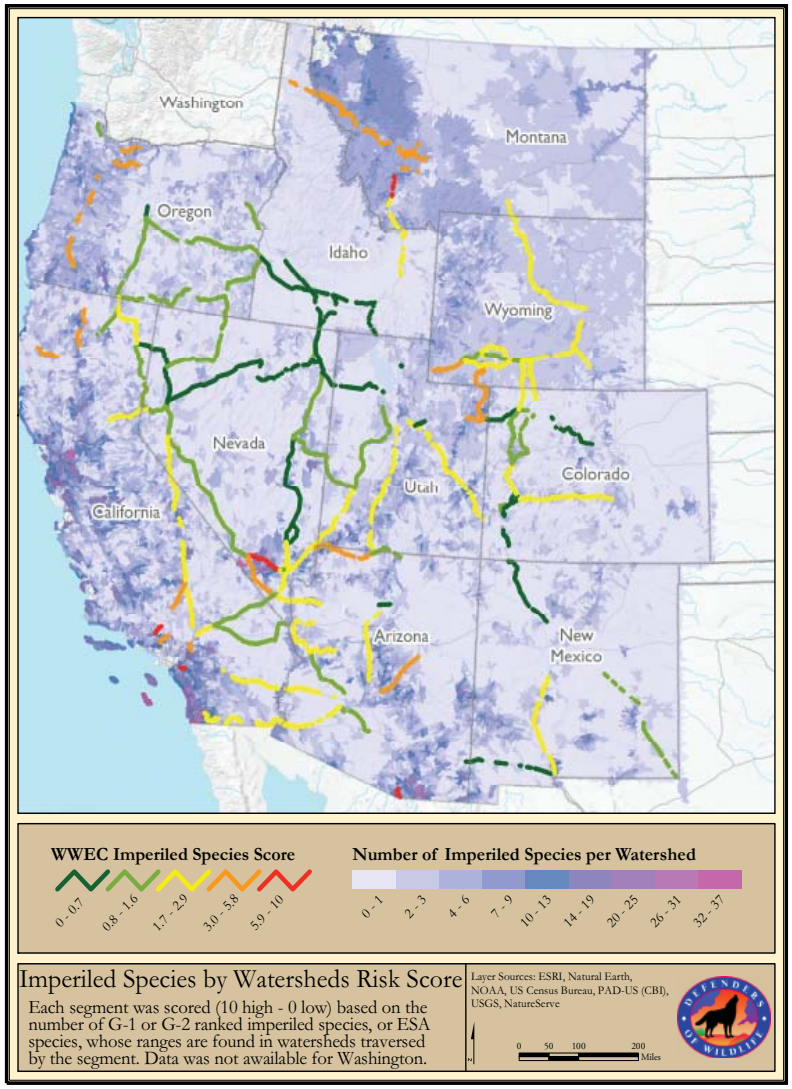

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

### Appendix B Segment-specific recommendations

The table that follows lists Defenders of Wildlife's recommendations for each of the WWECs. In most cases across the West, our recommendations follow solely from the GIS analysis described in this report. As such, it is important that the agencies consider additional information when making decisions about corridor revisions, additions, deletions, etc. Our recommendations for what types of additional information the agencies should include is contained in our comment letter in response to the WWEC Request for Information, submitted on 5/27/2014.

*Note: this document represents an edited version of a broader, West-wide analysis report we produced in May, 2014. All analyses in this report were originally conducted at the West-wide scale, and therefore statistical inferences and categorizations of the energy corridors should be understood in the context of all 131 corridors, not just those 12 in Oregon. Please contact ecava@defenders.org for the full West-wide analysis report.*

**Recommendations rubric**

- Two "Very High" scores brings an automatic recommendation to delete and/or replace the segment entirely.
- 75% or greater overlap with GSG PACs brings an automatic recommendation to delete and replace.
- We did not provide a recommendation related to GSG PACs if the overlap was <5%. However, we reiterate that all new energy infrastructure should still be avoided in PACs.
- The recommendation given for the corridor is the most conservative available, as described above. If no recommendation is maximally conservative/overrides the others, all are given.
- While our overall recommendations include West-wide scores scoring in both the "Very High" and "High" risk categories, we prioritized "Very High" risk segments and our recommendations below therefore focus on that.
- The rubric below shows our abbreviated recommendations, described in more detail above.
- The corridors are shown in rough order from most to least risk across the four West-wide scores, using a statistical methodology described in Appendix B. The colorations (described in Appendix A) of the four West-Wide scores indicate their risk categories, determined using a Jenks algorithm as described in Appendix B.

| | |
|---|---|
| **Of concern** | Re-route to avoid resources identified as "of concern." |
| **CritHab** | Consult with USFWS to avoid adverse modification to designated critical habitat. |
| **CHAT** | Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk. |
| **Perm** | Reroute to avoid "Very High" risk to permeability, and work closely with state and federal wildlife and science agencies to ensure that connectivity is maintained. |
| **Flow** | Re-route to avoid "Very High" risk to the number and magnitude of flowline crossings by WWEC segments. Where flowlines must unavoidably be crossed, minimize impacts to connectivity. |
| **Imperiled** | Consult closely with state fish and game agencies and the US Fish and Wildlife Service to ensure that valuable wildlife resources are protected from the "Very High" risk to Imperiled Species posed by this segment. Identify and where present avoid impacts to geographic areas for recovery units for threatened and endangered species. |
| **Greater Sage Grouse** | Re-route or exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs (X% overlap). Use full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. |

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

## West Wide Energy Corridors Segments Recommendations

### 4-247

4-247

Total Segment Length: 38.09 km

**Recommendations:**
Re-route to avoid resources "of concern" and ensure connection to renewable energy development. Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk. Consult with USFWS to avoid adverse modification to Northern spotted owl designated critical habitat.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 7.78 | 5.36 | 2.80 | 3.61 |

Listed as 'Of concern' In settlement agreement. Why?:
OR: not close enough to QRA, old-growth forests, critical habitat, late-successional reserves, riparian reserves.

### 7-24

7-24

Total Segment Length: 222.24 km

**Recommendations:**
Re-route to avoid resources "of concern." Re-route or exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs (32% overlap). Use full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Re-route to avoid "Very High" risk to the number and magnitude of flowline crossings by WWEC segments. Where flowlines must unavoidably be crossed, minimize impacts to connectivity. Consult with USFWS to avoid adverse modification to Borax lake chub designated critical habitat.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 6.48 | 8.61 | 7.34 | 1.29 |

Listed as 'Of concern' In settlement agreement. Why?:
OR: 3 citizen-proposed wilderness areas, sage-grouse habitat, pygmy rabbit habitat, Steens Mountain Cooperative Management Area, and proposed Sheldon Mountain National Wildlife Refuge.

### 10-246

10-246

Total Segment Length: 26.14 km

**Recommendations:**
Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk. Consult with USFWS to avoid adverse modification to designated Northern spotted owl critical habitat.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 7.49 | 3.68 | 3.22 | 4.88 |

### 230-248

230-248

Total Segment Length: 77.36 km

**Recommendations:**
Re-route to avoid resources "of concern." Consult with USFWS to avoid adverse modification to Northern spotted owl designated critical habitat.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 6.71 | 2.67 | 4.05 | 5.44 |

Listed as 'Of concern' In settlement agreement. Why?:
OR: critical habitat, National Register of Historic Places property, Pacific Crest Trail, Clackamas Wild & Scenic River and other "eligible" segments under Wild & Scenic Rivers Act, conflicts with Northwest Forest Plan critical habitat and late-successional/ adaptive management reserves.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

### 11-228

11-228

Total Segment Length: 240.06 km

**Recommendations:**
Re-route or exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs (30% overlap). Use full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Re-route to avoid "Very High" risk to the number and magnitude of flowline crossings by WWEC segments. Where flowlines must unavoidably be crossed, minimize impacts to connectivity.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 6.68 | 9.15 | 5.32 | 1.07 |

### 24-228

24-228

Total Segment Length: 90.61 km

**Recommendations:**
Re-route to avoid resources "of concern." Re-route or exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs (58% overlap). Use full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Re-route to avoid "Very High" risk to the number and magnitude of flowline crossings by WWEC segments. Where flowlines must unavoidably be crossed, minimize impacts to connectivity.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 6.03 | 9.11 | 4.11 | 1.44 |

Listed as 'Of concern' In settlement agreement. Why?:
ID: sage-grouse habitat, pygmy rabbit habitat. OR: sage-grouse habitat, National Register of Historic Places property.

### 5-201

5-201

Total Segment Length: 8.97 km

**Recommendations:**
Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 8.36 | 6.08 | 2.20 | 1.17 |

### 16-24

16-24

Total Segment Length: 228.89 km

**Recommendations:**
Re-route to avoid resources "of concern." Re-route or exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs (12% overlap). Use full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Re-route to avoid "Very High" risk to the number and magnitude of flowline crossings by WWEC segments. Where flowlines must unavoidably be crossed, minimize impacts to connectivity.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 2.76 | 9.09 | 5.70 | 0.78 |

Listed as 'Of concern' In settlement agreement. Why?:
NV: Wilderness, National Conservation Area, National Historic Place, BLM Wilderness Study Area (in Oregon).

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

### 7-8

7-8

Total Segment Length: 4.36 km

**Recommendations:**
None.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 4.72 | 0.00 | 5.17 | 2.34 |

### 11-103

11-103

Total Segment Length: 28.10 km

**Recommendations:**
None.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 2.56 | 0.00 | 5.07 | 0.60 |

### 250-251

250-251

Total Segment Length: 18.28 km

**Recommendations:**
Re-route or exclude new infrastructure ROWs and avoid all new energy infrastructure development within Greater Sage-grouse PACs (14% overlap). Use full mitigation hierarchy to avoid, minimize, and compensate for impacts within four miles of important sage-grouse breeding areas. Consult closely with state fish & game agencies and WGA to implement the full mitigation hierarchy of avoidance, minimization, and compensation for CHAT resources at "Very High" risk.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 7.19 | 0.00 | 0.63 | 0.94 |

### 7-11

7-11

Total Segment Length: 141.06 km

**Recommendations:**
None.

| CHAT Score | Flowlines Score | Permeability Score | Imperiled Species Score |
|---|---|---|---|
| 3.97 | 6.78 | 5.07 | 1.11 |

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

# Appendix C Detailed Methodology

*Note: this document represents an edited version of a broader, West-wide analysis report we produced in May, 2014. All analyses in this report were originally conducted at the West-wide scale, and therefore statistical inferences and categorizations of the energy corridors should be understood in the context of all 131 corridors, not just those 12 in Oregon.*

As discussed elsewhere in this comment letter, we did not attempt to forecast wildlife risk based on a set of predictors in a formal modeling framework. Instead, we selected key products from existing analyses that represent Defenders' conservation priorities around preserving, protecting, and restoring imperiled species, particular key species, habitat connectivity, and intact habitat. Using these accepted, peer-reviewed landscape assessment data, we produced four lists that rank all WWECs in terms of risk, then explored relevant differences in these ranked lists. As a final step, we performed an analysis to create a single ranked list based on all four lists. Through this assessment, which takes existing peer-reviewed rankings, processes them with transparent criteria into multiple ranked lists, then creates a synthesis list based on numerical optimization methods, we feel we have provided a quantitative overview of the WWECs through the lens of several accepted ranking methodologies. We encourage the BLM and USFS to use our recommendations to prioritize high-risk WWECs for further analysis. However, we emphasize that this will require BLM and USFS to further develop their own predictive models that synthesize quantitative field data using a replicable modeling process to successfully estimate risk to a wide variety of Special Status Species and ecoregions from the various impacts of transmission development.

Use of a quantitative and transparent modeling process for comprehensive evaluation of the WWECs by BLM and USFS, as opposed to one based on expert opinion, is especially relevant in situations such as this where the previous decisions of the agencies have been challenged on the basis of inadequate and subjective review. It is important that the record be set straight on the WWECs so that they are developed in the public's best interest with no ambiguity about the validity of the process. On a policy level, this provides strong justification for a more transparent and unimpeachable process. In addition, data-based models have several other vital advantages over judgment based models, such as the ability to quantify how much error is in the predictions, examine the relative contributions of various predictors to the model, and so on. For these reasons, we strongly recommend that further analysis of the WWECs, in particular those deemed to be "High" or "Very High" risk by our analysis, be done within this type of framework.

### Methodologies for Coarse-Scale Wildlife Risk Analyses

Western Governors' Association Crucial Habitat Assessment Tool: State conservation priorities across the landscape

The WGA CHAT "aims to bring greater certainty and predictability to planning efforts by establishing a common starting point for discussing the intersection of development and wildlife."[24] Although it is not intended for project-level assessment, it does represent a broad and fairly comprehensive look across the landscape that is an attempt to encapsulate the conservation priorities of each state. The final CHAT rank assigned to each part of the landscape was developed based on inclusion of the following datasets:

- Tier 1 Data (minimum standard for inclusion across all states):
  - Habitats for "Species of Concern", including federally or state listed or candidate species, species identified in a State Wildlife Action Plan or Comprehensive Wildlife Conservation Strategy, ranges for plant and animal species with special protective rankings (e.g. NatureServe Natural Heritage global ranks), and priority habitats for the management of "core conservation populations".
  - Native and Unfragmented Habitat blocks
  - Riparian and Wetland Habitats
  - Connectivity or Linkage Assessment

[24] http://www.westgov.org/initiatives/wildlife/102-articles/initiatives/380-chat

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

- Quality Habitat for other Species of Importance (for example, game and sport fish species not otherwise included as a "Species of Concern")
- Tier 2 Data (lower priority for inclusion, can be important for identifying crucial habitat and corridors and maintaining conservation objectives):
  - Terrestrial or Aquatic Native Species Richness
  - Valued Lands
  - Important Restoration Habitat

States then developed methodologies to "Roll-up" these datasets in ways that would reflect their conservation priorities. States used a combination of categorical (where Tier 1 values were categorized and prioritized up-front, resulting in simple, non-mathematical techniques for determining final ranks) and weighted sum (where mathematical equations were developed to combine Tier 1 layers) methodologies to arrive at their final Crucial Habitat ranks. These final ranks, based as they are on a combination of data, judgments, and prioritizations, should be understood to represent the consensus of each state natural resource management agency regarding the conservation needed to meet targets in each State Wildlife Action Plan.

To assess Western states' wildlife and habitat conservation priorities, we acquired the Crucial Habitat Assessment Tool dataset,[25] which consists of 1- or 3-km hexagons scored using a state-generated Crucial Habitat rank of 1-6. We edge-matched the various state datasets to generate a contiguous, West-wide coverage and then calculated the area-weighted average (AWM) Crucial Habitat rank for each WWEC segment. For display and tabulation, those results were then re-scored on a 0-10 scale, such that 10 correlates with the highest CHAT rank (1) and 0 correlates with the lowest CHAT rank (6).

Landscape permeability and connectivity

The **Landscape Permeability Rank** dataset was created by Theobald et. al.[26] by beginning with an extensive model of "naturalness," or the inverse of human disturbance, incorporating land cover types, housing density, roads and highway traffic, all adjusted by tree cover and slope. Next, the authors calculated how similar each cell across the landscape in this naturalness model was to its neighbors, generating a model for how species might be able to "percolate" across a landscape made up of a continuous gradient of "permeability." Each cell on the landscape was assigned a Permeability Rank value as a result of this model.

The **Permeability Flowlines** dataset was built by using the landscape permeability data as a surface, then identifying how important each individual cell is to the connectivity of its neighbors. Using this metric, known as "betweenness centrality," along with many simulations of "travel" between various random locations on the landscape, the authors of the data were able to create a map that shows connectivity "flowlines" across the landscape, with those of higher betweenness centrality values representing more valuable connective flowlines.

We acquired Theobald et. al.'s datasets on Landscape Permeability Rank (a raster dataset with a "permeability rank" score for each pixel across the landscape) and Permeability Flow (a vector dataset displaying "flowlines" connecting areas of high permeability across the landscape).

For the Landscape Permeability Rank, we first inverted the values in the dataset such that the highest value of 717 represents the highest Landscape Permeability and 1 the lowest. We then overlaid the corridor segment polygons on the Landscape Permeability value surface, and summarized those distinct Permeability values

[25] Most states' CHAT data available from the Western Governor's Association CHAT website at http://westgovchat.org/. California Department of Fish and Wildlife, Arizona Game and Fish Department, and Colorado Parks and Wildlife provided their CHAT data separately.
[26] Theobald, D. M., Reed, S. E., Fields, K. and Soulé, M. (2012), Connecting natural landscapes using a landscape permeability model to prioritize conservation activities in the United States. Conservation Letters, 5: 123–133. doi: 10.1111/j.1755-263X.2011.00218.x

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

captured within each segment. We scaled these values based on the proportional area they occupied within each segment, then summed them for each corridor segment arriving at an area-weighted cumulative impact score for Landscape Permeability affected by each segment. For display and tabulation, results were re-scored on a 0-10 scale,[27] such that a Landscape Permeability Cumulative Impact score of 10 correlates with the highest area-weighted sum of permeability values amongst the corridor segments (710.6) and a Landscape Permeability Cumulative Impact score of 0 correlates with the lowest area-weighted sum of permeability values (72.9).

For the Permeability Flow dataset, we analyzed how the identified flowlines intersect with the corridor segments in two ways, then combined them to yield an overall impact result. First, the flowlines themselves are scored based on how strong a connectivity pathway they represent. Using these values we identified the maximum value flowline that intersects with each corridor segment. We then calculated how many individual flowlines intersect each segment, and weighted this number based on the length of each segment. Finally, we combined those two metrics and re-scored the result on a 0-10 scale to yield an overall score for the impact of each corridor segment on the connectivity of the landscape.

Threatened and Endangered Species

We calculated the distance (in meters) to the closest portion of each species' designated critical habitat[28] to each segment. A distance of 0 m implies an overlap or intersection with that species and segment.

We used a dataset from NatureServe which presents an aggregated count for all imperiled (G1/G2 threat level) or federally listed species whose ranges overlap with each watershed (at the 12-digit Hydrologic Unit Code level, or HUC-12).[29] With this dataset we calculated the area-weighted average (AWM) number of imperiled and listed species in each watershed whose ranges might be impacted by each WWEC segment. For display and tabulation, those results were then re-scored on a 0-10 scale, such that 10 correlates with the highest AWM number of imperiled species (10.8) and 0 correlates with the lowest AWM number (0).

### Categorizing risks and ranking all segments

To classify segments for display in ArcGIS, we used the Jenk's natural breaks algorithm to bin each score into five groups representing Very Low, Low, Medium, High, or Very High risks. Jenk's classifies the data through minimizing within-class variance and maximizing between-class variance,[30] g dividing the data into groups that are internally as similar as possible and as different from the other groups as possible. As a result, the cutoff points for the five groups are different for each score. However, as the scores are on a uniform range of 0-10 and reflect the initial geospatial calculations we conducted, we feel comfortable using this method to describe the risk "buckets" for each of the four scores. The buckets are reflected in the symbolization categories for the west-wide maps, and in the five colors shown for the west-wide scores on the detail table and are as follows:

[27] All four West-wide datasets were rescaled on a continuous 0-10 scale preserving the original distribution of the data, as follows: $Rescaled\ Value_{0-10} = 10 - (10 * \frac{Original\ Value - Minimum_{Original\ Dataset}}{Maximum_{Original\ Dataset} - Minimum_{Original\ Dataset}})$

[28] Critical Habitat layer available at http://ecos.fws.gov/crithab/, accessed January 2014.

[29] NatureServe Analysis of Imperiled or Federally Listed Species by HUC-12, October 2011. Note that this dataset, while extremely valuable in its detailed aggregation at the HUC-12 watershed level, does not represent the most recent available information from NatureServe (which updates its HUC-8 datasets more frequently). We used it in our analysis to provide a west-wide window onto local concentrations of imperiled species, but WWEC-specific analysis should identify best-available datasets in order to get a comprehensive understanding of potential impacts to imperiled species.

[30] See http://support.esri.com/en/knowledgebase/techarticles/detail/26442, citing Jenks, George F. 1967. "The Data Model Concept in Statistical Mapping", International Yearbook of Cartography 7: 186-190.

## ATTACHMENT

**N3** **Defenders of Wildlife (cont.)**

| | CHAT | Permeability | Flowlines | Imperiled |
|---|---|---|---|---|
| **Very High** | 7.2-10 | 8-10 | 7.7-10 | 5.9-10 |
| **High** | 5.4-7.1 | 6.5-7.9 | 6.1-7.6 | 3.0-5.8 |
| **Medium** | 3.8-5.3 | 5.3-6.4 | 4.1-6 | 1.7-2.9 |
| **Low** | 1.8-3.7 | 3.6-5.2 | 0.1-4 | 0.8-1.6 |
| **Very Low** | 0-1.7 | 0-3.5 | 0 | 0-0.7 |

We tested for relationships amongst the individual rankings across the four West-wide scores using **Kendall's Tau statistic** to examine correlations between each pair of ordered lists. We saw generally very low scores for correlations and high p-values. The ranked lists did not correlate well amongst themselves, suggesting that they measured different aspects of wildlife risk across the landscape. We did not attempt interpret additional relationships amongst the four scores, and simply interpreted each score individually for each segment.

In order to present the segments roughly ordered from highest to lowest risk, we used the **RankAggreg R package** to aggregate multiple ranked CHAT lists.[31] This method sums the absolute differences between the ranks of all unique elements from all ordered lists combined, analyzing the lists repeatedly to find the optimal list of k top members (user specified) that minimizes the sum of ranked differences. We used $k = 66$ to rank the top half of the WWEC segments.

The remaining segments after WWEC segment 7-8 were left unranked and listed in alphabetical order by segment name since we had no basis to rank them using the RankAggreg analysis.

### Methodologies for Species-Specific Wildlife Risk Analyses

Greater sage grouse

Similar to Desert tortoise (described above), sage grouse are at risk from increased corvid predation due to perching opportunities made possible by transmission line penetration, especially upon the young.[32] Accordingly, we have concentrated our analyses on high-density breeding grounds within four miles of a WWEC segment,[33] and on Priority Areas for Conservation (PACs),[34] designated by the states in consultation with the FWS as part of the national sage grouse conservation effort. We calculated whether or not a WWEC segment intersects important or "core" sage grouse breeding habitat (a density of up to 75% of all individuals use that habitat), and what percent of each WWEC segment's area overlaps with a PAC.

[31] Pihur, V., S. Datta, and S. Datta. 2009. RankAggreg, an R package for weighted rank aggregation. BMC Bioinformatics 2009, 10:62.
[32] NTT Report 2011.
[33] Doherty, K. E., Tack, J. D., Evans, J. S., & Naugle, D. E. (2010). Mapping breeding densities of greater sage-grouse: a tool for range-wide conservation planning. Completion report to the Bureau of Land Management for Interagency Agreement, (L10PG00911). http://www.conservationgateway.org/ConservationByGeography/NorthAmerica/UnitedStates/Documents/BLM-L10PG00911.pdf
[34] U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (Centrocercus urophasianus) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013. Supplementary datasets for Priority Areas for Conservation (PACs) were provided by state Fish & Game agencies. Overall greater sage grouse current range dataset was provided by WA Department of Fish and Wildlife.

## COMMENT(S)

## RESPONSE(S)

### N4 Gail Carbiener and Multiple Nongovernmental Organizations

**comment@boardmantohemingway.com**

**From:** John Mellgren <mellgren@westernlaw.org>
**Sent:** Wednesday, March 18, 2015 3:36 PM
**To:** comment@boardmantohemingway.com
**Cc:** John Mellgren
**Subject:** Boardman to Hemingway Transmission Line Project Draft EIS
**Attachments:** B2H_Comments_FINAL.pdf

Please find attached comments on the Boardman to Hemingway Transmission Line Project submitted on behalf of Mr. Gail Carbiener, Oregon-California Trails Association, Hells Canyon Preservation Council, Oregon Wild, and WildEarth Guardians. A paper copy of the comments, along with a data CD containing copies of studies cited in the comments, is being sent today via overnight FedEx to the BLM field office in Vale, Oregon (per phone conversation with staff at BLM Vale Field Office).

Thank you very much.

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1

## COMMENT(S)

## RESPONSE(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

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Defending the West www.westernlaw.org

Western Environmental Law Center

March 18, 2015

Boardman to Hemingway Transmission Line Project
P.O. Box 655
Vale, OR 97918
comment@boardmantohemingway.com

RE: Public Comment on the Boardman to Hemingway Transmission Line Project Draft Environmental Impact Statement and Land Use Plan Amendments

Thank you for the opportunity to provide comments on the Boardman to Hemingway Transmission Line Project. The Western Environmental Law Center hereby submits the following comments on the Draft Environmental Impact Statement (DEIS) and Land Use Plan Amendments (LUPA) for the Boardman to Hemingway Transmission Line Project (Project). These comments are submitted on behalf of: Mr. Gail Carbiener; Oregon-California Trails Association; Hells Canyon Preservation Council; Oregon Wild; and WildEarth Guardians. These organizations may also be submitting individual comments in addition to the comments below. Those individual comment letters supplement, but do not replace these comments. We submit these comments to aid your decision-making process, and expect that you will fully consider them as you prepare a final NEPA document for, and make a decision on, the Project.

As an initial matter, although we are opposed to the Project, we support the use of an Environmental Impact Statement to analyze the effects of the Project. The use of an Environmental Assessment would be inappropriate for a project of this size and scope.

**(1) General Comments.**

N4a After inspection of the B2H interactive mapping on the project web site, it is apparent that at many locations along the 305 miles, existing alignments are available, but not shown on the mapping, other that the West Side Energy Corridor, which B2H is adjacent to for about 8 miles. By close inspection of the satellite feature of the interactive mapping, numerous other power line corridors exist near and parallel to the proposed B2H and are not utilized. One example is project mile 100 and 103 in the Wallowa Whitman National Forest. What can be seen is that B2H is west of I-84, and two separate existing power line corridors are located east of I-84. It can be observed that each road and power line required the permanent clear-cutting of the forest. We question the need for separate alignments and lack of mapping detail that shown other existing parallel and nearby linear improvements such as road, railroads, power lines, and pipeline.

Page 1 – Comments on B2H Transmission Line Project

N4a Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3. Colocation with existing utilities is given preference where feasible.

## COMMENT(S)

## RESPONSE(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

Without this data mapped, it is not possible to fully understand if new ground disturbance with related environmental impacts is necessary or required.

*Project Mile 100*

*Project Mile 103*

N4b In our opinion the DEIS has many deficiencies for adequate evaluation by the public for meaningful comment. Due to the lack of clear listing of impacts by eco-zone, habitat, segment, or project mile, the project impacts, effects, and mitigation are so general as to not be preventative. It is not clear to us that the impacts of a project of this massive a scale can be routinely justified. It seems clear that the construction of this transmission line will create large unanalyzed impacts and cumulative effects. Although the DEIS makes quick reference to the economic justification for the project, there is no credible attempt to balance the detriment to the environmental, socio-

Page 2 – Comments on B2H Transmission Line Project

N4b Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

economic effects, visual quality, non-conformance with land use plans, farms, cumulative impacts on Sage-Grouse and other key species' habitat.

BLM should provide baseline ecological information with areas of important habitat and an analysis of past habitat losses in the area. Sage-grouse, raptor, pygmy rabbit and other species' habitat information is particularly lacking. The DEIS also fails to analyze a viable set of alternatives to the proposed route. More current information is needed on active wildlife habitat in both Oregon and Idaho on baseline surveys within ten miles of all potential routes. The DEIS lacks complete information and visuals necessary for a clear picture of project impacts and understanding of area vegetation communities.

N4c, N4d, N4e The DEIS is missing ecological baseline and site-specific biological and other survey information needed for a full and valid comparison of route alternatives. Baseline information should include health data for all affected lands, and summarize all permitted and actual use over the past 20 years. The potential for a proliferation of roads is not fully analyzed and the issue of road impacts is left unresolved. The DEIS fails to consider an adequate range of alternatives for power provision; alternatives that rely on local power generation, co-location this transmission line with existing transmission lines, dispersed generation such as wind solar farms, home energy production and conservation should be assessed.

N4f Maps provided in the DEIS are often confusing and lacking in sufficient detail to understand potential biological, cultural, and scenic view conflicts with route segments. While the interactive mapping gives transmission line mile stations, it does not show designated segments, county lines, roads and highways, transmission and power lines, rails roads, pipelines, wetlands, rivers and creeks, and springs and seeps. It does allow one to switch to satellite view, however, in that view all of the above notes are almost impossible to see. Therefore, it is difficult or impossible to coordinate DEIS narrative with visual mapping representation. It also makes it difficult or impossible to consider co-location with existing improvements that can share existing access roads and ground disturbance instead of creating an entire new corridor of impact and ground disturbance that cause cumulative degradation of the environment.

In addition, the mapping shows no topography; making specific detailed comments on very low areas (wetlands, creek crossing, flood plains, wildlife corridors, etc.) and very high areas for considering effects of mitigation for raptors impractical.

N4g Internal BLM maps that offer relevant wildlife habitat information should be made public, especially to help understand conflicts with sage-grouse and other biological conservation plans. The DEIS is missing a variety of relevant maps, including: 1) access roads and project construction disturbance areas, 2) overlay of Dark Night Sky areas with route and analysis of project lighting impacts, including possible future development, 3) current cheatgrass/medusahead and other weed presence, 4) portions of the route through National Forests that affect wildlife and wildlife mitigation, 5) identification of sage-grouse, pygmy rabbit and other habitat along all routes, and 6) location and characterization of existing roads and highways, transmission and power lines, rails roads, and pipelines with the possible of co-location of B2H.

Page 3 – Comments on B2H Transmission Line Project

## RESPONSE(S)

N4c See response to Comment N4b.

N4d Analysis has been expanded to include alternative route variations with careful consideration of county lands and colocation with existing facilities (including transportation facilities). In addition the Final EIS has been revised to include more information regarding land use regulations and zoning within the B2H Project study area. See Sections 2.1.1.3 (Recommended Route-Variation Options) and 3.2.7 for further detail.

N4e The BLM understands the Applicant considered a range of technologies and has addressed such in their 2015 Integrated Resource Plan at http://www.pacificorp.com/es/irp.html. The BLM considers the project description to reflect the best available technologies and project needs. Furthermore, considering alternative forms of energy would not respond to BLM's purpose and need to address the application in front of us for review. Moreover, analyzing such energy development as an alternative to the B2H Project would be remote and speculative.

N4f Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

N4g See response to Comment N4f.

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

### COMMENT(S)

N4h The mapping of routes is difficult to understand, for example on map E.2.4, it is impossible to see where current transmission lines are. In several maps, it is impossible to understand where the B2H alternate routes run.

**(2) The DEIS fails to establish a purpose and need for the project.**

NEPA requires that federal agencies prepare a purpose and need statement as part of an EIS that "briefly specif[ies] the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. Agencies may not define its objectives so narrowly that there is only one appropriate alternative in which to accomplish the goals of the agency's action. *Friends of Southeast's Future v. Morrison*, 153 F.3d 1059, 1066 (9th Cir.1998). As the courts have made clear, federal agencies cannot constrain the alternatives analysis through "wholesale acceptance" of the applicant's definition of the project objective. *Simmons v. U.S. Army Corps of Eng'rs*, 120 F.3d 664, 669 (7th Cir. 1997) (explaining that agencies have "the duty under NEPA to exercise a degree of skepticism in dealing with self-serving statements from a prime beneficiary of the project") (citation omitted).

Here, the Project's stated goal "is to provide additional electrical load capacity between the Pacific Northwest region and the Intermountain region of southwestern Idaho." DEIS at 1-1. The DEIS further asserts that the Project "would alleviate existing transmission constraints and ensure sufficient capacity to meet present and forecasted load requirements. *Id*. The BLM's stated purpose "is to respond to [Idaho Power Company's] application for a right-of-way across public lands[,]" while the need "is to grant, grant with modifications, or deny IPC's application…." *Id*. at 1-4. Similarly, the Forest Service's stated purpose "is to determine whether to issue a special-use authorization for the construction, operation, and maintenance of the Proposed Action and, if issued, to determine what terms and conditions should apply[,]" while the stated need is "is to respond to IPC's request for use of National Forest System lands." *Id*. at 1-5.

N4i When read in concert with the Project's stated goal, the Project's purpose and need is defined so narrowly as to preclude consideration of viable alternatives. Indeed, the agencies must not only respond to the application to implement and build the B2H transmission line, but the agencies must actually evaluate and analyze the Project proponents' stated purpose and need for the B2H transmission line itself. Further, conclusory statements about the proposed action meeting the Project's stated goal without additional analysis to back up those conclusory statements is arbitrary and capricious and a violation of NEPA. Merely assuming that the Project will provide additional electrical load capacity between the Pacific Northwest and the Intermountain region of southwestern Idaho without actually determining whether or not there is a *need* for such additional electrical load capacity violates NEPA. The agencies must properly evaluate the purpose and need for the project and provide valid and reasonable support for its stated purpose and need. Similarly, the agencies must also defend and support the conclusions that led to the stated purpose and need for the project.

N4j As to whether or not the transmission line is actually needed or not, the agencies have not demonstrated that there is actually a need for the Project. The agencies must use empirical data and specific forecasts of future demand on the system to justify the purported need for the

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### RESPONSE(S)

N4h See response to Comment N4f.

N4i It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized and approved as appropriate by the Public Utilities Commission in each state. The BLM's purpose and need is to respond to the application for right-of-way across lands it administers.

N4j Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection (which include the WWEC interagency operating procedures) and selective mitigation measures have been included in the Final EIS (Section 2.5.1.1).

## COMMENT(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

N4j project. Failure to support the conclusory statements pertaining to the supposed need for the Project with this empirical data and specific forecasts of future demand is arbitrary and capricious.

N4k The Purpose and Need chapter of the DEIS also makes reference to West-Wide Energy Corridors and procedures that IPC has adopted in designing the project that are similar to the interagency operating procedures that were developed in the Section 368 Corridor Program. However, merely stating that similar procedures have been adopted is insufficient. The agencies must disclose which of these procedures have been adopted, how they differ from the interagency operating procedures, and why others were not, or could not be, adopted.

N4l Similarly, the Purpose and Need chapter of the DEIS references the North American Electric Reliability Center (NERC) reliability guidelines, yet fails to demonstrate how the project will comply with those guidelines, and further fails to address any concerns about future reliability from B2H. While the DEIS does say that the Project will allow the integration of renewable resources currently being developed in Eastern Oregon, it fails to specify how this integration will occur, nor does it identify what those renewable resources being developed are or where they are located.

N4m In short, the agencies have not demonstrated that there is a reasonable purpose and need for the Project that is based upon an actual and demonstrated need for the project. By stating an unreasonably narrow purpose and need for the Project, the agencies have also limited the alternatives that it considers to be reasonable, and therefore deprives the public of an honest assessment of alternatives for the Project's implementation.

**(3) The DEIS fails to consider a reasonable range of alternatives.**

NEPA requires that federal agencies "rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14. "[A]n agency must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action." *N.W. Envtl. Def. Ctr. v. Bonneville Power Admin.*, 117 F.3d 1520, 1538 (9th Cir. 1997) (internal quotation and citation omitted). Agencies must "[d]evote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits." 40 C.F.R. § 1502.14. The alternatives analysis must "[i]nclude reasonable alternatives not within the jurisdiction of the lead agency" and must "[i]nclude the alternative of no action." *Id*. For "alternatives which were eliminated from detailed study," federal agencies must "briefly discuss the reasons for their having been eliminated." *Id*. The alternatives analysis "is the heart of the environmental impact statement." *Id*.

Here, the agencies considered the proposed action as developed and presented by IPC. The agencies then considered a number of alternatives for each segment of the Project, and through that process developed an agency preferred alternative and an environmentally preferred alternative. At points, the agency preferred alternative and the environmentally preferred alternative are the same, and at points they overlap with the IPC proposed action.

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## RESPONSE(S)

N4k See response to Comment N4j.

N4l This text is an excerpt from the Applicant's interest and objectives statement. It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project or to verify future reliability from a project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized and approved as appropriate by the Public Utilities Commission in each state. Further, the Western Electricity Coordination Council will review the B2H Project and provide a line rating for reliability. The Applicant's goals and objectives for a project are outlined in their IRP, which is updated every two years and can be found at http://www.pacificorp.com/es/irp.html.

The BLM's purpose and need is to respond to the application for right-of-way across lands it administers.

N4m It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS.

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

### COMMENT(S)

**N4n**

The agency, however, fails to consider numerous feasible and reasonable alternatives, and neglects to provide important information regarding the no action alternative. As an initial matter, it should be noted that the no action alternative is the environmentally preferred alternative. By not constructing the Project, there would be no environmental impact from the project. The agencies should frame the no action alternative as the environmentally preferred alternative. By suggesting that only an action alternative can be the environmentally preferred alternative, the agencies seem to imply that approval and construction of the Project is inevitable and that a decision has already been made to approve the Project in some manner. Further, the agencies must give serious weight and consideration to the no action alternative. By failing to do so, the agencies are making implementation and construction of the project seem to be inevitable. Such a preordained, or predetermined, conclusion would violate NEPA.

**N4o**

Additionally, the agencies must provide sufficient information about the no action alternative, and therefore the baseline by which to compare alternatives. The DEIS fails to inform the decisionmaker and the public about existing transmission lines in the vicinity of the project. The DEIS fails to inform the decisionmaker and the public about how much capacity currently exists from those existing transmission lines, and what type of redundancy is gained by implementation and construction of the project. Although other transmission lines are mentioned at times throughout the DEIS, the agencies should provide a map showing where specifically these other transmission lines are located, what their capacity is, and further inform the decisionmaker and public about what percentage of that capacity is currently being used. This analysis and disclosure should also discuss what redundancy already exists on the system, and why that current level of redundancy is insufficient. Conclusory statements alone are insufficient for purposes of complying with NEPA.

**N4p**

The alternatives analysis does provide a number of maps of the Project as a whole, as well as the individual segments along with the various alternatives. The agencies should, however, also provide maps of the various alternatives that include multiple potential resource impacts overlaid on top of the alternative routes, including wildlife habitat and the Oregon Trail. For example, a map showing the alternatives, sage grouse habitat, and the Oregon Trail would be helpful. An additional map adding stream crossings would also be helpful. While maps of wildlife habitat and the alternatives can be found in the Effects chapter of the DEIS, it would be helpful to have those maps also included in the alternatives analysis, with the addition of the location of the Oregon Trail, so that the decisionmaker and the public could fully see what impacts the alternatives will have, and what trade-offs actually need to be made (must we impact the Oregon Trail in order to protect sage-grouse habitat?). More information in more informative formats can only serve to improve public participation in this project, and result in a better decision by the agencies.

**N4q**

Importantly, the agencies seem to have allowed the Project to determine the range of alternatives considered, instead of the purpose and need of the Project. If the purpose and need is primarily to increase reliability and redundancy of the grid, that purpose and need should guide the development of alternatives, and not the alternative put forth by the Project proponent. Here, construction of the Project may meet its self-described purpose and need, but it is not the only possible alternative that could meet the purpose and need. Indeed, while different possible routes were considered, there was no consideration given to other alternatives that may meet the

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### RESPONSE(S)

**N4n**

CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.

The BLM believes the analysis of the No Action meets the CEQ guidelines.

**N4o**

It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized and approved as appropriate by the Public Utilities Commission in each state. The Applicant's goals and objectives for a project are outlined in their IRP, which is updated every two years and can be found at http://www.pacificorp.com/es/irp.html

**N4p**

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

**N4q**

See the response to comment N4o.

The BLM's purpose and need is to respond to the application for right-of-way across lands it administers. Rather than the Applicant's interests and objectives (as indicated by the commenter), the development of alternatives to the Proposed Action is driven by the BLM's purpose and need for the action. as reflected in the EIS and consistent with the requirements of NEPA.

The BLM understands the Applicant considered a range of technologies and has addressed such in their 2015 Integrated Resource Plan at http://www.pacificorp.com/es/irp.html. The BLM considers the project description to reflect the best available technologies and project needs. Furthermore, considering alternative forms of energy would not respond to BLM's purpose and need to address the application in front of us for review. Moreover, analyzing such energy development as an alternative to the B2H Project would be remote and speculative.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4q purpose and need without causing such adverse on the ground impacts. For example, upgrade of existing infrastructure could be analyzed. Absent an analysis of alternatives that meet the purpose and need of the Project, but that don't actually involve construction of the project, the DEIS fails to consider a reasonable range of alternatives. *See Simmons v. U.S. Army Corps of Eng'rs*, 120 F.3d 664, 669 (7th Cir. 1997) (holding that agency had "ruined its environmental impact statement" by focusing solely on the type of solution favored by the applicant and "never look[ing] at an entire category of reasonable alternatives").

N4r The agencies must consider more alternatives than they did in the DEIS to meet NEPA's requirements. The agencies must define the purpose and need more broadly to allow for consideration of alternatives other than the B2H transmission line that would ensure electric reliability without causing significant and unnecessary on-the-ground impacts. The agencies must recognize that they have an obligation to consider alternatives that are outside of their jurisdiction, alternatives that may cost more than the proposed action, and alternatives that only partially meet the purpose and need. As such, the agencies must consider additional alternatives in detail. For example, the agencies should consider: an alternative that incorporates aluminum conductor composite core (ACCC) that could enable longer spans between fewer and shorter structures on the landscape; an alternative that incorporates use of a smart grid; an alternative that incorporates distributed energy generation sites and localized renewable energy; and an alternative that uses lower and less intrusive towers with greater spans between structures. Additionally, the agencies should analyze in detail additional alternatives to respond to specific resource impacts, including: an alternative with NO impacts to sage grouse (and sage grouse habitat); an alternative with NO impacts to the Oregon Trail; an alternative that *minimizes* impacts to both sage grouse (and sage grouse habitat) AND the Oregon Trail; an alternative that *minimizes* road construction; and an alternative that *minimizes* forest clearing. The agencies also should have considered an alternative that made greater use of WWE corridors.

N4s The agencies have also unreasonably eliminated alternatives from detailed analysis and consideration. The agencies state that locating the transmission line in the I-84 corridor is technically infeasible, however do not provide any data or support for this conclusion, nor do they state why more of the I-84 corridor could not be used. Similarly, the agencies eliminated a number of alternatives related to alternative transmission technology options, however the agencies fail to adequately support the infeasibility of these options. Further, the agencies fail to

N4t recognize that even if an alternative only partially meets the purpose and need, or if an alternative merely costs more than the proposed action, it still has an obligation to consider it and analyze it in detail. In particular, the agency should have analyzed in depth an alternative involving the use of superconductor lines (direct current). Further, the agencies should analyze installing double-circuit lines on existing towers because the agencies have failed to demonstrate that the statistical improbability of a single event disrupting service on lines located near one another outweighs the impact on the ground of constructing a new transmission line. The agencies also should have considered burying the line in depth. Just because it is more expensive does not mean that it is impractical. Further, the agencies could have considered burying it in parts along the alternative routes. An example of this would be to utilize the I-84 corridor for a greater portion of the project's length, and then bury the line in areas where it might impact things such as airspace, or visual characteristics of cities. The agencies also could have considered burying the line in areas where the Project would have a negative visual impact on

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## RESPONSE(S)

N4r CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives. See also the responses to Comments N4o and N4q.

N4s Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N4t See responses to Comments N4o and N4q.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4u the Oregon Trail. The explanation for why burying the line would be impractical assumes that IPC would need to bury the line for the entire route. Burying the lines in portions of the route could also reduce or eliminate visual impacts to the Oregon Trail if used strategically. The agencies also eliminated from detailed consideration an alternative that would have explored demand side management and energy conservation, stating that it doesn't respond to the need for the project. The agencies are incorrect, however. If there is less need for energy, there may be a corresponding decrease in the need for capacity on the grid, increased connectedness on the grid, redundancy, and other features that the Project proponents make this project necessary. Failure to analyze this as a reasonable alternative precludes consideration of the fact that increased redundancy may not be need if energy demand is decreased as a result of energy conservation measures, and also fails to consider whether existing capacity and redundancy would be adequate given decreased demand for energy.

N4v

N4w The agencies also should have considered an alternative that used existing corridors, or co-location, as extensively as possible. The proposed variant routes are supposedly justified by Proponent (Idaho Power) and BLM as necessary for separation of parallel routes for redundant power needs. Various Idaho Power officials and staff have stated that the required minimum separation is a span width--1,500 feet for the west end of the Gateway West Transmission Line that picks up in Hemmingway where B2H ends. Stated reasons for the required redundancy are to prevent loss of the line during natural events such as fire or weather. In Owyhee County for example, the Murphy Complex Fire of 2007, burned more than 650,000 acres–an area that would have made the proposed span width minimum separation distance moot. Proponent cites weather events such as ice storms as reasons to have the separation and redundancy. In reality, however, separation provided by parallel routes would be insufficient to avoid the impacts of such regional storms. The redundancy argument should be abandoned and co-location to reduce cumulative environmental affects strongly considered.

In sum, the alternatives analysis is deficient in multiple ways. The agencies have failed to consider a reasonable range of alternatives, have failed to adequately analyze and consider the no action alternative, and have inappropriately eliminated from consideration numerous reasonable (even if only for part of the transmission line path) alternatives.

**(4) The DEIS fails to consider the direct, indirect, and cumulative effects of the project.**

**a. Direct effects.**

N4x As an initial general matter related to direct effects, the DEIS mentions the Oregon Conservation Strategy in passing, and states that it was referenced to determine effects to wildlife in the Project area. The DEIS, however, then fails to cite to the Oregon Conservation Strategy again, and does not describe how it incorporated the Strategy into the DEIS itself or its findings. The DEIS should adequately explain how it considered the Oregon Conservation Strategy, and what aspects of it were included in the DEIS, the Project Plan, routing for the various alternatives, and what mitigation will be employed by the Project.

**i. Oregon Trail.**

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## RESPONSE(S)

N4u In general, burying a transmission line could have greater environmental effects or would involve a "trade-off" of resource impacts. Undergrounding the transmission line was considered and eliminated, as explained in Section 2.5.4.1 of the Final EIS. Multiple route alternatives that avoid this area considered; no additional route variations are warranted.

N4v See the responses to N4o and N4q.

N4w Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

See also response to Comment N4q.

N4x Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection (which include the WWEC interagency operating procedures) and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). The BLM believes the design features of the B2H Project for environmental protection and mitigation measures are consistent with the objectives of the Oregon Conservation Strategy.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4y The Project would have significant direct effects on the Oregon Trail. The DEIS focuses on the visual impacts of construction of the Project, and gives minimal consideration to the direct effects of construction of the line on the Oregon Trail itself, including through the construction of towers on the Trail, crossing the Trail with overhead wires, the construction of roads near or through the Trail, and the clearing of vegetation near or through the Trail.

N4z It is vitally important that the agencies conduct Class III Surveys across the entire length of the proposed route to fully disclose and hopefully avoid impacts to historic properties. However, these Surveys should be completed prior to the completion of the FEIS so that the public and the decisionmaker have an opportunity to review the results and comment on ways to avoid impacts to historic properties such as the Oregon Trail. Similarly, because construction plans will not be finalized until a route is selected, this deprives the public and the decisionmaker from knowing specifically what the direct effects of the Project on the Oregon Trail will be. For example, DEIS cannot state whether or not the only impacts to the Oregon Trail will be visual in nature, or if it will actually involve ground disturbing activities that will physically alter the Oregon Trail itself such as road construction or tower placement through or on the Trail. The specific impacts of the Project should be disclosed and not kicked down the road after the public's opportunity for comment has passed.

**ii. Sage Grouse.**

N4aa The BLM must disclose and consider potentially significant impacts of the transmission line routes on sage grouse. Impacts to sage grouse from transmission lines can extend for many miles on either side of the line. Despite the wide range of these potentially significant impacts, the BLM limits its analysis to 0.6 miles (about 1 kilometer) on either side of the proposed transmission line routes. The DEIS fails to adequately disclose or consider the impact to sage grouse from transmission lines, and the BLM's decision to limit its analysis is arbitrary and capricious.

Studies have shown that transmission lines can affect sage grouse, their habitat, and their behavior a distances greater than 0.6 miles from power and transmission lines. The effects of predators, like corvids and raptors, which can use transmission line towers for perches, also extend beyond 0.6 miles. Given that impacts occur beyond 0.6 miles, the BLM's justification for limiting the scope of its analysis to 0.6 miles does not comply with NEPA, which does not allow the agency to exclude potentially significant impacts from its analysis.

**1. BLM's Choice of a 0.6 Mile Analysis Area for Sage-Grouse is Inadequate and Unsupported.**

N4ab In support of its decision to limit the scope of its analysis, the BLM relies on the Oregon Department of Fish and Wildlife's Mitigation Framework for sage grouse. DEIS 3-200; 3-330. ODFW states, "at a minimum, a disturbance band of 0.6 miles on either side of the line should be used to calculate the area of impact." There are a number of problems with the BLM's reliance on ODFW. First, the BLM does not disclose or consider ODFW's rationale for selecting a minimum distance of 0.6 miles on either side of a transmission line. Second, ODFW provided a "minimum" distance for which impacts should be considered. The BLM fails to explain its

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## RESPONSE(S)

N4y Additional discussion has been added to describe the types of potential direct effects on the Oregon NHT as well as the application of mitigation measures to minimize or remove these effects.

N4z Completion of Class III cultural resource inventories is not required under the National Environmental Policy Act (NEPA) in order to prepare an EIS. The NEPA process relies on review and analysis of existing data for the comparison of alternatives.

The Class III surveys will be completed in accordance with requirements of Section 106 of the National Historic Preservation Act through execution of a Programmatic Agreement; impacts will be mitigated as required. The Programmatic Agreement includes a stipulation to complete the Class III surveys following issuance of a decision. Since these surveys will not be ready for preparation of the Final EIS, the National Historic Trails analysis includes contributing trail traces and those traces where that determination has not yet been made. Additionally, the National Historic Trails analysis will describe direct impacts and the mitigation applied to minimize or remove these effects. The Mitigation Framework is further discusses mitigation of impacts (refer to Appendix C of this Final EIS).

N4aa Comment noted. The Greater Sage-Grouse analysis was updated and quantifies the number of leks within 0.25, 2.0, and 3.1 miles of the B2H Project centerline in priority or general habitat, and percent of priority and general habitat within 3.1 miles of the B2H Project centerline.

N4ab See response to Comment N4aa.

## COMMENT(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

N4ab

rationale for turning this minimum distance for analysis into a maximum. In other words, the BLM fails to explain its decision not to disclose or consider impacts to sage grouse that occur beyond 0.6 miles of the Boardman to Hemingway project. Third, even if the EIS did include ODFW's rationale for using a 0.6-mile analysis distance, ODFW's statements within its Mitigation Framework are inadequate for the purposes of the BLM's compliance with the APA, NEPA, and FLPMA.

In its Mitigation Framework for sage grouse, ODFW fails to state a rational connection between scientific findings it cites and its choice of a minimum 0.6-mile distance for its analysis area. For this reason, BLM's reliance on ODFW violates the APA and NEPA. The studies and examples relied upon by ODFW show that impacts caused by transmission lines occur both within and outside of the 0.6-mile distance. For example, "Ellis (1985) documented displacement of a lek by 0.75 miles after a transmission line was built. Hagen et al. (2011) found displacement of summer habitat use and movements of 0.47 miles[1] by lesser prairie-chicken post-construction." ODFW (2012) Mitigation Framework for Sage Grouse Habitats at 5. After citing these two studies, ODFW concludes, "[t]hus, at a minimum, a disturbance band of 0.6 miles on either side of the line should be used to calculate area of impact." *Id.* It is not clear how ODFW arrived at this conclusion. Given the range of distances at which impacts occur, the agency does not provide the reader with its reasons for choosing 0.6 miles as an appropriate threshold for analysis and mitigation. In the context of NEPA and the APA, the BLM must do more in its EIS than refer to ODFW's Mitigation Framework. The BLM must provide the public with a rational connection between the facts upon which it relies and the decisions it makes.

N4ac

Elsewhere, ODFW cites results from studies on greater and lesser prairie chickens that "habitats within 1 mile of power lines were avoided (Hagen et al. 2004, Pitman et al. 2005, Robel et al. 2005, Pruett et al. 2009)." Hagen (2011) "Greater Sage-Grouse Conservation Assessment and Strategy for Oregon" at 48. ODFW also discusses the fragmentation and predation effects on sage grouse caused by transmission lines both within and outside 0.6-miles. *See id.* at 47-48. For example, "in Washington, 95% (19 of 20) of leks ≤4.7 miles from 500 kV transmission lines are now unoccupied, while the unoccupied rate for leks >4.7 miles is 59% (22 of 37 leks)." *Id.* citing Washington DFW (2008).

The BLM cannot rely on a reference to another agency's conclusion as a substitute for its duties under NEPA and the APA. The BLM must provide the public with reasoned analysis for its decisions, the agency must disclose and consider potentially significant impacts, and the agency must provide the public with a well-reasoned justification for its analytical choices and decisions within the body of the EIS. Here, the BLM must disclose and consider the extent to which tall structures like transmission lines affect sage grouse and their habitat at distances greater than 0.6 miles.

**2. The Effects of Transmission Lines Extend Beyond 0.6 Miles.**

[1] Hagen et al. (2011) found "*minimum* avoidance distances (662 and 726 m) for Lesser Prairie-Chickens." at 72.

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## RESPONSE(S)

N4ac

Comment noted. The EIS has been revised to include rationale for impact analysis methods, additional analysis of impacts within 3.1 miles of the B2H Project centerline, and additional analysis of impacts of tall structures/transmission lines on Greater Sage-Grouse.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4ad Studies on sage-grouse, similar birds, and predators like corvids and raptors demonstrate that power and transmission lines affect sage grouse habitat at a range of distances. Transmission lines have been shown to affect or disrupt sage grouse behavior at distances of 200 meters, 600 meters, and up to 4.7 kilometers (2.9 miles). Ellis (1985); Braun (1998); LeBeau (2012); USGS (2013) at 50. Higher densities and proximity of power lines may affect lek persistence for distances of up to 6.4 kilometers (4 miles). Walker et al. 2007; USGS (2013) at 50; Washington DFW (2008).

Power and transmission lines can increase predation of sage grouse by raptors and corvids, which use the towers as perches. "Corvid abundances have been positively correlated with higher nest predation rates of many birds, including Greater Sage-Grouse." DEIS 3-218, citing Hagen (2011). Given the foraging range of raptors and corvids, researchers have estimated that the impacts of transmission lines can extend up to 6.9 kilometers (4.3 miles). USFWS (2010) at 75 Fed. Reg. 13928, citing Connelly et al. (2004); USGS (2013) at 50. More recent findings "suggest that placement of a transmission line in sagebrush steppe has a substantial impact on raven occurrence within a 4.5 km corridor centered on the transmission line," or within 2.2 kilometers of either side of the transmission line. Coates et al. (2014) at 74.

**3. Transmission Lines Increase the Presence of Sage-Grouse Predators.**

N4ae After the installation of transmission lines, studies have shown increases in both, densities of predators and predation on sage grouse. USGS (2014) at 114, citing Ellis (1985) and Steenhof et al. (1993). The 500 kV transmission line towers studied in Seenhof were similar to the towers proposed for the Boardman to Hemingway project, and they "provided raptors and ravens an opportunity to nest in areas where nest sites were previously unavailable." Steenhof et al. (1993) at 279, Fig. 2 (tower types), and 276 (nesting locations). Ravens select nest sites near transmission lines and are even more likely to nest in areas near transmission lines that are affected by human disturbance, wildfire, and non-native plants. Howe et al. 2014; Coates et al. (2014)b at 352.

**4. Sage Grouse Avoid Predators and Transmission Lines.**

N4af "Sage-grouse may avoid powerlines because of increased predation risk," NTT Report at 13 citing Steenhof et al. (1993); Lammers and Collopy (2007). Studies have found that nesting and brood-rearing sage-grouse avoid areas with increased densities of ravens. Dinkins et al. (2012). An analysis of sage-grouse presence, landscape features, and the presence of predators found that (1) "sage-grouse responded to most anthropogenic features [including roads and powerlines] by avoiding them," and (2) "sage-grouse avoided avian predators," but to different degrees depending on their reproductive stage (nesting, early brood, and late brood). Dinkins et al. (2014) at 636 and 639. Sage-grouse select habitats that are farther away from possible perches for predators, including powerlines. *Id.* at 639. Dinkins et al. (2014) concluded that "human manipulations of habitat that promote increased densities of avian predators may limit sage grouse populations," even in areas of high quality sage-grouse habitat.

**5. Perch Deterrents Have Not Been Shown to Be Effective.**

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## RESPONSE(S)

N4ad See response to Comment N4aa. Potential direct and indirect effects of all alternative routes on Greater Sage-Grouse, including from avoidance and increased predation, is analyzed in Section 3.2.4.5.

In addition, the Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to Greater Sage-Grouse, including preconstruction surveys for sensitive species, seasonal and spatial restrictions, and avian-safe design standards including the installation of perch deterrents to minimize an increase in raptor and corvid predation. The B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

N4ae See response to Comment N4ad.

N4af See response to Comment N4ad.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4ag Lammers and Collopy (2007) looked at the effectiveness of perch deterrents on 345 kV transmission lines. "Corvids and raptors overcame [perch] deterrents by perching directly on them or on deterrent-free parts of the towers and nesting on them." *Id.* at 2755. The deterrents resulted in shorter perching times but did not prevent perching, and for that reason, predators still posed a threat to sage-grouse. *Id.* at 2756-57. To the extent that Idaho Power and the BLM will rely on perch deterrents to avoid potentially significant impacts to sage-grouse, the BLM must disclose and consider the following: (1) whether the deterrents are effective at preventing perching and nesting on the towers; (2) the extent to which deterrents will meaningfully reduce predation on sage-grouse; (3) the total cost of perch deterrents compared to other measures, like rerouting the project to avoid more PPH or PGH; (4) whether or not perch deterrents will be required under the applicable RMPs, LRMPs, and state regulations; and (5) whether or not funding will actually be available to implement this mitigation measure. *See*, Steenholf et al. (1993) at Fig. 2 and 276, describing nesting locations on 500 kV towers.

N4ah **6. Additional impacts to Sage Grouse.**

Studies show that sage-grouse avoid transmission lines and predators associated with transmission lines. Studies also show that transmission lines affect sage-grouse and their habitat at distances greater than 0.6 miles. In the EIS, the BLM must disclose and consider impacts to sage-grouse from the project and its alternatives. The BLM's current analysis is inadequate, and this is true for the analysis of impacts to sage-grouse within and beyond 0.6 miles of the proposed transmission line routes.

While the DEIS does provide tables for each section of the project that list the number of leks located within 0.6 and 5 miles of the alternatives, the BLM fails to disclose or consider how the transmission line (and accompanying roads) would affect those leks and sage-grouse subpopultaions. The BLM must provide an assessment of how the project will likely affect sage-grouse, as well as their leks, nesting habitat, brood habitat, winter habitat, and sage-grouse movement within at least 4 miles of the proposed routes. For example, the BLM must disclose and consider the likelihood that leks at various distances from the transmission line will be able to persist during and after construction. *See e.g.* Washington DFW (2008), Fig. 2. The BLM must disclose and consider how the effects of the proposed transmission line routes are likely to combine with the effects of other human disturbances within the analysis area, including existing power and transmission line routes, roads, wind energy developments, towers, fences, and other disturbed habitat. Data required for this analysis, including the location of leks, roads, human structures, and habitat affected by human activities, exists and is readily available from state and federal agencies; this information has been used to consider impacts by ODFW and USGS. Hagen (2011) at 14 (discussing past surveys), 68, Fig. 17 (habitat viability map), 90-97 (maps showing occupied leks and habitat); USGS (2013) at 35-37 (roads), Table 6 (citing Connelly et al. (2004), Holloran, (2005), and Lyon, (2000) for distances of indirect effects of roads) and Figure 11 (map); *id.* at 41-43 (transmission lines), Table 8 and Figure 13A (showing multiple transmission lines through sage-grouse habitat in Baker County); *id.* at 45-47 (towers), Table 9, Figure 13B (showing multiple areas affected by towers); *id.* at 48-49 (fences); *id.* at 61-65 (wind turbines), Figure 17 (occurrence), Figure 18A (wind potential), and Figure 18B (BLM wind energy right of way).

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## RESPONSE(S)

N4ag Comment noted. See response to Comment N4ad

The use of anti-perching devices is required by the BLM's Greater Sage-Grouse Approved Resource Management Plans for Oregon and Idaho/Southwestern Montana, and is included in the B2H Project's selective mitigation measures, which were developed with and approved by the B2H Project's cooperating agencies.

N4ah Comment noted. See response to Comment N4ad.

The Greater Sage-Grouse analysis has been updated to determine number of leks within 0.25, 2.0, and 3.1 miles of the B2H Project centerline in priority and general habitat, percent of priority and general habitat within 3.1 miles of the B2H Project centerline, and analysis of impacts on Greater Sage-Grouse seasonal habitats. The effects of the proposed transmission line routes in combination with the effects of other human disturbances were analyzed in the Cumulative Effects section (Section 3.3) of the EIS.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4ai Finally, the BLM must disclose this information in a manner that the public can understand and readily interpret. The current presentation of information about the location of leks and critical segments of sage-grouse subpopulations in relation to the proposed routes is inadequate. For example, the BLM refers to the Cow Valley Oregon PAC (DEIS 3-260), other named Oregon PACs (DEIS 3-260), and areas of "critical" habitat like the "Magpie Peak area" (DEIS 3-256), but the BLM never provides information about where these areas occur in relation to the project and its alternatives. The same is true for the location of leks, which have been surveyed by ODFW and Idaho Power. The BLM must use maps that show the project, its impacts, and important locations like leks or the "Magpie Peak area." Absent labeled maps and a more robust narrative description, the DEIS fails to disclose potentially significant impacts of the project on sage-grouse. The lack of maps relevant information (*see e.g.* USGS (2013) and locations (*see e.g.*, Hagen (2011)) also supports a conclusion that the BLM has failed to take a hard look at the project's impacts to sage-grouse.

**7. The DEIS Does not Show Consistency with Conservation Objectives Team Report, BLM's National Technical Team Report, or Oregon Regulations.**

N4aj The BLM's National Technical Team Report (NTT) and the Conservation Objectives Team Report both describe measures that are designed to "maintain and enhance" and achieve the "long-term conservation" of sage-grouse. The objectives contained within the NTT report are designed to "protect priority sage-grouse habitats" from human disturbance and are based on "the latest science and best biological judgment." NTT at 7 and 5. The USFWS will use the COT Report to review the B2H project and determine whether the project will contribute toward the need to list the species under the federal ESA. DEIS 3-205.

**a. 3 Percent Disturbance Threshold.**

N4ak In the DEIS, the BLM fails to show how it complies with many of the objectives within the NTT report. The NTT's objectives include, managing priority habitat "so that discrete anthropogenic disturbances cover less than 3% of the total sage-grouse habitat *regardless of ownership.*" NTT at 7 (emphasis added). "Anthropogenic features include *but are not limited to* paved highways, graded gravel roads, transmission lines… [and] wind turbines…." NTT at 7-8 (emphasis added). Fire can also be a discrete disturbance. NTT at 8. "[W]here the 3% disturbance threshold is already exceeded… no further anthropogenic disturbances will be permitted by BLM until enough habitat has been restored…." NTT at 8. If the surface disturbance of new roads exceeds 3, the habitat loss must be offset. NTT Report at 11. The NTT objectives also include excluding new right-of-way permits through priority sage-grouse habitat, with the exception to "co-locate new ROWs within existing ROWs…" NTT at 12-13. The DEIS fails to show that the BLM will act in accordance with the best biological judgment expressed in the NTT's objectives.

The BLM fails to show that the priority habitat along the transmission line meets the 3 percent disturbance threshold for discrete anthropogenic disturbances. The BLM fails to determine the extent to which discrete disturbances already affect priority habitat within the priority area. Without calculating the existing disturbance, the BLM cannot determine whether the project will

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## RESPONSE(S)

N4ai Comment noted. The EIS has been updated to provide additional discussion of locations of important Greater Sage-grouse habitat and maps have been updated to include the most current habitat information.

N4aj Comment noted. The EIS has been updated to incorporate additional information from the Conservation Objectives Team Report.

N4ak Comment noted. The BLM's Greater Sage-Grouse ARMPAs for Oregon excludes the B2H Project from the 3 percent disturbance cap, but the Applicant has committed to designing, siting, and implementing the B2H Project to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

The analysis has been revised for the Final EIS to include the anticipated acres of disturbance in Greater Sage-Grouse habitat for each B2H Project alternative route. The cumulative effects section (Section 3.3) has also been revised for the Final EIS to provide a quantitative analysis of the cumulative effects of the each B2H Project alternative route on Greater Sage-Grouse habitat.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4al cause the disturbance in priority habitat to exceed 3 percent. Tables within the DEIS that show the "percent of analysis area that would be disturbed within ROW" do not provide the appropriate units for the analysis. *See e.g.,* DEIS 3-300, Table 3-70.

Data to determine the level of existing disturbance within priority habitat is readily available. *See* USGS (2013) at 35-37, 41-43, 45-47, 61-65. For example, the USGS calculated that "the direct footprint [of transmission lines] within any [management zone] is relatively small (1.1-5.0 percent; table 8), but the area of relative [or indirect] influence is more extensive (25.2-62.8 percent of PGH; table 8)." USGS 2013 at 50. For Management Zone IV transmission lines larger than 115 kV cover 1.79 percent of PPH and 2.43 percent of PGH. On BLM land alone USGS calculated that the indirect influence of transmission lines larger than 115 kV affects 62 percent of PPH and 43 percent of PGH. USGS 2013 at 41, table 8. The type of information used to create the tables and maps within the 2013 USGS report titled, "Summary of Science, Activities, Programs, and Policies That Influence the Rangewide Conservation of Greater Sage-Grouse," can be readily adapted to determine the existing amount of disturbed land in PPH within the area analyzed for the Boardman to Hemingway project. (Note: the USGS report was prepared in cooperation with the BLM).

**b. Disturbed Area and the Cumulative Impacts of Wildfire.**

N4am In addition to the NTT, which includes areas burned by wildfire as discrete disturbances, COT report includes the objective to "[m]aintain or improve existing habitat conditions in areas adjacent to burned habitat." COT at 38. In 2012, wildfires burned in sage-grouse habitats in the Great Basin and that the fires caused "significant" habitat loss, in a number of states, including Oregon and Idaho. COT at 38. "The resulting, immediate loss of habitat raises concerns for the capacity of at least some of those [priority areas for conservation (PACs)] to sustain sage-grouse populations," and "[t]he unburned portions of these PACs cannot tolerate further impacts… without risking additional population declines." COT at 38.

In August, 2012, the Sardine Fire burned 6,070-acres of PPH, and 14 miles southeast of Baker City that included three known sage-grouse leks. BLM (2013) "Notice of Field Manager's Final Decision" at 1. More fires occurred in the Great Basin and within the Baker County in 2014. In 2013, the Owyhee Fire burned 45,439 acres of land, including areas overlapping with the proposed right of way in Malheur County, and including 27,505 acres of Preliminary General Habitat for Greater Sage-grouse. As part of its consideration of the direct, indirect, and cumulative impacts of the transmission line, the BLM must disclose and consider the extent to which these fires affected sage-grouse and their habitat within the analysis area for the project. The BLM must consider the impacts of fires when determining the amount of disturbed area within PPH.

**c. Right of Way.**

N4an Next, the BLM fails to either exclude the transmission line from primary sage-grouse habitat or co-locate the transmission line right of way within an existing right of way. NTT at 12-13. "Existing and proposed developments for ROWs (such as powerlines, pipelines and renewable

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## RESPONSE(S)

N4al Comment noted. The Greater Sage-Grouse analysis has been updated to include the percent of priority and general habitat within 3.1 miles of the B2H Project centerline.

N4am Comment noted. The Greater Sage-Grouse cumulative effects analysis has been updated to include impacts from wildfires.

N4an See response to Comment N4ad.

## COMMENT(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

energy projects)… have the potential to cause habitat loss and fragmentation that decreases habitat and population connectivity." NTT Report at 12. For newly built transmission lines, "[i]f these lines cross sage-grouse habitats, sage-grouse will likely be negatively affected." 75 FR 13929.

N4an The state of Oregon has regulations that are similar to the NTT objectives. Oregon Energy Facilities Siting Council's standard for approval in OAR 345-022-0060 applies the Habitat Mitigation Policy of Oregon's Fish and Wildlife Commission. That policy, states that for "category 1" habitat, which includes core areas for sage grouse as described in Hagen (2011), ODFW "shall act to protect Category 1 habitats… by recommending or requiring [either] avoidance of impacts… [or] [n]o authorization of the proposed development action if impacts cannot be avoided." OAR 635-415-0025. To show consistency with the NTT objectives and Oregon Fish and Wildlife Regulations, BLM should consider an alternative transmission line route either completely or mostly avoids PPH.

**d. BLM's Disclosure of it Mitigation Measures is Inadequate.**

As part of taking a hard look at potentially significant impacts, the BLM must disclose and consider the effectiveness of its proposed mitigation measures. Without knowing the extent to which mitigation can prevent significant impacts, neither the agency nor the public can understand the impacts of or compare alternatives. Here, the DEIS fails to evaluate the effectiveness of its mitigation measures for habitat loss. The DEIS makes an unsupported assertion that off-site mitigation will be successful. Therefore the BLM's conclusions about the overall impact of the project on sage-grouse populations and habitat are arbitrary and capricious. The DEIS violates the APA, NEPA, and NFMA.

N4ao The COT and NTT reports provide standards for effective mitigation measures. First, the project must "ensure the project (in its entirety) results in a net conservation benefit to Greater Sage-Grouse." DEIS 3-205 (citing COT report). Second, the COT and NTT reports recognize that mitigation probably will not work. Retaining sage-grouse habitats "must be a priority," because "[r]estoration of these habitats, once lost, is difficult, expensive, and based on current knowledge, success may be limited." COT at 37. "Given the degree of uncertainty associated with managing natural resources, adaptive management approaches that include rigorous monitoring protocols to support them are essential if conservation goals are to be realized." NTT Report at 28. Third, mitigation requires monitoring. "Monitoring is necessary to provide an objective appraisal of the effects of potentially positive conservation actions, and to assess the relative negative effects of management actions to sage-grouse populations and their habitats." NTT Report at 29. Without monitoring, "the actual benefit of conservation activities cannot be measured and there is no capacity to adapt if current management actions are determined to be ineffective." COT at 35. Monitoring is "essential" for habitat conservation and restoration activities. COT at 33. Next,"[t]he effectiveness of restoration activities (ultimately determined by sage-grouse use and population trends) must be demonstrated prior to receiving any credit for mitigating losses." COT at 32. Finally, "[a]dequate funding must be secured for… monitoring programs." COT at 35.



## RESPONSE(S)

N4ao Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS in Appendix C to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework (Appendix C) is intended to be a detailed framework, not a site-specific mitigation plan The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design,, the Compensatory Mitigation Framework will be updated as appropriate to reflect the site-specific engineering and design the Compensatory Mitigation Plan will update, as needed, the direct and indirect impacts based on an engineered and designed alignment. A Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

Also, see response to Comments N4ad.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4ap The DEIS completely fails to disclose or consider whether its mitigation will or could be effective at mitigating the project's significant effects. The BLM does not disclose or consider whether any of the COT or NTT objectives related to mitigation or monitoring can or will be followed. The BLM does not disclose or consider the difficulties involved in actually achieving off-site restoration. The BLM does not disclose or consider the location where the restoration will or should occur to mitigate the project's impacts on specific sage-grouse populations, nor does the BLM disclose or consider the expected timeframe for restoration compared to the impacts of the project. The BLM also fails to perform the alternatives analysis required by NEPA. The BLM does not disclose or consider whether the alternatives will require more or less mitigation or their relative cost.

N4aq Instead of addressing the issues in the COT and NTT report objectives, the BLM "assumes," without providing adequate support, that off-site mitigation will occur:

> ***The analysis*** of cumulative effects on Greater Sage-Grouse ***assumes that off-site mitigation*** required for the Proposed Action and all alternatives… and other future projects authorized by BLM that may affect... Greater Sage Grouse population[s] ***will be sufficient and effective*** in maintaining or enhancing habitat for… Sage Grouse population[s]…. ***Consequently, the cumulative effect***s of the Proposed Action and all alternatives…, in addition to past and present actions ***are not expected to result in diminished Greater Sage-Grouse habitat quality or quantity or result in a decrease in the… Greater Sage-Grouse population[s]***," within the project area. DEIS 3-1054.

DEIS 3-1054 (note: this same language is repeated for each project segment, for segments 2 through 6; in each instance, the BLM's analysis violates NEPA and the APA). Disclosing the extent to which mitigation measures will be effective is part of NEPA's requirement that agencies take a hard look at the significant impacts of their actions. The agencies appendices do not suffice either:

> For the selected route for the Project (i.e. Agency Preferred Alternative), the BLM, USFS, ODFW, IDFG, and USFWS will determine the amount, type, and location of off-site mitigation required to avoid or minimize short- and long-term impacts of the Project on Greater Sage-Grouse (Appendix D and Appendix E).

DEIS 3-1053 – 54. Because the BLM has failed to provide any information about, or compare, the potential effectiveness of its mitigation measures for each alternative, the DEIS fails to comply with NEPA. The BLM's ultimate conclusions about the impacts of the project to sage-grouse are unsupported and therefore arbitrary and capricious. The DEIS violates NEPA, the APA, and NFMA.

**8. Cumulative impacts to Sage Grouse from wind development.**

Increased renewable energy development will occur in areas with the potential for wind energy and access to transmission lines for that energy. The BLM must disclose and consider the effects of other transmission line projects on sage grouse and their habitat.

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## RESPONSE(S)

N4ap Mitigation effectiveness and the relationship of the mitigation to the various state and federal policies for Greater Sage-Grouse mitigation is discussed in Appendix C.

Also, see response to comment number N4ao.

N4aq Mitigation effectiveness and the relationship of the mitigation to the various state and federal policies for Greater Sage-Grouse mitigation is discussed in Appendix C. The cumulative effects section (Section 3.3) has also been revised for the Final EIS to provide a quantitative analysis of the cumulative effects of the each B2H Project alternative route on Greater Sage-Grouse habitat.

Also, see response to comment number N4ao.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

The Boardman to Hemingway transmission line is one of seven transmission line projects that are part of a federal program to modernize the electricity grid and integrate renewable energy resources into the grid. Obama Administration Announcement, "Seven Transmission Projects Across 12 States Will Increase Grid Reliability and Integrate Renewable Energies." White House Council on Environmental Quality, October 15, 2011. The program is intended to "accelerate the permitting and construction of seven proposed electric transmission lines." *Id.* Among other intended effects, the transmission lines will "accelerate the growth of domestic clean energy industries," "increase grid capacity," "integrate renewable electricity sources into the grid," and "reduce the need for new power plants." *Id.* In sum, the Boardman to Hemingway transmission line and the other transmission lines will "foster[] growth of renewable energy resources." *Id.*

Three of the proposed transmission lines, Boardman to Hemingway, Gateway West, and TransWest Express, cross sage grouse habitat. The Gateway West and TransWest Express are proposed to connect to Boardman to Hemingway line, and all of these lines increase the capacity of the grid to carry renewable energy produced in western states to consumers. BLM recognizes that "these facilities" will "accommodate additional electric capacity over the next several decades, including new renewable generation…." BLM Website "Electric Transmission Facilities & Energy Corridors;" October 23, 2009, MOU at 2. Because the Boardman to Hemingway line, and the lines to which it will be connected, will accommodate and accelerate the growth of renewable energy, the BLM must disclose and consider the extent to which the transmission lines will increase the development of renewable energy, like wind energy, along and in areas serviced by these lines.

N4ar In its discussion of impacts to sage grouse, the BLM must disclose and consider the cumulative effects of newly proposed transmission lines and resulting wind energy development on sage grouse and sage grouse habitat. The BLM's current RMPs do not prevent impacts to sage grouse from transmission lines, roads, fences, or oil and gas and renewable energy development. Although the BLM is preparing a series of EISs to amend its RMPs with the goal of keeping sage grouse from being listed, the proposals contained in the draft EISs do not uniformly ensure that the RMP amendments will prevent significant impacts to sage grouse and their habitat. To the extent that the BLM intends to rely on pending amendments to its RMPs, the BLM must disclose and consider the extent to which the amended RMPs will allow, prevent, or mitigate the direct, indirect, and cumulative impacts of the Boardman to Hemingway transmission line to sage grouse.

As written, the DEIS does not explain what RMP standards for sage grouse apply to the Boardman to Hemingway transmission line. For that reason, DEIS violates NEPA. Without providing the proper RMP standards with which to evaluate the project and its impacts, BLM cannot adequately disclose and consider the project's direct, indirect, and cumulative effects.

N4as **iii. Wolverine.**

The DEIS notes that there are no known wolverines in the analysis area, but that transient wolverines may pass through the analysis area as they disperse. The DEIS then notes that as a result it will not analyze impacts to wolverine. The agencies, however, have an obligation to take

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## RESPONSE(S)

N4ar The Greater Sage-Grouse cumulative effects analysis has been revised to include additional existing sources of disturbance. See response to Comment N4ao.

The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to Greater Sage-Grouse, including preconstruction surveys for sensitive species, seasonal and spatial restrictions, and avian-safe design standards that are consistent with BLM's Greater Sage-Grouse ARMPAs for Oregon and Idaho. The Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

N4as Comment noted. The special status species analyzed in the EIS are those that are known to occur in the analysis area and are based on the most recent occurrence data available from the cooperating agencies and other sources. Due to the lack of occurrence of wolverines in the analysis area, wolverines are considered, but not carried forward for analysis in the EIS.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4as a hard look at all impacts that could result from the implementation of the Project, and therefore must analyze and discuss the potential impacts of the project on wolverine, and corridors that it might use to disperse through the analysis areas to other geographic areas (such as wolverines dispersing from the Eagle Cap Wilderness to the Cascade Mountain Range). Failure to include this analysis is arbitrary and capricious, and violation of NEPA.

**iv. Gray wolf.**

N4at The DEIS erroneously states that wolves are delisted in the analysis area. Although gray wolves are federally delisted throughout a portion of the analysis area, portions of the proposed route and other alternatives analyzed go through parts of Oregon where gray wolves are listed as endangered under the ESA. This includes areas south of I-84 and west of Highway 395. Further, the project can have impacts on the ability of wolves to disperse, and therefore can impact federally listed populations by hindering dispersal from areas where wolves are delisted to areas where wolves are listed. As such, the DEIS must also fully analyze the effects of the project not only on existing wolf populations (and their den and rendezvous sites), but also on the ability of wolves to disperse and migrate, and how construction of the project could hinder the ability of wolves to disperse and migrate. In particular, the construction of roads across a large portion of Oregon will have significant effects on the ability of wolves to disperse and migrate, and recover in parts of Oregon where wolves are still listed as Endangered under the ESA. A full accounting of these impacts, and analysis as to how they might be avoided must be included in the DEIS.

**v. Raptors.**

Both Bald and Golden Eagles are protected by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). The Bald Eagle is also a sensitive species in both Oregon and Idaho. Additionally, the U.S. Fish and Wildlife Service (USFWS) has expressed a current "no net loss" goal for Golden Eagles, due to concern over the current population status (USFWS 2011).

Transmission towers may provide areas for perching for raptor species; however, vertical structures and increased raptor perches may deter sage-grouse activity and cause collision and electrocution mortally.

N4au To the degree possible, the siting of the transmission line in should avoid transecting any high elevation north-south ridgelines to reduce the risk to migrating raptors that commonly use such features throughout the West (Goodrich and Smith 2008). Where such ridgelines cannot be completely avoided, bird diverters should be used to reduce collision potential. The DEIS suggests use of flight diverters (DEIS WILD-8), but primarily in relation to water crossings. This should be expanded to potential migration corridors as identified here. Additionally, pre- and post-construction surveys at such sites are recommended to determine collision and electrocution risk and actual mortality, and guide any necessary mitigation measures.

N4av Regarding the entire project, we encourage the adoption of the single solid pole-structures for the transmission line towers to the maximum extent possible in order to avoid supporting increases in common raven populations. Lattice-type towers provide perching and nesting substrate for

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## RESPONSE(S)

N4at Comment noted. The EIS has been revised to include additional analyses and information of the B2H Project's impact on gray wolves, including in areas where gray wolf is listed as endangered under the ESA.

N4au Comment noted. The Applicant has committed to design features and site-specific selective mitigation measures designed to avoid anticipated B2H Project effects to raptors, such as preconstruction nest surveys, avian-safe design standards, and flight diverters. Refer to Section 3.2.4.5 of the EIS.

N4av Comment noted. The Applicant has committed to site-specific selective mitigation measures that include installation of perch deterrent devices in habitat for high priority species. Refer to Section 3.2.4.3 in the Final EIS.

## COMMENT(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

N4av ravens, often increasing their population rapidly in areas with historically lower densities (Engel 1992, Steenhof 1993). This is problematic because ravens are known predators of greater sage-grouse (Coates 2007).

N4aw We recommend Avian Protection Plans (APP) which are extremely important in terms of identifying specific measures that will be used to avoid, minimize and mitigate impacts. These plans must be developed for the entire line, with public participation, prior to the authorization of this proposed project. The APP must be made available to the public and be available for comment. The DEIS repeatedly refers to Proponent APPs on proponent websites, but this does not appear to satisfy NEPA requirements. The APP should include the following at a minimum: adequate conductor-to-conductor and conductor-to- ground space to prevent avian electrocution, installation of overhead transmission structures with anti-perching devices to reduce perching by avian predators and prevent avian electrocution (Lammers and Collopy 2007, Slater and Smith 2010), mark lines to decrease potential for collisions (marker balls, clamp-on markers, etc.), use of single solid tubular pole structures to reduce perching, and relocation of development to less sensitive areas (foraging areas, nesting areas, flyways, etc).

The APP should include identification of high-risk areas for collisions and the approaches for reducing collision risk, rather than planning for high-collision areas to be identified after construction. The APP should also be continually evaluated and refined as monitoring data and new innovations become available, in a transparent fashion allowing public input to changes.

N4ax The Eagle Conservation Plan should include a listing of risk factors, as noted in the FWS Draft Golden Eagle Conservation Plan Guidance, and a discussion of these factors for the this project. An APP for this line should incorporate Oregon's and Idaho's Conservation Plans for greater sage- grouse, which provide for minimizing impacts on sage-grouse through restricting seasonal activities, including construction and maintenance.

Additionally, we are aware that the BLM has been notified of the location of a bald eagle nest and an osprey nest near the proposed route located near Morgan Lake to the south of La Grande. The agencies must ensure that the Project does not impact these known nest locations or their inhabitants.

**vi. Bull trout.**

Bull trout are a native char fish species to both Oregon and Idaho. *Bull Trout (Salvelinus confluentus)*, U.S. FISH & WILDLIFE SERVICE, http://ecos.fws.gov/speciesProfile/profile/speciesProfile?spcode=E065 (last visited Mar. 12, 2015). Bull trout require specific habitat of cold waters, stable stream channels, clean gravel for spawning, complex and diverse cover from riparian areas, and unblocked migratory channels. *Id.* The bull trout are either residents, meaning they stay in the same stream their entire lives, or migratory in which the fish move from smaller streams to larger of bodies of water, returning when it is time to spawn. *Id.* This makes resident bull trout more likely to be impacted by stream disturbance.

In November of 1999, all species of bull trout were listed as a threatened species under the Endangered Species Act ("ESA"). "Endangered and Threatened Wildlife and Plants; Revised

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## RESPONSE(S)

N4aw The analysis for migratory birds has been revised for the Final EIS to include additional analysis and discussion of the direct and indirect effects to eagles and other migratory birds. In addition to Idaho Power Company's Avian Protection Plan, impacts to migratory birds will also be minimized by application of project-specific design features and mitigation measures, including preconstruction nest surveys, limited construction activities during nesting season, and seasonal and spatial restrictions. Refer to Section 3.2.4.5 in the Final EIS. Compensatory mitigation required for greater sage-grouse will provide further mitigation for impacts to shrub-steppe obligate migratory bird species.

N4ax In addition to Idaho Power Company's Avian Protection Plan, impacts to eagles will also be minimized by application of project-specific design features and mitigation measures (See response to Comment N4av). Seasonal restrictions for Greater Sage-Grouse will be consistent with the Greater Sage-Grouse ARMPAs for Oregon and Idaho.

The EIS has been revised to include additional analysis for eagles and other raptors based on the most recent nest location data.

## COMMENT(S)

## RESPONSE(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

Draft Recovery Plan of the Coterminous United States Population of Bull Trout (Salvelinus confluentus)," Fed. Reg., Vol. 79, No 171, Sept. 4, 2014, page 5274. In 2010, the FWS designated critical habitat for bull trout, which includes Eastern Oregon and Western Idaho. "Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for Bull Trout in the Coterminous United States," Fed. Reg. Vol. 75, No. 200, Oct. 18, 2010, page 63898. In September of 2014, the Fish and Wildlife Services ("FWS") issued an updated recovery plan, which "describes actions considered necessary for conservation of the species." Bull trout management strategies are currently governed by PACFISH/INFISH programs.

N4ay

The DEIS identifies bull trout as occurring in segments 2 and 3 of the proposed project. Within segment 2, bull trout spawn in the supper Grande Ronde River and the tributaries of this upper stream, and would be migrating through the proposed project area. DEIS at 3-350. The DEIS goes on to state that the critical habitat is 30 miles upstream of the known habitat of bull trout, DEIS at 3-351, however the entire area is still a designated critical habitat area. Additionally, there is no support for the conclusion that no bull trout currently live in the effected stream crossings. The analysis of fish in any of the streams does not seem to be supported by any on the ground field reports, only abstract analysis of historic fish habitat areas, and GIS analysis of potential habitats.

Any DEIS must include analysis of any adverse effects to the critical habitat, not just the species. *Pac. Coast Fed'n of Fishermen's Ass'n v. Gutierrez*, 606 F. Supp. 2d 1122, 1167 (9th Cir. 2008). Merely mentioning the critical habitat and not addressing any recovery efforts for the habitat is not enough analysis in the Ninth Circuit. *Id*. The DEIS mentions that bull trout may migrate though the proposed project area, but does not address what mitigation efforts will take place to protect this sensitive species as they move through the area. Proposed stream crossing for the access road for the proposed project would impact habitat that is designated critical habitat, as the entire area is designated as a recovery zone.

N4ay

The only waterways crossed by the B2H Project that support bull trout and are designated as critical habitat are the Umatilla River and Grande Ronde River. The Applicant has committed to updated design features and selective mitigation measures designed to minimize anticipated potential B2H Project impacts. B2H Project design features and selective mitigation measures that would minimize impacts on fish resources include spanning of riparian communities and water courses, using existing access roads, and selective removal of vegetation. Refer to Section 3.2.5 of the Final EIS for analysis of impacts. In addition, it is anticipated that waterways occupied by bull trout would be spanned; therefore, the B2H Project would not impact bull trout recovery efforts. Note - bull trout critical habitat does not extend beyond the ordinary high water mark of the streams.

**b. Cumulative effects.**

Cumulative impacts are the "impact[s] on the on the environment which result[] from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of … [who] undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. These impacts are specific to the geographical area in which the effects would occur. "Reasonably foreseeable future actions" include all proposed projects or actions that are publicly known. Both connected actions and unrelated but reasonably foreseeable future actions may result in cumulative impacts. *Inland Empire Public Lands Coun. v. Schultz*, 992 F.2d 977, 981 (9th Cir. 1993). If the effects of past and reasonably foreseeable actions will have a cumulative effect, the individual assessment of each effect may not be calculated without considering each effect in the aggregate. *Id*.

Consideration of cumulative impacts requires "some quantified or detailed information; ... [g]eneral statements about 'possible' effects and 'some risk' do not constitute a 'hard look' absent a justification regarding why more definitive information could not be provided." *Kern v. U.S. Bureau of Land Mgmt.*, 284 F.3d 1062, 1075 (9th Cir. 2002). The cumulative impact

## COMMENT(S)

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

analysis must be more than perfunctory, it must provide a "useful analysis of the cumulative impacts of past, present, and future projects. *Id*. Merely presenting very board and general statements devoid of any specific and reasoned conclusions will not be sufficient in regard to explaining the cumulative effects of the project. C*hurchill Cnty. v. Norton*, 276 F.3d 1060, 1080 (9th Cir. 2001) opinion amended on denial of reh'g, 282 F.3d 1055 (9th Cir. 2002). Relevant past projects must be presented in a useful analysis of the cumulative impacts and must not be just a catalogue. *Id*. This entails a discussion and analysis in sufficient detail to assist "the decisionmaker in deciding whether, or how, to alter the program to lessen cumulative impacts." *Id*. BLM's own Handbook states that "[t]he purpose of cumulative effects analysis is to ensure that the Federal decision-makers consider the full range of consequences of actions (the proposed action and alternatives, including the No Action alternative." DEIS at 3-997.

The B2H project proposes a new transmission line crossing two states, six counties, and four eco-regions. The project is broken up into six segments: segment 1 is called Morrow-Umatilla, segment 2 Blue Mountains, segment 3 Baker Valley, segment 4 Brogan Area, segment 5 Malheur, and segment 6 Treasure Valley. The DEIS considers the Past and Present Actions, then turning to the Reasonably Foreseeable Future Actions (RFFAs), and finally looking at twelve specific impacts for each of the segments: earth, water, wildlife, fish, land use and agriculture, recreation, visual resources, cultural resources, air quality and climate change, social and economic conditions, and public health and safety.

N4az The past and present actions analysis is presented in graph form, however the past and present actions seem to be described as separate and distinct from the RFFAs. Indeed, there is little cross-analysis of past and present actions with the RFFAs and the proposed Project. The DEIS lists only 18 past and present actions in it's analysis- this number seems low in relation to the RFFAs listed. There are only five specific projects identified, with the remaining thirteen describing general practices of land management and ongoing maintenance projects. Additionally, a comparison of the past and present actions with the RFFAs shows a disparate list: segment 3 (Baker Valley) has thirteen past and present actions which are identified as adding to the cumulative impact of the Project, yet only has three RFFAs listed. Because the Project would have the greatest impact on soil disruption during construction, it seems that the cumulative effects fails to take into account these past and present actions in an adequate manner to address the cumulative impacts of the Project.

N4ba The proposed alternative and many of the additional alternatives will travel parallel to existing high voltage lines. The DEIS points out that the existing transmission lines have right of ways of between 100 and 250 feet, and that the Project would parallel this right of way, diminishing the availability of land between the two lines. However, the DEIS glosses over the loss of availability of use of this land as a cumulative effect. It seems significant that the lines would parallel each other which in itself would further segment population and habitat areas, and additionally have seemingly separate access roads which would increase the segmentation of native plant and animal populations and contribute to the spread of noxious weeds.

The DEIS asserts no or low impact on paleontological resources due to opening up of areas previously not easily accessible by access roads under the transmission line. The DEIS claims that because there is a low to scarce occurrence of high yield artifact areas, the soil disruption

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## RESPONSE(S)

N4az Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

N4ba See response to Comment N4az.

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

### COMMENT(S)

N4bb from the unearthing of these artifacts will be low and is not considered in the cumulative analysis. However, the DEIS makes no analysis of the Oregon Trail, which the Project will cross or follow at many points. In fact, the physical impact on the Oregon Trail is not considered at all in the cumulative impacts section (the visual impact from viewing platforms by the Project is considered). If anything, the Oregon Trail is only shown to be considered in the aspect of the Baker Field Office Draft Resource Management Plant and EIS VRM, but there seems to be no cumulative impact analysis on the physical trail itself. DEIS at 3-1101.

N4bc There are concerns raised in the water resource aspect of the DEIS. The DEIS claims for all of the segments that there are unknown impacts from RFFAs, but because the agencies will comply with existing federal law under the Clean Water Act (CWA), all of the actions are assumed to have a low cumulative effect. Of additional concern is the wetlands aspect of the cumulative effects analysis. This is particularly concerning because the DEIS explicitly states that because it will comply with the CWA regarding wetlands, the cumulative impacts are assumed to be negligible or mitigated. DEIS at 3-1030. Simply stating that the agencies will comply with the CWA is insufficient for an analysis of the effects of the project. Simply complying with the CWA does not mean that the project will not have significant direct, indirect, and cumulative effects. The agencies must fully analyze these impacts, even if low, in their cumulative effects analysis.

N4bd There are statements in the analysis section which are seemingly inconsistent with other parts of the DEIS. In segment 3 (Baker Valley), the DEIS claims there would be no cumulative impacts on vegetation under the RFFAs, yet one of the RFFAs is restoration of vegetation on 46,700 acres. Additionally, when considering the RFFAs on the water resources for segment 1, the DEIS identifies the Naval Weapons System Training Facility as a RFFA which would impact water resources, but failed to include the item on the initial RFFA analysis for the segment.

N4be As to the cumulative effects of the Project on the Oregon Trail, the DEIS employs the wrong scale for its analysis. The DEIS defines its area of analysis as "the viewshed within a 10-mile distance of the centerlines of the Proposed Action and alternatives." DEIS 3-1107. However this ignores the cumulative effects of other management actions to the Oregon Trail outside of the immediate action area. To properly analyze the cumulative effects of the Project on the Oregon Trail, the agencies must consider other projects throughout the entire length of the Oregon Trail. Failure to do so would create an incomplete picture of cumulative effects to the Trail. Indeed, the purpose of a cumulative effects analysis is to ascertain what other past, present, and reasonably foreseeable future projects might impact a particular resource, and to prevent the proverbial death by a thousand papercuts. Here, by restricting the cumulative effects analysis to only those past, present, and reasonably foreseeable future projects within a 10-mile distance of the centerlines of the Proposed Action and alternatives, the agencies are ignoring the effects of the action on the Oregon Trail as a whole. The agencies cannot simply ignore the effects of the Project when considered with the effects of other projects across the entire length of the Oregon Trail. Further, but only considering the visual effects within a 10-mile distance of the centerlines of the Proposed Action and alternatives, the agencies have failed to consider the cumulative effects of other past, present, and reasonably foreseeable future actions on the Oregon Trail itself. Specifically, the agencies have failed to consider what other actions are actually disrupting the Oregon Trail on the ground, such as road and other routes crossing the Trail, building of

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### RESPONSE(S)

N4bb See response to Comment N4az.

N4bc Comment noted. Analysis of mapped wetland features has been conducted to determine anticipated effects. Detailed analysis of impacts to waters of the U.S. is unable to be conducted at this time due to unavailable micro-siting information for tower pads, laydown yards, tensioning sites and other sub-facilities. Micro-siting occurs after preconstruction surveys are conducted to determine actual boundaries of regulated waters of the U.S.

N4bd See response to Comment N4az.

The cumulative effects analysis for the Final EIS has been revised to exclude vegetation management activities and wildfires from Reasonably Foreseeable Future Actions or existing disturbance as their effects are assumed to be either beneficial or short in duration.

N4be See response to Comment N4az.

Impacts on the entire Oregon NHT is beyond the scope of the B2H Project and the area impacts by the B2H Project.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

structures on top of the Trail, and other ground disturbing activities that actually physically alter the Oregon Trail itself. The agencies must consider these cumulative impacts in its FEIS.

Simply driving through major transportation routes in Eastern Oregon and Western Idaho, it's apparent that a dramatic increase of wind farms and natural gas development is occurring, which may result in impacts to migratory birds, wildlife and especially to regional and local habitat. Major changes to the character of the land are being made, often with no analysis for those wind farms constructed on private lands.

N4bf

We recommend that BLM prepare a comprehensive Cumulative Impacts Analysis assessing the additional projects and ongoing activities already planned or reasonably foreseeable for the affected area, including but not limited to additional transmission lines, energy development, and power generation projects – as well as other activities which could impact individual species, ecosystems, landscapes and other resources; currently lacking in the DEIS.

The purpose of an effective cumulative analysis is to account for those reasonable and foreseeable impacts from increasing the capacity of existing transmission lines; which in turn increases the demand for energy resources along the corridor from wind, hydroelectric, coal and natural gas. While the DEIS purports that evaluation cumulative effects if beyond the scope of the project, the lack of specific identifiable locations with project mile posts where co-location could reduce cumulative affects is not presented to the public means making evaluation unintelligible.

Cumulative impacts analysis for fish and wildlife, visual and cultural resources reveals substantial impacts to the in several key areas from this particular Project. Taken as a whole, the Project will increase the likelihood that irreversible and irretrievable impacts will occur to natural and cultural resources of importance. While it is important to reconcile energy needs with available resources, an analysis of the Project reveals impacts of serious magnitude to the Project area

**c. Other effects.**

**i. Climate change.**

N4bg

The Proposed Project would create a 305 mile single-circuit alternating current 500 kV overhead electric transmission line. This high capacity line will be able to move more power through the area, but the classification of the generation type of that power is not identified. If the power originates from fuel-combustibles, the proposed project could have significant contributions to climate change.

Research adopted by the EPA puts a numerical value on the social costs of carbon. Research conducted by the National Research Council has confirmed the fact that the negative impacts of the production and consumption of fossil fuels are not represented in the market price for such generation. National Research Council, Hidden Costs of Energy (2010). In other words, failing to internalize the externalities of fossil fuel production and consumption- such as the impacts to climate change and human health- has resulted in a market failure that requires government intervention. Executive Order 12866 directs federal agencies to assess and quantify such costs

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## RESPONSE(S)

N4bf

See response to Comment N4az.

N4bg

It is beyond the scope of existing science to relate a specific source of greenhouse gas emission with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or mitigate against climate change, cannot be determined, it is also not possible to determine whether any of these particular actions will lead to significant climate-related environmental effects. Finally, there are still not regulatory standards for climate change. Thus, the BLM believes the analysis in the EIS represents the best available science as required by the Council on Environmental Quality guidelines.

## COMMENT(S)

## RESPONSE(S)

### N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

and benefits of regulatory action, including the effects on factors such as the economy, environment, and public health and safety, among others. *See* Exec. Order No. 12866, 58 Fed. Reg. 51,735 (Sept. 30, 1993). *See also* Executive Order 13563, 76 Fed. Reg. 3821 (Jan. 18, 2011) (reaffirming the framework of EO 12866 and directing federal agencies to conduct regulatory actions based on the best available science). The Ninth Circuit has ruled that agencies must include the climate costs and benefits of a significant regulatory action in federal cost-benefit analyses to comply with EO 12866:

> [T]he fact that climate change is largely a global phenomenon that includes actions that are outside of [the agency's] control…. Does not release the agency from the duty of assessing the effects of its actions on global warming within the context of other actions that also affect global warming.

*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008) (quotations and citations omitted); *see also Border Power Plant Working Grp. V. U.S. Dep't of Energy*, 260 F. Supp. 2d 997, 1028-29 (S.D. Cal. 2003) (finding agency failure to disclose project's indirect carbon dioxide emissions violates NEPA).

In response, an Interagency Working group (IWG), consisting of eleven Federal agencies, was formed to develop a consistent and defensible dollar estimate of the social cost of carbon (SCC)-allowing agencies to "incorporate the social benefits of reducing carbon dioxide (CO2) emissions into cost-benefit analyses of regulatory actions that impact cumulative global emissions." Interagency Working Group on the Social Cost of Carbon, United States Government, Technical Support Document: Technical Update on the Social Cost of Carbon for Regulatory Impact Analysis—Under Executive Order 12866, at 2 (May 2013) (hereinafter 2013 TSD); Interagency Working Group on the Social Cost of Carbon, United States Government, Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis—Under Executive Order 12866 (February 2010) (hereinafter 2010 TSD). "The SCC estimates the benefit to be achieved, expressed in monetary value, by avoiding the damage caused by each additional metric ton (tonne) of carbon dioxide (CO2) put into the atmosphere. Ruth Greenspan and Dianne Callan, World Resources Institute, More than Meets the Eye: The Social Cost of Carbon in U.S Climate Policy, in Plain English (July 2011) at 1. These costs are created when greenhouse gas emissions force climate change, increasing global temperatures. This leads to sea level rise, increased intensity of storms, drought, and other changes, which have negative economic impacts including property damage from storms and floods, reduced agricultural productivity, impacts on human health, and reduced ecosystem services. The SCC estimates the dollar value of these negative economic impacts and recognizes that every marginal ton of CO2 caries with it a social cost of carbon.

The modeling tools employed to forecast climate change and economic impacts all point in the same direction: that the climate change causes substantial net economic harm, justifying immediate action to reduce emissions. *Id*. at 174. The interagency process to develop SCC estimates – Originally described in the 2010 TSD – Utilized three discount rates to calculate the

## COMMENT(S)

## RESPONSE(S)

### N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

SCC in constant dollars, using three integrated assessment models (DICE, PAGE, and FUND).[2] In addition to the resulting three SCC estimates, a fourth value is included to estimate the SCC when impacts are higher than expected. 2013 TSD, *supra* at 2. This SCC is based on the 95th percentile estimates derived from scenario runs from all three models, discounted at 3%.

These models are intended to quantify damages, including health impacts, economic dislocation, agricultural changes, and other effects that climate change can impose on humanity. While these values involve a degree of uncertainty, a recent GAO report has confirmed the soundness of the methodology in which the IWG's SCC estimates were developed, therefore further underscoring the importance of integrating SCC analysis into the agency's decision-making process. GAO-14-663, *Social Cost of Carbon* (July 24, 2014). In fact, additional damages have been identified that remain either unaccounted for or poorly quantified in the SCC estimates, suggesting that the estimated values are conservative and should be viewed as a lower bound.[3]

N4bh The DEIS also miscalculates the greenhouse gas emissions that are expected to result from the operation of the transmission line. The agencies erroneously state that operations of the transmission line will only result in 63 tons of greenhouse gas emissions per year. But this completely ignores the greenhouse gas emissions that result from the production of the energy that will be transmitted on the lines, and must be included in the NEPA analysis. Both upstream and downstream use of power, and the resultant greenhouse gas emissions must be considered as a direct and/or cumulative effect of the project. Nor can the agencies merely state that if the transmission line were not constructed, the power would still be created and sent elsewhere. The fact remains that if the transmission line is constructed, it will result in increased capacity on the grid and creates an incentive for increased power production. If this increased power production is to come from fossil-fuels, the agencies must account for the associated greenhouse gas emissions with that production. Nor is not knowing specifically where the power will come from an excuse for not considering the greenhouse gas emissions of power production. The agencies

[2] The choice of which discount rate to apply—translating future costs into base year dollars—is critical in calculating the social cost of carbon. Higher discount rates reduce the dollar value of future costs thereby shifting a greater burden to future generations based on the notion that economic growth will make the world better able to make climate investments in the future. The IWG's "central value" of three percent is consistent with this school of thought—that successive generations will be increasingly wealthy and more able to carry the financial burden of climate impacts. "The difficultly with this argument is that, as climate change science becomes increasingly concerning, it becomes a weaker bet that future generations will be better off. If they are not, lower or negative discount rates are justified." WRI Report, *supra* at 9. "Three percent values an environmental cost or benefit occurring 25 years in the future at about half as much as the same benefit today." *Id.*

[3] *See* Peter Howard, et al., Environmental Defense Fund, Institute for Policy Integrity, Natural Resources Defense Council, Omitted Damages: What's Missing From the Social Cost of Carbon, (March 13, 2014) (providing, for example, that damages such as "increases in forced migration, social and political conflict, and violence; weather variability and extreme weather events; and declining growth rates" are either missing or poorly quantified in SCC models); Frank Ackerman & Elizabeth A. Stanton, Climate Risks and Carbon Prices: Revising the Social Cost of Carbon (2010).

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N4bh See also the response to Comment N4bg.

## COMMENT(S)

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

N4bh and Idaho Power know where power currently comes from, and where the power that will travel on the B2H transmission lines is likely to come from. It has an obligation to analyze the impacts of this increased capacity, and the likelihood that the power will come from burning fossil-fuels. The agencies must consider these greenhouse gas emissions from the production of this power in its FEIS for B2H.

N4bi The agencies should also follow the Council on Environmental Quality's December 2014 revised draft guidance describing how federal agencies should consider greenhouse gas emissions and climate change in NEPA analyses such as the DEIS at issue here. Although this is draft guidance, it provides a useful guide for what the agencies' DEIS should have included as to greenhouse gas and climate change analysis. Because the agencies have access to the draft guidance now, it must consider the draft guidance and incorporate its guidance in the FEIS.

**ii. Consultation with U.S. Fish and Wildlife Service.**

The agencies must consult with the U.S. Fish and Wildlife Service on the effects of the Project on species listed as threatened or endangered under the federal Endangered Species Act. The agencies should publicly post all Biological Assessments, Biological Evaluations, or other equivalent documents that are prepared and submitted to USFWS, and should also post any concurrence letters or Biological Opinions from the USFWS related to the Project. Full disclosure and sunshine on these mandated procedures can only lead to better decisionmaking. The public greatly appreciates the candor and full disclosure from the agencies.

N4bj In addition to consulting with USFWS on the federally listed species identified in the DEIS as potentially occurring in the analysis area, the agencies must also consult on the Project's effects on the gray wolf. The DEIS erroneously states that wolves are delisted in the analysis area. Although gray wolves are federally delisted throughout a portion of the analysis area, portions of the proposed route and other alternatives analyzed go through parts of Oregon where gray wolves are listed as endangered under the ESA. This includes areas south of I-84 and west of Highway 395. Further, the project can have impacts on the ability of wolves to disperse, and therefore can impact federally listed populations by hindering dispersal from areas where wolves are delisted to areas where wolves are listed. As such, the DEIS must also fully analyze the effects of the project not only on existing wolf populations (and their den and rendezvous sites), but also on the ability of wolves to disperse and migrate, and how construction of the project could hinder the ability of wolves to disperse and migrate.

**(5) Conclusion.**

Thank you very much for the opportunity to submit comments on the B2H Project. We strongly encourage the agencies to give the No Action alternative a hard look, and thoroughly analyze the actual need for this Project. We remain unconvinced of the need for this Project, especially when the vast and extensive environmental effects of the Project are considered and weighed against the Project's purported need.

We remain available to you to answer any questions that you may have as you review our comments, and look forward to engaging with you as the planning process unfolds.

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## RESPONSE(S)

N4bi The BLM is not required to follow draft guidelines, only final guidelines. Greenhouse gas emissions estimates for construction are displayed for the Applicant's Proposed Action Alternative and the alternate routes in Section 3.2.16 of the Final EIS. Changes in carbon storage also are discussed.

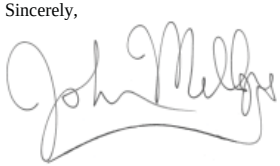
N4bj See response to Comment N4at.

**COMMENT(S)**

**RESPONSE(S)**

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

Sincerely,



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## ATTACHMENT

## N4 Gail Carbiener and Multiple Nongovernmental Org. (cont.)

**List of Documents Cited in the Western Environmental Law Center's Comments on the Boardman to Hemingway Transmission Line Project. Copies of Studies are included on data CD sent to BLM on March 18, 2015.**

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**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

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Steenhof et al. (1993) "Nesting by rapors and common ravens on electrical transmission line towers." J. Wildlife Management, 57(2) pp. 271-281.

USFWS, (2010) "12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered," 75 Fed. Reg. 13910 through 14014.

Walker et al. (2007) "Greater Sage-Grouse Population Response to Energy Development and Habitat Loss." J. Wildlife Management 71(8) pp. 2644-2654.

Washington Dept. of Fish and Wildlife, (2008) "Greater Sage-grouse and the Proposed Withrow Wind Farm."

## ATTACHMENT

**N4** **Gail Carbiener and Multiple Nongovernmental Org. (cont.)**

White House Council on Environmental Quality, October 15, 2011, "Seven Transmission Projects Across 12 States Will Increase Grid Reliability and Integrate Renewable Energies."

## COMMENT(S)

## RESPONSE(S)

### N5 Glass Hill Coalition

**comment@boardmantohemingway.com**

**From:** Dan Turley <dgtur7mm@gmail.com>
**Sent:** Wednesday, March 18, 2015 7:04 PM
**To:** comment@boardmantohemingway.com; B2H@idahopower.com; maxwell.woods@state.or.us
**Subject:** Draft Environmental Impact Statement (DEIS) Comment - Glass Hill Coalition
**Attachments:** B2H Complete DEIS Response March 17 2015.pdf

Attached electronic comment of my input to the DEIS. Hard copy was sent to the Vale, Oregon address today.

Thanks

Dan Turley
855 East Quince Ave
Hermiston, OR 97838

1

## COMMENT(S)

## RESPONSE(S)

**N5** **Glass Hill Coalition (cont.)**

March 16, 2015

Boardman to Hemingway Transmission Line Project
P.O. Box 655
Vale, OR 97918

RE: Boardman to Hemingway Transmission Line Project Draft Environmental Impact Statement (DEIS)

The following input to the DEIS is specific to the proposed portion of the transmission line where it would cross the predominately forested lands on Glass Hill and then proceed northwest above Rock Creek in Union County, see project map with notes and references titled 'Aerial Parcel Maps, June 2012 Routes, Boardman to Hemingway, Map 8 of 23', *attached*.

**Negative Impacts of Proposed Route Across Glass Hill**

This route, including the alternate, as proposed by Idaho Power Company (IPC) will have unacceptable long term negative impacts on wildlife and their habitat; on the predominately forested areas; on the visual impact from the National Forest land to the south and west; and on the numerous land owners in this area.

The more recent and current landowners in this area have worked hard to restore their properties to a more undeveloped and natural state and have been very successful in returning their land and streams to the more pristine conditions that were present prior to the turn of the century when the area was extensively homesteaded and then in more recent years when the area was extensively roaded and logged. The landowner efforts have resulted in an extraordinary restoration to the areas original natural resources and character, this corresponding improvement in habitat has contributed to a substantial rebound in the wildlife population and more recently returning numbers of steelhead to Rock Creek.

Wildlife
The DEIS correctly identifies that regardless of the route across Glass Hill the line would result in 'long-term high impacts' to the wildlife habitat, see page 3-288, Segment 2 – Wildlife Habitat. The DEIS also properly shows that this route will go through a large portion of existing high quality elk wintering range, see 'Figure 3-18 Elk Habitat map on page 3-242, *attached*.

N5a

Forested Lands
The route across Glass Hill does not meet the requirements of the Oregon Statewide Planning Goals & Guidelines, Goal 4: Forest Lands, *attached*. On Page 3-395 of the DEIS, compliance with this condition is identified and it states 'The purpose of Goal 4 is to conserve forest lands.' As stated below:

> OAR 660-015-0000(4), Forest Land, attached:
> To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Then under the Guidelines Section, it has the following requirements:

> B. IMPLEMENTATION
> 1. Before forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated.
> 2. Developments that are allowable under the forest lands classification should be limited to those activities for forest production and protection and other land management uses that are compatible with forest production. Forest lands should be available for recreation and other uses that do not hinder growth.
> 3. Forestation or reforestation should be encouraged on land suitable for such purposes, including marginal agricultural land not needed for farm use.
> 4. Road standards should be limited to the minimum width necessary for management and safety.
> 5. Highways through forest lands should be designed to minimize impact on such lands.
> 6. Rights-of-way should be designed so as not to preclude forest growth whenever possible.
> **7. Maximum utilization of utility rights-of-way should be required before permitting new ones.**
> 8. Comprehensive plans should consider other land uses that are adjacent to forest lands so that conflicts with forest harvest and management are avoided.

N5a

The Final EIS has been updated to include evaluation of existing timberlands and analysis of potential impacts. See Section 3.2.6 for further detail. In addition, impact analysis and mitigation measures have been more clearly identified and organized to address impact and mitigation associated with revegetation. See also Section 3.17 for discussion of economic impacts related to Timber resources.

## COMMENT(S)

**N5** **Glass Hill Coalition (cont.)**

My calculations indicate that the proposed route across Glass hill from mile point 117 to 122 will go through approximately 5 miles of property that has historically been moderately to heavily forested (as identified by reviewing areas shown in green on the USGS topography map for this area) and if the 250 foot wide utility corridor is placed on this 5 mile route it will result a 151 acre loss of timber producing land which will also reduce the thermal/hiding cover for the wildlife.

N5b

Fish
Even though the DEIS In Section 3.2.5, Fish Resources on page 3-369 identifies that – "short-term direct and indirect effects to listed and candidate species from project construction of the Glass Hill Alternative would be high", it does not appear that the DEIS properly evaluated the potential long term negative impacts to the fish habitat in Rock Creek. On page 3-368 it seems to only consider stream crossings and states:

> Glass Hill Alternative
> The Glass Hill Alternative crosses the same Upper Grande Ronde River tributary streams and as the Proposed Action and has the same number of stream crossings, although 2 crossings would be at different locations than the Proposed Action. Both crossings would occur on perennial streams at a culvert. Both stream crossings support fish populations; one crossing on Little Rock Creek supports redband trout and other resident fish species (non-protected species) and the second crossing at Rock Creek supports Snake River Basin steelhead and redband trout. The Glass Hill Alternative would have one less crossing than the Proposed Action where steelhead are present.

Given the proposed route would run along Rock Creek for over 8 miles from mile point 109 to between mile point 118 and 119 where it turns east to go across Glass Hill and would be located on hillsides and ridgelines that drain into Rock Creek and thus the effects are not just limited to the 'crossings'. Given the severe slopes in several areas along the route it should be expected this route will result in additional and ongoing sedimentation making it into Rock Creek but it does not appear this has been properly evaluated?

N5c

Back in the mid 1970's I spent considerable time on Rock Creek in the spring and observed spawning anadromous fish in Rock Creek south of where the proposed line comes over Glass Hill at mile point 118. Then later after the surrounding area was extensively logged I no longer observed these fish. Recent studies conducted by the Confederated Tribes of the Umatilla Indian Reservation, letter to Mr. Allen, *attached*, are finding increasing numbers of spawning steelhead which are identified as an Endanger Species Act fish species. This summary also notes that the Rock Creek watershed is "…ranked second highest priority for conservation actions within the Upper Grande Ronde by the Natural Resource Conservation Service (NRCS) 2013 Conservation Implementation Strategy." The DEIS needs to do more than just evaluate the 'crossings' associated with Rock Creek and it needs to perform a more thorough evaluation of the fish species present as it does appear that 'endangered species' are present and will be negatively impacted by both the proposed and alternate route.

N5d

Visual
In reviewing the EIS I did not find where the visual impact of the proposed line route across Glass Hill was evaluated when being viewed from people using the National Forest land to the west and south of the proposed route, from areas in the proximity of Elk Mountain, the ridges along Rock Creek and from the Beaver Creek watershed area as shown on the attached Aerial Parcel Map. Given the proposed route would come across the top of Glass Hill and be on the 'skyline' for over 1 mile at mile point 119 to 120, and then due to the line route proceeding along the western facing slopes and ridge lines above Rock Creek for over 6 miles from mile point 113 to 119 which is predominately open landscape, it will be highly visible for these public lands when people are utilizing them to enjoy remote and undeveloped experiences, whether hunting, hiking, ATV riding, etc.

N5e

In this area the line will also be in view of the numerous private land owners beyond that identified from the 'Elk Song Platform' and which will degrade the visual quality to a greater extent than stated in the DEIS. The land owners have and enjoy these properties because of the remote and undeveloped character of this area and the visual impact needs to be considered from the entirety of these properties not just from selected 'platforms'.

N5f

In the visual impact section of the report it appears to only address the visual impacts of this section of the line when viewed from the developed area along interstate I-84; from areas around the Grande Ronde valley; and from La Grande. The impact of viewing the line from the remote areas along the proposed

## RESPONSE(S)

N5b The Applicant has committed to updated design features and selective mitigation measures designed to minimize anticipated potential B2H Project impacts from sediment transport to streams from upland locations, including the use of existing roads and selective removal of vegetation. Please refer to Section 3.2.5 of the Final EIS for analysis of these impacts.

N5c Fish species presence within the project area has been analyzed to include steelhead, Chinook salmon, redband trout, and others. Updated design features and selective mitigation measures designed to minimize anticipated potential B2H Project impacts have been developed to minimize impacts on fish and fish habitat. Refer to Section 3.2.5 of the Final EIS for analysis of these impacts.

N5d Comment noted. The analysis of impacts to scenic quality is an indicator of potential impacts to areas from dispersed users.

N5e Comment noted. An analysis of impacts from residences that are most likely to be impacted has been added to the Final EIS. The analysis of impacts to scenic quality is also an indicator of potential impacts to areas regardless of the selected platforms.

N5f Comment noted. The analysis of impacts to scenic quality is an indicator of potential impacts to areas from dispersed users.

## COMMENT(S)

**N5** **Glass Hill Coalition (cont.)**

N5f

route will have a significantly higher negative impact as compared to being viewed from areas with numerous existing developments; ie. the freeway, existing transmission line, residences, farm and ranch buildings, communication towers, etc. The high visual impacts form the more remote areas should have a significantly higher significance than the visual impacts from the areas with existing developments.

N5g

Noise
My experience with the area between proposed mile point 115 and 119 is that it is without noise/sound from civilization the majority of the time when motor vehicles are not present and firearms are not being discharged. In this area the sounds of the traffic on the freeway, the sound of trains and other mechanical noises from La Grande and the valley are not present. It is still an area where the sounds of nature and/or lack of un-natural sound can be enjoyed the majority of the time.

I strongly suspect that this serenity is a contributing factor in the high wildlife populations in this area. Construction of the line in this area would introduce the corona/static noise associated with the electrical potential in the line and result in long term negative impact on the serenity of this area. At a minimum, the impact of un-natural noise on remote areas and wildlife should be given greater consideration than the noise impacts on areas where all types of un-natural noise are already present and ongoing.

N5h

**Recommended Lower Impact Route to the East of Glass Hill**

To minimize the impact of the line routing through this area the line should follow the existing 230 kv transmission line from mile point 108 to 126 and 'skirting' La Grande as drawn on the attached 'Aerial Parcel Maps, June 2012 Routes, Boardman to Hemingway, Map 8 of 23', *attached*.

This route would significantly reduce the negative impacts of the proposed route as a result of the following:

- Predominately follows the existing electrical utility corridor eliminating the need to create a new corridor and thus reducing the amount of forest land, wildlife habitat, recreational areas and landowners impacted.
- Stays in predominately opened landscape and will be only visible from Morgan Lake in a small area to the northwest.
- Remains 'out of sight' of the National Forest lands as described previously thus eliminating the resulting negative visual impacts from these remote areas.
- Follows closer to the edge of the elk wintering range in already developed areas as compared to going through the more remote east quarter of the area which will be about 5 miles away from the easterly edge, see attached Elk Habitat Map, November 2014, *attached*.
- The visual impact of this new line as it follows the existing 230 kv line is minimized as the majority of the line is located against vegetated hillsides that will obscure the view of the line and the line will only be 'skylined' in two short sections where it would cross ridgelines south and west of La Grande.
- Prevents adding new roads and developments on the undeveloped portion of Glass Hill which would destroy the remote character of this area resulting in reduced land and recreational values for both the land owners and the public using adjoining lands.
- Will protect Rock Creek from additional sedimentation and the effects on the returning fish species.
- Will not add noise/sound to the remote area west of Glass Hill

This route would further reduce the disturbance of even more acres than described below in Section 2, Proposed Actions and Alternatives, on page 2-72, by following the existing line further than the Proposed Action and thus avoiding the additional effects on the 'relatively undisturbed landscape' on Glass Hill.

> In the Blue Mountains Segment, the Proposed Action is the Environmentally and Agency Preferred Alternative primarily because the Proposed Action would disturb fewer acres of winter range and cause less vegetation disturbance. When compared to the Glass Hill Alternative, the Proposed Action would disturb fewer acres of winter range during construction and fewer acres during operation. Agency considerations include the closer alignment of the Proposed Action to an existing transmission line for 3 of the 7.5 miles and avoidance of effects on a relatively undisturbed landscape.

## RESPONSE(S)

N5g

Noise is addressed in Section 3.2.18 of the EIS. Corona is a weak source of audible noise and the proposed line is designed to meet applicable noise limits. The levels of audible noise are further reduced with distance. In fair weather the noise may not be detectable at all and indoors the levels would be still lower. The Applicant will comply with established noise ordinances and suggested noise guidelines to reduce the potential for adverse noise impacts at noise-sensitive receptors.

N5h

Comments noted. Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

## COMMENT(S)

**N5** **Glass Hill Coalition (cont.)**

**Idaho Power Company Reasons for not Considering this Route**

Myself and others have proposed various versions of the route proposed above to IPC on numerous occasions and as a result they provided the attached 'Feasibility of Locating the B2H Transmission Line East of Glass Hill' document with the associated 'La Grande Vicinity Map dated January 2011', *attached*, presenting the following reasons for not utilizing this route:

- High visibility from travelers on a 5 mile section of I-84 and from portions of the city of La Grande;
- Concerns expressed by Union County representatives;
- Proximity to residences on Foothill Ladd Canyon Road;
- Up to 3.6 miles of landslide prone hillsides;
- Five to six miles of severs side slopes;
- Over a mile of Ladd Marsh Wildlife Management Area (LMWA) crossed; and
- Does not meet 1500 foot reliability separation criteria.

N5i I would provide the following information in response to each of the concerns presented by IPC:

- High visibility from travelers on a 5 mile section of I-84 and from portions of the city of La Grande;
  Although a valid concern, the resulting higher negative impacts of placing the line across the undeveloped portion of Glass Hill should far outweigh the visual impacts to travelers on a freeway and residents in the city with developments already present all around it.
- Concerns expressed by Union County representatives;
  These concerns were never elaborated on by IPC but reasoning for routing the line across Glass Hill as compared to following the existing line should follow the same reasoning as presented above.
- Proximity to residences on Foothill Ladd Canyon Road;
  Again, although a valid concern it should not result in placing the line across the undeveloped portion of Glass Hill as compared to placing it along the existing transmission line and other developments in the valley.

N5j
- Up to 3.6 miles of landslide prone hillsides;
  IPC provided information showing historical slide areas highlighted, as a result I followed the entire length of the existing 230 kv line in this area and did not find any indication of any recent slide activity and if this is an actual concern it would seem that IPC would have moved the existing 230 kv line. The topographic maps of the location along the existing 230 kv line route do not show features such as springs or areas that will hold rain water and result in the hill side becoming unstable in the future.
- Five to six miles of severe side slopes;
  The hillsides above Foothill Road are not significantly 'steep', but even though IPC asserts them to be steep, they were able to install the existing 230 kv line along this hillside and if they were able to construct this line and others like the transmission line to Hells Canyon Dam they should be able to construct the line along Foothill Road without much trouble? They seem to be claiming that it may not be 'easy' to construct, this should not be a reason to run it through the undeveloped higher impact area on Glass Hill.
- Over a mile of Ladd Marsh Wildlife Management Area (LMWA) crossed;
  Another valid concern but placing the line across slightly over 1 mile of the wildlife area which is predominately open landscape and that already has a transmission line on it would have a significantly lower impact on wildlife than placing it across over 10 miles of undeveloped forested land with exceptional wildlife habitat. I have contacted the Oregon Department of Fish and Wildlife (ODFW) and the only concern I identified from them was associated with the line being on or close to the wetlands which could result in significant bird impacts, but placing the line off the wet lands area above Foothill Road did not cause them significant concern. I have extensive documentation confirming this and I also have

## RESPONSE(S)

N5i Comments noted. Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

N5j See response to Comment N5i.

## COMMENT(S)

## RESPONSE(S)

**N5** **Glass Hill Coalition (cont.)**

N5j

documentation showing that IPC had not had any discussions with the ODFW on the possible line location across the wildlife area until April 4, 2011 which demonstrates they only made assumptions about ODFW not wanting the line to cross the wildlife area during the scoping and proposed route development.

N5k

- Does not meet 1500 foot reliability separation criteria;

IPC was never able to provide any information that validated the separation criterion of 1500 feet and I did extensive research to try and validate it myself without success. Chapter 2 of the DEIS report provides the following information starting on page 2-67:

2.4.2.1 INSTALL DOUBLE-CIRCUIT NEW TRANSMISSION LINES ON EXISTING TOWERS IN THE STUDY AREA
One of IPC's objectives in proposing the B2H Project is to improve system reliability between the Boardman and Southeastern Idaho areas. System reliability is generally improved by adding redundant transmission lines so that if one line is damaged or otherwise not in service, the other one can continue to provide service. However, locating the proposed B2H 500-kV line closer than 250 feet to other high-1 voltage lines would create "Adjacent Transmission Circuits" (WECC 2012). Adding Adjacent Transmission Circuits does not improve a system's reliability rating because a single event could disrupt service on both transmission lines. This alternative was considered but eliminated from detailed analysis because it is ineffective in responding to the agencies' need to respond to the SF 299 application and because it is ineffective in meeting IPC's purposes for proposing the B2H Project.

This information was not in the WECC System Performance Criteria that IPC provided me per my numerous requests on the separation criteria and although I was not able to find information supporting this, if correct it would indicate that the new line could be constructed up to 250 feet from the existing line, thus invalidating the information they provided to me on the 1500 foot restriction.

As a result of this and because there have been at least two 500 kv transmission lines built in recent years that are less than 250 feet away from existing 500 kv, and 230 kv lines, indicates to me that this criteria/restriction may not exist. Last year BPA completed construction of a new 500 kv transmission line within approximately 100 feet from two existing 500 kv lines on the north side of the Columbia River between the John Dan and McNary Dam substations. More information on this line can be found at (http://www.bpa.gov/transmission/Projects/line-projects/Documents/map-McNary-John_Day-October_2008.pdf), map *attached*. Then I've *attached* pictures of the 500 kv transmission line from the Calpine power plant south of Hermiston, Oregon that connects to the BPA McNary Substation which was constructed next to the existing north end of the same 230 KV line that goes to La Grande and I measured the distance between these lines as shown on the pictures. This shows that the support structures were placed less than 100 feet apart with the conducting lines only being approximately 75 feet apart.

Lastly, *attached* is a picture of the numerous 500 kv lines above Rufus, Oregon which creates more doubt on the existence of any significant separation rule and begs the question of the significance of having the B2H line built a significant distance from the existing 230 kv line when all of these lines are so close together?

Again, even if a separation criterion of some type does exist, this should not result in placing the line across Glass Hill and creating the higher adverse impacts.

**EIS Information Correction/Clarification**

N5l

It needs to be noted that the information provided in the Executive Summary on page S-7 and partially restated again in Chapter 2, Proposed Action and Alternatives, on page 2-57 on the Glass Hill Alternative is not correct, see information copied from page S-7 below:

Glass Hill Alternative
The Glass Hill Alternative was developed to address concerns about the Proposed Action's proximity to the Ladd Marsh Wildlife Management Area and visibility concerns from La Grande in Union County. The Glass Hill Alternative is approximately 7.5-miles-long located to the west of the Proposed Action on private land in Union County near La Grande, Oregon. The Glass Hill Alternative is the same length as the Proposed Action.

N5k

Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/ options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3. The analysis has been expanded to include alternative route variations with careful consideration of county lands and colocation with existing facilities (including transportation facilities). Colocation with existing utilities is given preference where feasible.

The BLM understands the Applicant considered a range of technologies for high-voltage transmission and considers the project description to reflect the best available technologies.

N5l

These errors have been corrected.

## COMMENT(S)

**N5** **Glass Hill Coalition (cont.)**

N5l

Neither the proposed route across Glass Hill nor the alternate route are in '…proximity to the Ladd Marsh Wildlife Management Area', nor should there be any '…visibility concerns from La Grande in Union County' as neither of these routes as proposed can be seen from La Grande. These statements would have been true had the line been routed as proposed above along the exiting 230 kv line over to the gas pipeline line route and had the proposed 'Alternate' route followed the existing proposed route across Glass Hill which is not the case. The information on the Glass Alternative needs to be corrected to identify the actual reason why it was proposed as shown.

N5m

Next, in Chapter 2, Table 2-12. Summary of Effects by Alternative on page 2-78 indicates that the Glass Hill routes would have the following Wildlife Resource impacts, 'Big game – long-term moderate impacts. Construction impacts-moderate.' Yet in Chapter 3 on page 3-288 of the EIS it states the following:

> SEGMENT 2—BLUE MOUNTAINS
> Wildlife Habitat
> The majority of habitat that would be impacted in Segment 2 is woodland/forest habitat followed by shrubland habitat. The amount of each primary wildlife habitat type that would be disturbed within the right-of-way for the alternative in Segment 2 is compared by alternative in Table 3-43 in Vegetation Section 3.2.3.
> Forests and woodlands cleared during construction would be impacted for much longer than other habitat types. This impact would displace wildlife that use forests and woodlands for many generations until vegetation can recover. In addition, due to the greater potential for edge effects where this habitat type is cleared compared to the other habitat types, forest/woodlands adjacent to cleared areas would be impacted as well. Though mature forests are rare, the impacts to this forest type, such as edge effects, would be more pronounced due to the more distinct difference between mature forest and adjacent cleared areas, and the longer recovery time of this type of habitat (several decades). Wildlife species that use this habitat type, for example northern goshawk and American three-toed woodpecker, would experience habitat loss until areas re-grow during Project operations, in this case, several decades. Removing trees would cause the loss of both present habitat (canopy cover, live trees, forest understory) and potential future habitat (snags and downed wood from dead, mature trees). Woodland/forest habitat support diverse assemblages of wildlife species, often including species that are specific to that habitat type. Because forests and woodlands support a wide range of species and are slow to regenerate, the Proposed Action and alternative in Segment 2 would result in long-term high impacts to this habitat type.
> The types of direct and indirect effects that could occur to shrubland habitat are described in Segment 1. Because shrublands support a wide range of species and are slow to regenerate, the Proposed Action and alternative in Segment 2 would result in long-term high impacts to this habitat type.

The information in Table 2-12 appears to be incorrect as The information in Chapter 3 of the report properly identifies that the wildlife habitat impacts for these routes would be 'long-term high impact', not moderate as shown in the table.

Please incorporate this input into the Final EIS to ensure this line has the lowest possible impact on the land, the wildlife, the public and the landowners on Glass Hill and throughout the entire length of the project.

Sincerely,

Dan Turley
855 East Quince Ave
Hermiston Oregon, 97838

Representing the Glass Hill Coalition

**Attachments:**

1. Aerial Parcel Maps, June 2012 Routes, Boardman to Hemingway Map 8 of 23, showing proposed lower impact route and visual impacts from Forest Service lands
2. Figure 3-18 Elk Habitat map from page 3-242 of the DEIS
3. Oregon Statewide Planning Goals & Guidelines, Goal 4: Forest Lands
4. Confederated Tribes of the Umatilla Indian Reservation, letter to Mr. Allen
5. Feasibility of Locating the B2H Transmission Line East of Glass Hill' document with the associated 'La Grande Vicinity Map dated January 2011
6. http://www.bpa.gov/transmission/Projects/line-projects/Documents/map-McNary-John_Day-October_2008.pdf , BPA 500 kv transmission line placed next to existing 500 kv lines
7. 500 kv Power Line located within 100' of 230 kv line near Hermiston, Oregon
8. 500 kv transmission lines above Rufus, Oregon
9. Glass Hill Supporters List, 7 pages

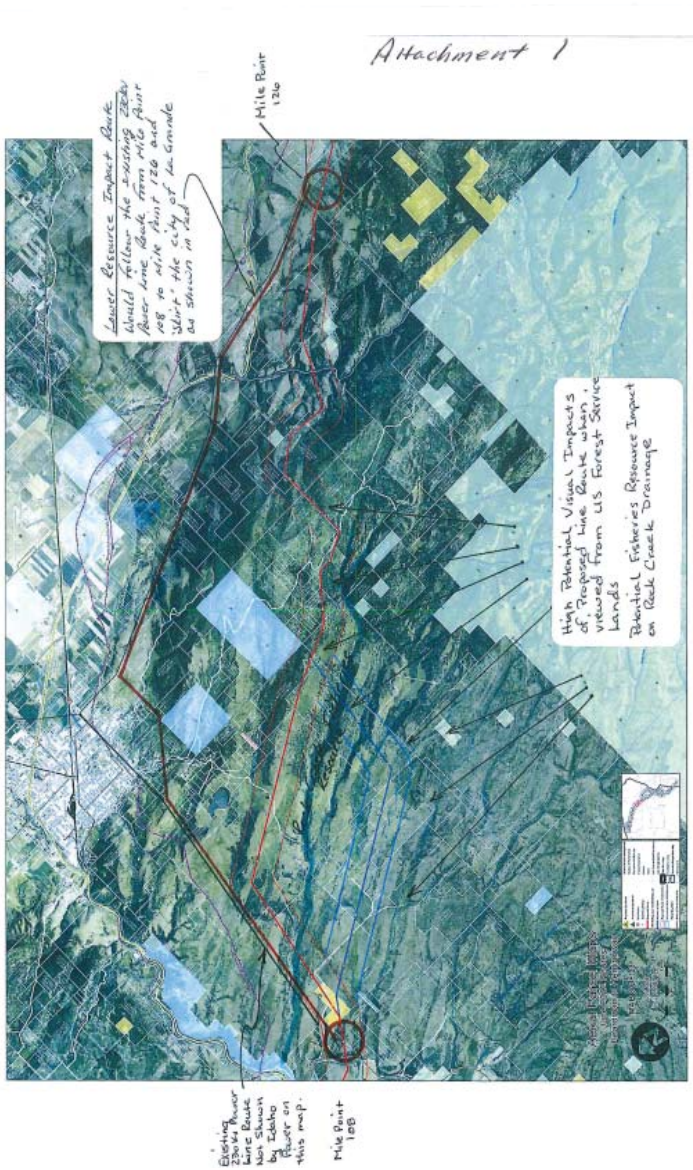
## RESPONSE(S)

N5m

Comment noted. Based on comments on the DEIS, the EIS has been updated with a revised impact analysis methodology, and Chapter 2 has been updated accordingly. Refer to Section 3.2.4.3 in the Final EIS.

## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**



## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**

Attachment 2



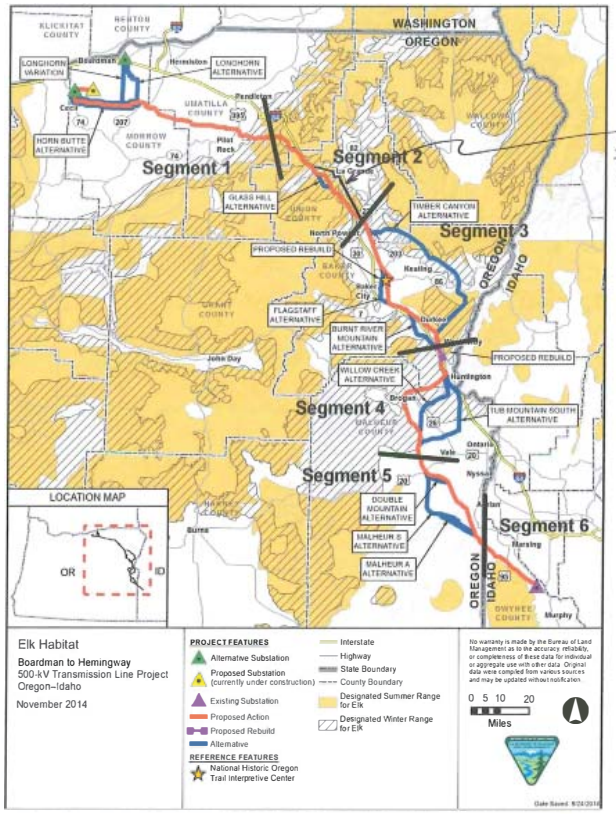



**Figure 3-18. Elk Habitat**

## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**

Attachment 3

# Oregon's Statewide Planning Goals & Guidelines

## GOAL 4: FOREST LANDS

**OAR 660-015-0000(4)**

**To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

**USES**

Forest operations, practices and auxiliary uses shall be allowed on forest lands subject only to such regulation of uses as are found in ORS 527.722.

Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law.

**IMPLEMENTATION**

Comprehensive plans and zoning provide certainty to assure that forest lands will be available now and in the future for the growing and harvesting of trees. Local governments shall inventory, designate and zone forest lands. Local governments shall adopt zones which contain provisions to address the uses allowed by the goal and administrative rule and apply those zones to designated forest lands.

Zoning applied to forest land shall contain provisions which limit, to the extent permitted by ORS 527.722, uses which can have significant adverse effects on forest land, operations or practices. Such zones shall contain numeric standards for land divisions and standards for the review and siting of land uses. Such land divisions and siting standards shall be consistent with the applicable statutes, goal and administrative rule. If a county proposes a minimum lot or parcel size less than 80 acres, the minimum shall meet the requirements of ORS 527.630 and conserve values found on forest lands. Siting standards shall be designed to make allowed uses compatible with forest operations, agriculture and to conserve values found on forest lands.

Local governments authorized by ORS 215.316 may inventory, designate

1

## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**

Attachment 3 cont.

and zone forest lands as marginal land, and may adopt a zone which contains provisions for those uses and land divisions authorized by law.

**GUIDELINES**

**A. PLANNING**

1. Forest lands should be inventoried so as to provide for the preservation of such lands for forest uses.
2. Plans providing for the preservation of forest lands for forest uses should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

**B. IMPLEMENTATION**

1. Before forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated.
2. Developments that are allowable under the forest lands classification should be limited to those activities for forest production and protection and other land management uses that are compatible with forest production. Forest lands should be available for recreation and other uses that do not hinder growth.
3. Forestation or reforestation should be encouraged on land suitable for such purposes, including marginal agricultural land not needed for farm use.
4. Road standards should be limited to the minimum width necessary for management and safety.
5. Highways through forest lands should be designed to minimize impact on such lands.
6. Rights-of-way should be designed so as not to preclude forest growth whenever possible.
7. Maximum utilization of utility rights-of-way should be required before permitting new ones.
8. Comprehensive plans should consider other land uses that are adjacent to forest lands so that conflicts with forest harvest and management are avoided.

2

## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**

Attachment 4

Confederated Tribes *of the* Umatilla Indian Reservation

DNR Fish & Wildlife Programs

46411 Timíne Way
Pendleton, OR 97801

www.ctuir.org email: info@ctuir.org
Phone 541-276-3447

3/11/2015

Dear Mr. Allen,

Following our recent March 2015 conversations about Endangered Species Act listed fish use of the Rock Creek Sub-Watershed I would like to give you an update on the recent fish surveys/sampling conducted by the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).

- **Steelhead Spawning:** CTUIR started steelhead spawning surveys within the sub-watershed in 2011. Each year during the spawning season (March to June) approximately 12.1 miles of streams have been surveyed. These streams include Rock Creek (lower 4.8 mile), Graves Creek (lower 4.2 miles), Sheep Creek (lower 1.2 miles), Little Rock Creek (lower ½ mile), and Little Graves Creek (lower 1.4 miles).
    - The number of redds found each year range between 7 and 14 with an average of 10 per year for all stream miles combined.
    - Typical peak spawning occurs in April and May, However, in 2015 CTUIR observed 12 redds on March 10 within the lower 4.8 miles of Rock Creek.
    - On March 11th 2015 CTUIR biologists observed 3 steelhead redds on Rock Creek within the Elk Song Ranch property boundary. Juvenile *O.mykiss* were also observed on the ranch in Little Rock Creek.
- **Juvenile Steelhead/*O.mykiss* presence:**
    - **Snorkel surveys:** CTUIR conducted snorkel surveys on Rock Creek in 2011, 2012, and 2014 with estimated average densities of 1 fish per $m^2$ of pool habitat.
    - **Fish Salvage as part of restoration actions:** In summer 2014 CTUIR conducted salvage operations on Rock Creek to remove all fish species (including ESA listed fish) from areas of stream bed/bank disturbance during placement of large wood habitat. Methods used were electro-fishing and sein nets, with 24 sites salvaged. Results were:
        - 3,664 fish salvaged of which 2,185 were ESA listed fish (steelhead/*O.mykiss*).
        - ESA listed fish made up 59.6% of all fish captured.
        - Densities of captured ESA fish were 2.67 fish/$m^2$ of pool habitat (nearly 3 times the density of fish salvaged in Catherine Creek in the same year).
        - Snorkel surveys underestimated fish densities by approximately 60%
- **Juvenile Chinook Salmon presence:**
    - CTUIR recorded 30 juvenile Chinook in 2011 during snorkel surveys.

Limiting factors affecting the recovery of ESA fish species within this sub-watershed have been identified by the Grande Ronde Subbasin Plan (2009), Oregon Draft Recovery Plan for Spring/Summer Chinook and Steelhead Populations (2010), and Bonneville Power Administration's (BPA) Atlas process (2014) as:

- 1.1 Habitat Quantity: Anthropogenic Barrier
- 4.1 Riparian Condition: Riparian Condition
- 4.2 Riparian Condition: LWD Recruitment (STS)
- 6.1 Channel Structure and Form: Bed and Channel Form
- 6.2 Channel Structure and Form: Instream Structural Complexity
- 7.2 Sediment Condition: Increased Sediment Quantity
- 8.1 Water Quality: Temperature
- 9.2 Water Quantity: Decreased Water Quantity

Treaty June 9, 1855 ~ Cayuse, Umatilla and Walla Walla Tribes

## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**

Attachment 4 cont.

Confederated Tribes *of the* Umatilla Indian Reservation

DNR Fish & Wildlife Programs

46411 Timíne Way
Pendleton, OR 97801

www.ctuir.org email: info@ctuir.org
Phone 541-276-3447

The watershed is also ranked second highest priority for conservation actions within the Upper Grande Ronde by the Natural Resource Conservation Service (NRCS) 2013 Conservation Implementation Strategy.

As we discussed in early March water run-off from the ridges and slopes does naturally contribute water and sediment to the stream with these slopes typically remaining saturated for extended periods through the winter and spring into early summer. However, the addition of new roads within the Rock Creek drainage would be a concern for the potential negative impacts from concentrated or increased sediment supply to the stream system, particularly along the slopes and ridges of Rock Creek (as sediment quantity has been identified as one of the limiting factors affecting the recovery of listed species).

We look forward to working with you on restoration projects along the 13 miles of fish bearing streams on your ranch. These species are not only listed as threatened and/or endangered, but are also historically and culturally significant to the Tribe.

Leslie M Naylor

CTUIR Dept Fish and Wildlife
Assistant Fish Habitat Biologist
Grande Ronde Fish Habitat Program
Ag Service Center
10507 North McAlister Rd
Island City, OR 97850
Cell: 1-541-215-2245
Office: 1-541-429-7942

Treaty June 9, 1855 ~ Cayuse, Umatilla and Walla Walla Tribes

## ATTACHMENT

**N5** **Glass Hill Coalition (cont.)**

Attachment 5

**Feasibility of Locating the B2H transmission line East of Glass Hill**

A question has been raised by local residents about the feasibility of locating the proposed B2H transmission line east of Glass Hill and closer to the existing 230 kV transmission line and natural gas pipeline. The attached figure shows the current location of the proposed (red) and alternative (green) routes as well as a route (solid blue) identified by local citizens during the CAP and designated C11. Nevertheless, it was determined to have more potential impact than either the proposed red or alternative green routes and was eliminated from further consideration by IPC. IPC revisited this analysis and again came to the same conclusion; Route C11 is not a preferred route.

Disadvantages of this route are:

- High visibility from travelers on a five mile segment of I-84 and from portions of the city of LaGrande;
- Concerns expressed by Union County representatives;
- Proximity to residences on Foothill Ladd Canyon Road
- Up to 3.6 miles of landslide prone slopes;
- Five to six miles of severe side slopes;
- Over a mile of Ladd Marsh Wildlife Management Area (LMWA) crossed; and
- Does not meet 1,500 ft reliability separation criteria.

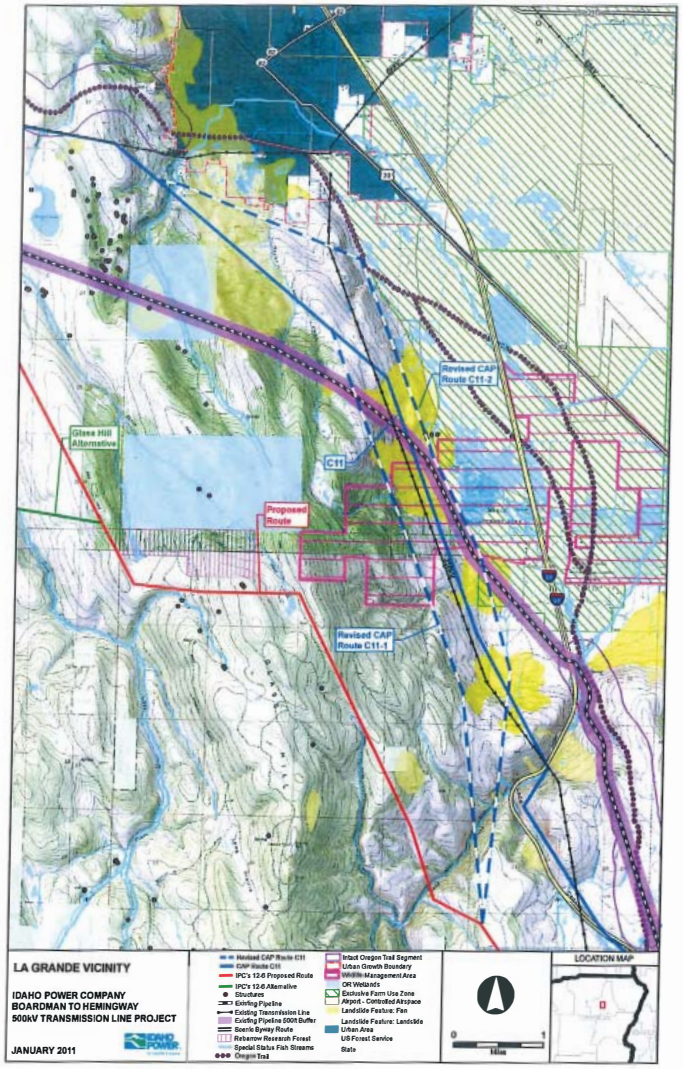
To further consider concerns raised by local residents; IPC identified two additional routes: C11-1 and C11-2. A key consideration in developing these alternatives is the affect on LMWA. The 6,019 acre LMWA contains the largest remnant wetland in northeast Oregon. It is considered a Protected Area under OAR 345-022-0040 and therefore an exclusion area under ESFC regulations. However, there is an exception in the EFSC regulations that allows crossing of a Protected Area if the new transmission line can be located within 500 feet of an existing transmission line or pipeline. Following the existing transmission line crossing through Ladd Marsh WMA on the west side (Revised CAP Route C11-1) is not recommended. To meet the required 1500ft reliability separation would put the route on higher and steeper slopes than either Routes C11 or C11-2 and would still have similar disadvantages as described for Route C11.

However, by regulation, the proposed B2H transmission line could be located within 500ft of the existing pipeline and meet the required reliability separation (Revised CAP Route C11-2). IPC considered this additional route and even with the regulatory option of crossing the marsh, the Revised CAP Route C11-2 would result in greater impacts than the Glass Hill red and green routes. Where the route would need to cross the marsh, it would be located in wet meadow and a semi-permanent wetland associated with West Marsh Habitat Management Unit (HMU) and adjacent to the Glass Hill HMU. The HMU goals include the protection, enhancement and management of wetland habitats to benefit fish and wildlife species and upland habitats for a wide variety of wildlife species. Outside of LMWA it would still have the disadvantages cited above for C11 and C11-1.

## ATTACHMENT

| N5 | Glass Hill Coalition (cont.) |
|---|---|

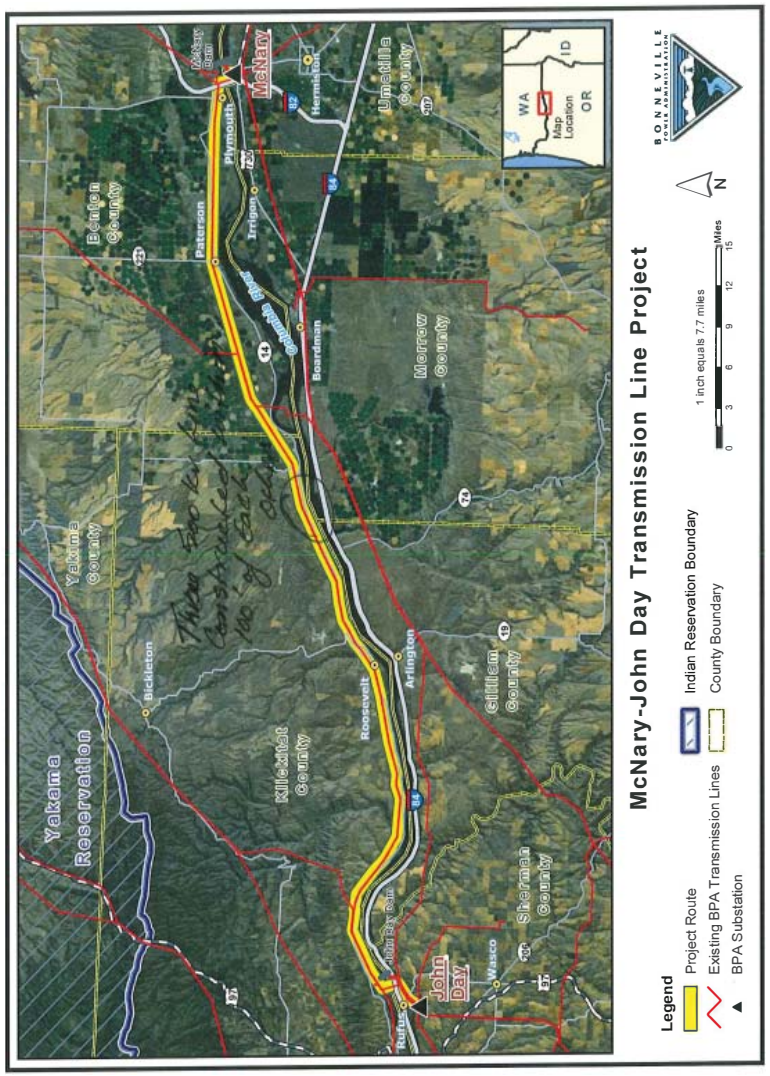
Attachment 5 cont.



## ATTACHMENT

| N5 | Glass Hill Coalition (cont.) |
|---|---|

Attachment 6



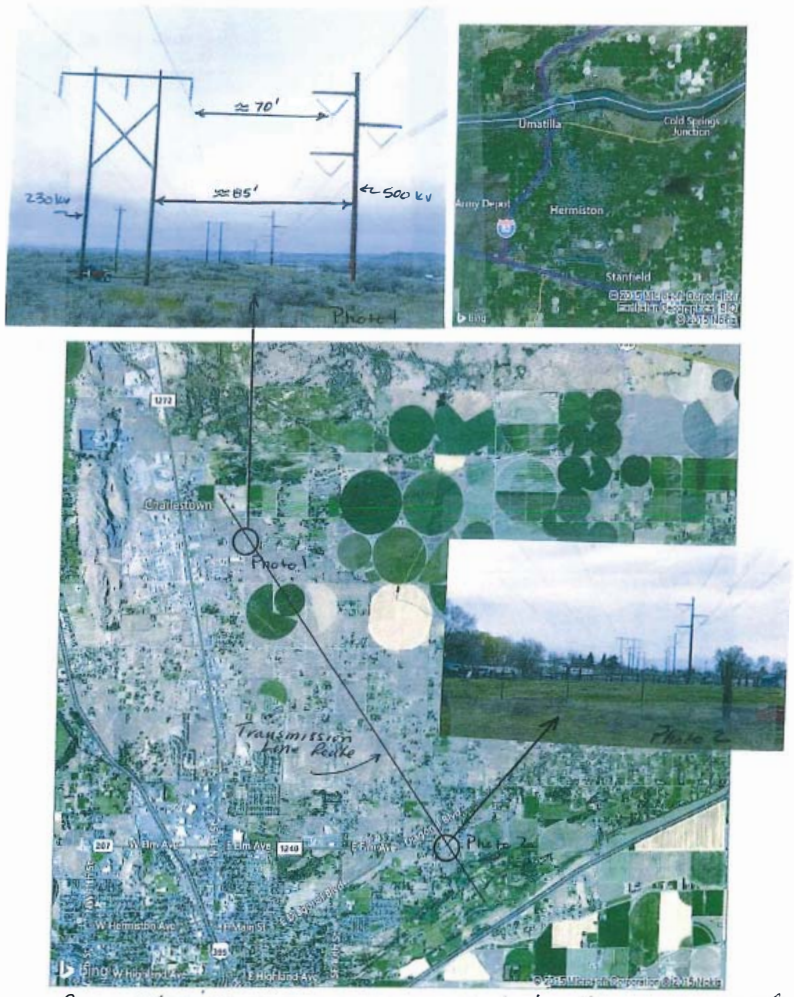
## ATTACHMENT

| N5 | Glass Hill Coalition (cont.) |
|---|---|

Attachment 7

Print - Maps

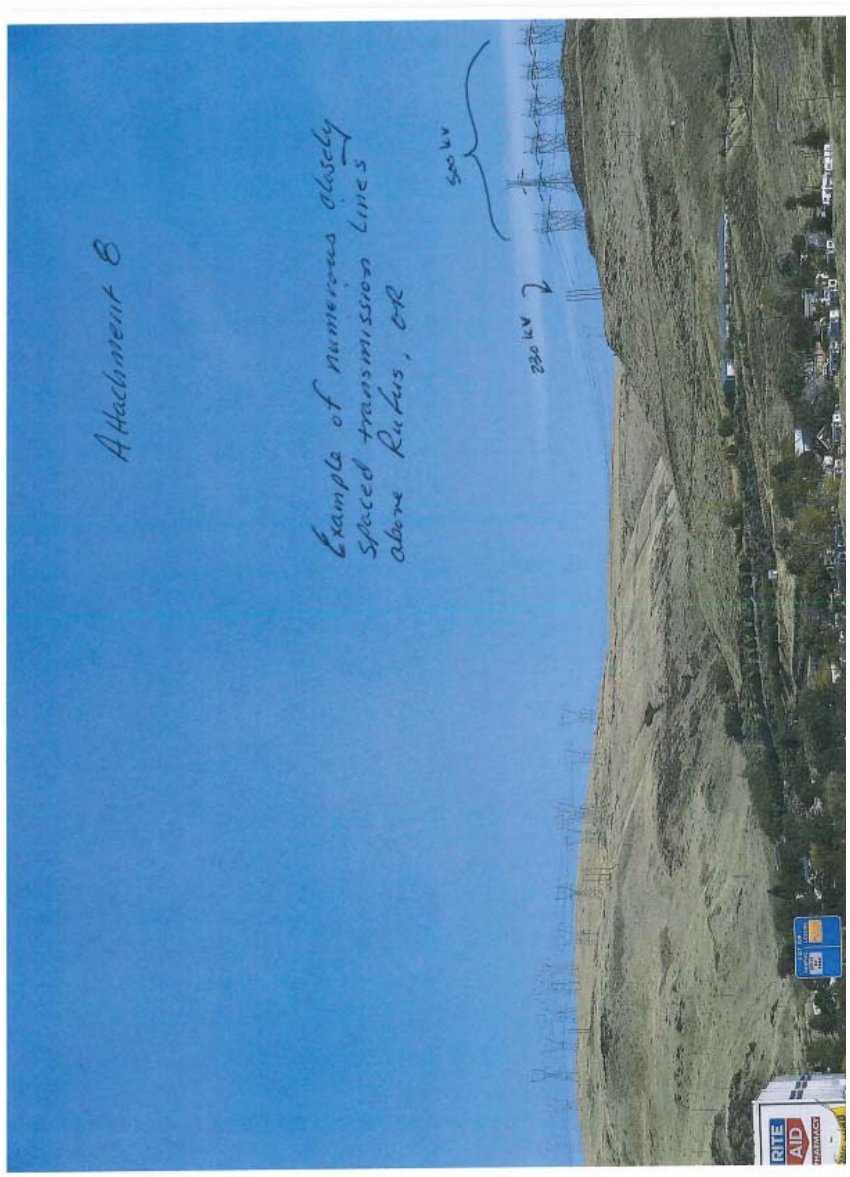
Page 1 of 1




Photo's showing 500 kv + 230 kv transmission lines constructed less than 100' apart and within 100' of dwellings.

## ATTACHMENT

| N5 | Glass Hill Coalition (cont.) |
|---|---|



**N5**

**ATTACHMENT**

**Glass Hill Coalition (cont.)**

Attachment 9

## Glass Hill Coalition Supporters List

The individuals listed oppose the Boardman to Hemmingway (B2H) transmission line route across Glass Hill in Union County and express support for the line to be routed in the location where it will have a lower impact on wildlife, forest lands, remote lanscape and private landowners. Review of the various routes available through this area shows that a route following the the exsisting 230 kv line along Foothill Road ~~to the intersection of the existing gas pipeline route then~~ proceeding along this already created utility easement would be a less impact route and should be the route utilized.

| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Daren Coon | 365 S 4th UNION OR 97883 | 786-4741 | daren.coon@northwoodmail.com | |
| 2 | Colby Lankford | 1704 K. Ave, LaGrande, OR | 663-6728 | Colby.lankford@northwoodmail.com | |
| 3 | Justin Kruse | 1314 Z Ave LaGrande OR | 624-2585 | Justin.kruse@northwoodmail.com | |
| 4 | Shannon Rogers | 1211 W Ave LaGrande OR | 786-2744 | Shannon.Rogers@northwoodmail.com | |
| 5 | Dave Mann | PO Box 192 Cove OR | 568-4565 | dave.mann@northwoodmail.com | |
| 6 | Clint Williams | 10502 W 5th St LaGrande, OR 97850 | 541-663-8574 | clint.williams@northwoodmail.com | |
| 7 | Glen Cole | 1500 Baltimore St Elgin, OR 97827 | 541-805-0345 | gscofgems5@yahoo.com | |
| 8 | Thad Sells | 61840 Blackhawk LaGrande | 541-786-1193 | | |
| 9 | Ronnie Bonney | 61984 Cottonwood Rd Imbler | 963-8845 | | |
| 10 | Amy Crson | 114 Polk Ave. LaGrande, OR | 663-1659 | | |
| 11 | Dave Decker | 2505 E J Ct LaGrande, OR | 910-2630 | | |
| 12 | Cody King | 10405 F Ave Island City | 541-377-3545 | | |
| 13 | [illegible] | 62624 Bird Lane | 541-910-0776 | | |
| 14 | [illegible] | 59948 Down Rd | 209-275-0720 | | |
| 15 | [illegible] | 734 N 4th S Ave | 541-284-4169 | Heather Scott | |
| 16 | [illegible] | 326 PO Box LaGrande OR 97850 | 541-910-1304 | | |
| 17 | [illegible] | 2302 E O ct | 541-663-1106 | | |
| 18 | Keith Williams | 10608 S McAlister | 541-910-9126 | | |
| 19 | Shawn Wood | 1303 U Ave | 541-910-5867 | | |
| 20 | Katie Turley | PO Box 1121 LaGrande OR | 541910-5284 | kqueene@yahoo.com | |

**N5**

**ATTACHMENT**

**Glass Hill Coalition (cont.)**

Attachment 9 cont.

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Marc Zollinger | 5712 SE 62nd Ave Portland OR | 541-228-4795 | marc.zollinger@gmail.com | |
| 2 | Kimberly Slack | 5712 SE 62nd Ave Portland OR | 971-678-9852 | kimmis@gmail.com | |
| 3 | Caitlin Thrush | 1007 West Dakota Union OR | 541-562-9907 | caitlinmarie@gmail.com | |
| 4 | Philip Dennis | 2016 OAKSE La Grande | 541 3996969 | dennis@eou.edu | |
| 5 | Jason Jones | 77727 Evers Canyon Rd Elgin 97827 | 541-536-4918 | fujyers@eou.edu | |
| 6 | McKenzie Evers | P.O. Box 4193 Union, OR 97883 | 541-975-4405 | mevers@eou.edu | |
| 7 | John Rinehart | PO Box 2887 La Grande 97850 | 541 962 6270 | none | |
| 8 | Walker Powell | 301 Jefferson Stat La Grande 97850 | 541-620-8848 | none | |
| 9 | Darylann Walterburg | 301 Jefferson St. #16 Lagrande 97850 | 541 620 1940 | NA | |
| 10 | Lewis Whiting | 1409 Walnut St. La Grande | 541-589-1488 | lewiswhiting@gmail | |
| 11 | Trey Regester | 1617 washington La Grande OR | 307-250-6613 | tregester@eou.edu | |
| 12 | Caitlynn Barton | 1607 6th st La Grande OR 97850 | 541-314-2260 | NA | Caitlynn Barton |
| 13 | Chanelle Burghard | P.O. Box 1270 North Hall La Grande OR 97850 | 541-667-7989 | cburghard@eou.edu | |
| 14 | KC Kilpatrick | P.O. Box 2270 daugherty Hall La Grande 97850 | 580-5175 | kconn9619@gmail.com | |
| 15 | Paula C Chamberlain | 202 4th Street La Grande OR 97850 | 208-833-3629 | pchamberlain@eou.edu | |
| 16 | Makenzie Forsyth | 108A Daugherty Hall One University BLVD La Grande OR | 509-832-3333 | mforsyth@eou.edu | |
| 17 | Jenny Vourlanega | 219D North Hall, One University Blvd La Grande OR | (971) 225-8936 | jvourlanega@eou.edu | |
| 18 | Evan Krohn | 1404 N Hall Street | (541) 514-4155 | ekrohn1995@gmail.com | |
| 19 | Shawn Crow | 916 14th St | 541-663-6207 | [illegible] | |
| 20 | Brian Stoebler | 44596 Pondhouse Rd Baker City OR | 541-519-2249 | [illegible]@gmail.com | Brian Stoebler |

**N5**

**ATTACHMENT**

**Glass Hill Coalition (cont.)**

Attachment 9 cont

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | [redacted] | [redacted] | [redacted] | [redacted] | [redacted] |
| 2 | Thomas Royer | 1513 21st St., L.G. | 541.514.8160 | WALKINBOSS@Gmail | |
| 3 | Marie Gaylord | 1513 21st St., L.G. | 808-294-4348 | marie.gaylord@gmail | |
| 4 | Don House | 59620 Glass Hill Rd LG | 541-805-8602 | donhousenaw@yahoo.com | |
| 5 | Marti House | 59620 Glass Hill Rd LG | 541-963-9257 | martihouseos@gmail.com | |
| 6 | Jane Wilber | Glass Hill Rd. LG | | | |
| 7 | Renee Wilber | 67828 Grants Corner Rd. Imbler, OR | 541-534-4065 | dawrenee@oregonwinter.net | |
| 8 | DALE Wilber | 67828 Grants Corn Rd Imbler, OR | 541-534-4065 | | |
| 9 | Blaine Wilber | Glass Hill Rd. | | | |
| 10 | Leslie Scott | " " " | | | By Permission |
| 11 | Mark Royer | 420 Arrowhead Drive Nampa, ID 83686 | (208) 442-5469 | [illegible]@126.com | |
| 12 | Joel Rice | 59878 Glass Hill Rd. La Grande | 541-786-2543 | joelrice@me.com | |
| 13 | Frank Peterson | 5551 Glass Hill Rd | 541-962-2459 | | |
| 14 | Rick Simons | 62556 Hill Rd Lgrd | 541-910-4444 | [illegible]@yahoo.com | |
| 15 | Michael McAllister | 60069 Morgan Lk Rd | 541 786 1507 | WILDLANDHTT@NETSCAPE.NET | MICHAEL MCALLISTER |
| 16 | MIKE ARMSTRONG | 80792 BEN RD HERMISTON OR | 541 980 5633 | mik@uthmed.com | |
| 17 | Carl Mulder | 860 Brandon St. Irrigon OR. | 541-922-8485 | calmulder@gmail.com | |
| 18 | Shannon Mulder | 860 Brandon St. Irrigon OR | 541-922-8885 | s.roggow@gmail.com | |
| 19 | | | | | |
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**ATTACHMENT**

**Glass Hill Coalition (cont.)**

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Daniel Willitts | P.O. Box 166 North Powder, OR | 541-898-2713 | dlw844@hotmail | |
| 2 | Brad Allen | 48748 McCarty Br Rd North Powder | 541-962-9137 | bradallen4x4@hotmail | |
| 3 | Lance Adams | 42759 Moody Rd Richland, OR | 541-519-5174 | sheepdog@smithnet.net | |
| 4 | Heidi Wlodarczyk | 2401 8th St, Baker City OR | 541-523-5204 | romahei@yahoo.com | |
| 5 | Logan Allen | 48748 McCarty bridge Rd North Powder | 541-519-0665 | logan.allen@mountainstates | |
| 6 | Bryson Allen | 45043 Pocahontas Rd. Haines, OR 97833 | 541-519-9493 | brysonallen@gmail.com | |
| 7 | Whitley Allen | 45043 Pocahontas Rd Haines, OR 97833 | 541-962-5975 | whitleyluoli@gmail.com | |
| 8 | Wendy Bryson | 49775 Ellis Road, North Powder OR 97867 | 541-898-2374 | b.nghamcattle@yahoo.com | |
| 9 | Jason Williams | 65579 Wolf Creek Ln North Powder | 9736754848-2460 | | |
| 10 | Jeff Williams | 48857 Hwy 30 North Powder | 541-403-1208 | | |
| 11 | Jeanette Thompson | 48363 Hwy 30 Haines OR | 541-856-3765 | | |
| 12 | Brent Thompson | 48363 Hwy 30 Haines OR | 541-856-3765 | | |
| 13 | Derren Thompson | 36288 Carnahan Ln Richland OR 97870 | (541)910-6[illegible] | | |
| 14 | Brandon Thompson | 245 Millie Way Deputte OR 97825 | 541-792-0186 | brandon.e.thompson@icloud.com | |
| 15 | Charlotte Thompson | 48363 Hwy 30 Haines OR | 541-856-3365 | | |
| 16 | Eric Dixon | PO Box 247 North Powder, OR 97867 | 541-519-7976 | | |
| 17 | Linda Wiebe | 425 E St. North Powder | 541-709-1045 | | |
| 18 | Bryan Eubanks | 525 3rd St. North Powder | 541-898-2118 | | |
| 19 | Taylin Espinoza | 535 5th St North Powder | 541-519-5071 | | |
| 20 | Calvin Tucker | 64125 Greiner Ln LaGrande | 541-786-8252 | | |

**N5**

**ATTACHMENT**

**Glass Hill Coalition (cont.)**

Attachment 9 cont.

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Jeff Lathrop | 914 South 4th Union | 962-4601 | jw@oregonwireless.net | |
| 2 | LEON LUND | 10503 W 4th La Grande | 963-7004 | | |
| 3 | Jill Billman | 534 N 11th St Union | 910-8966 | | Jill Billman |
| 4 | Rich Wasson | 1002 DOGWOOD ELGIN | 962-5469 | | Richard Wasson |
| 5 | Sally Thompson | P.O. Box 4 Elgin | 534-5822 | | Sally Thompson |
| 6 | Ronald Thompson | P.O Box 4 Elgin | 534-5822 | | Ronald Thompson |
| 7 | Jeff Yeager | P.O Box 165 North Powder | 898-2025 | | JEFF GEORGE |
| 8 | Kelly Seel | 49221 Foothill Rd North Powder OR | 786-5553 | seel@ntc.net | |
| 9 | ~~Bill Williams~~ | 65579 Wolf Creek Ln North Powder, Or | 541-898-2405 | | |
| 10 | Melissa Brown | PO Box 81 Haines, OR 97833 | 5415193638 | | |
| 11 | Emily Bingham | 49980 Ellis Road North Powder OR 97867 | 541-898-0048 | | |
| 12 | Sharon Schindler | 1000 F Street Baker City OR 97814 | 541-503-7413 | sschindler@ntnc.org | |
| 13 | June Allen | 48748 McCarty Bridge Rd N. Powder | 541-856-3358 | Union Co. | |
| 14 | Justin Bingham | 49980 Ellis Rd N. Powder OR 97867 | 541-898-0048 | jcb@wtagnet.com | |
| 15 | Eric Ashbaker | 13851 Loomis Ln Haines, OR 97833 | 5094200579 | ericashbaker@gmail.com | |
| 16 | Cynthia Ole | 13851 Loomis Ln Haines OR 97833 | 541 969 7847 | carcole@gmail.com | |
| 17 | Marji Lind | 46092 Schoolhouse Rd. Haines | 541-856-2220 | | |
| 18 | | | | | |
| 19 | | | | | |
| 20 | | | | | |

**N5**

**ATTACHMENT**

**Glass Hill Coalition (cont.)**

Attachment 9 cont

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Chris Arvidson | 48387 McCarty Bridge Rd Milton Oregon | 208 850 8957 | chris.arvidson@williams.com | |
| 2 | Robert Stephens | 46457 Stephens Rd Haines Ore | 910 0788 | | |
| 3 | Roy Tidwell | 13596 S. Rock Cr. Ln | 519-5659 | tidwell10@yahoo.com | |
| 4 | Ben Tidwell | 13596 S. Rock Cr. Ln. | 975-4552 | btidwell10020@gmail.com | Ben Tidwell |
| 5 | Allen Hack | 44821 Pocahontas Rd | 541-919 8167 | allenh.9783530@yahoo.com | |
| 6 | Matt Zisk | 2125 East Street | 541-885-0800 | N/A | |
| 7 | | | | | |

## Glass Hill Coalition Supporters List

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Josh Anderson | 13993 S. Rock Creek Haines, OR 97833 | 541-805-9650 | Scout7412@yahoo.com | |
| 2 | Colby Thompson | 51608 Bagwell Ln North Powder OR 97867 | 541-910-0006 | Tlazy-farm@hotmail.com | |
| 3 | Dalbert Stephens | 46226 Alt Cir Tum Rd Haines OR 97833 | 541-910-1001 | farmer201@gmail | |
| 4 | Erin Thompson | 51608 Bagwell Rd North Powder 97867 | 541-910 0008 | ethompson.02@hotmail.com | |
| 5 | | | | | |
| 6 | | | | | |

**N5**

**ATTACHMENT**

**Glass Hill Coalition (cont.)**

Attachment 9 cont.

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | Richard Huck | 512 Division Ave | 963-3456 | rahuck@frontier.com | Richard Huck |
| 2 | Jessica Huck | 512 Division Ave, LaGrande | 963.3456 | rrhuck@frontier.com | Jessica L. Huck |
| 3 | | | | | |

## Glass Hill Coalition Supporters List

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| | Name | Address | Phone Number | Email | Signature |
|---|---|---|---|---|---|
| 1 | MARK TURLEY | 1857 NW SCENIC DR. ALBANY OR | 541-619-0819 | MARK@NATIVEGLASS.COM | Mark Turley |
| 2 | | | | | |
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Sheet1 Sheet2 Sheet3

## COMMENT(S)

## RESPONSE(S)

### N6 Idaho Farm Bureau Federation

**comment@boardmantohemingway.com**

**From:** Brody Miller <bmiller@idahofb.org>
**Sent:** Thursday, March 19, 2015 6:30 PM
**To:** comment@boardmantohemingway.com
**Cc:** Ted & Mary Blackstock; Russ Hendricks; Dennis Brower
**Subject:** website comment
**Attachments:** Boardman to Hemingway Comments.docx

Please see attached Comments. Thank you.

Brody Miller
Idaho Farm Bureau Federation.
208-957-1854

1

## COMMENT(S)

## RESPONSE(S)

### N6 Idaho Farm Bureau Federation (cont.)

March 17, 2015

Bureau of Land Management
B2H Project DEIS
P.O. Box 655
Vale, OR 97918

Dear Ms. Tamara Gertsch:

The Idaho Farm Bureau Federation, which represents more than 72,000 Idaho families, is pleased to provide the following comments regarding the Boardman to Hemingway Transmission Line Project (B2H) Draft Environmental Impact Statement (DEIS).

N6a The members of the Idaho Farm Bureau support enhancing electrical infrastructure in our state. Our current policy regarding electrical transmission states: "We support upgrades in transmission and distribution. Routing of utility corridors should be placed on public land first and then to the areas of least impact to private property owners. We support the initiation of on and off ramps in transmission lines within the state of Idaho."

Transmission corridors have been designated on federal lands for the purpose of siting new transmission lines. New transmission lines should always be located within these corridors and should never be located on private property unless absolutely necessary. When the line must cross private land, it should only do so in areas where existing transmission lines exist. The proposed transmission lines must stay within 1/8 of a mile and run parallel to existing lines.

However, if the proposed line must cross an irrigated field and the line would interfere with the irrigation of the field, the line should be located at the edge of the field to minimize loss of use to the landowner.

Again, thank you for the opportunity to provide these comments on the B2H DEIS.

Sincerely,

Frank Priestley, President
Idaho Farm Bureau Federation

N6a Analysis has been expanded to include alternative route variations with careful consideration of land status (including agricultural areas).The Applicant would work closely with landowners prior to development to locate the transmission line where it would have the least impact on the landowner's property. The impact on property rights will be carefully considered by Applicant, during micro-siting to minimize impacts to sensitive environmental resources, protection of farmlands, and critical management areas in conjunction with local, state and federal land use guidance.

In addition, analysis has been expanded to include alternative route variations with careful consideration of agricultural lands and colocation with existing facilities (including transportation facilities). See Sections 3.2.6 and Section 3.2.7 for detailed analysis of potential impacts from the B2H Project.

## COMMENT(S)

## RESPONSE(S)

### N7 Lewis and Clark Trail Heritage Foundation – February 24, 2015

**comment@boardmantohemingway.com**

**From:** info@boardmantohemingway.com
**Sent:** Tuesday, February 24, 2015 10:48 AM
**To:** comment@boardmantohemingway.com
**Subject:** FW: 25186: B2H new book information
**Attachments:** Bookmark WindHardWest_Bookmark.pdf

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**From:** Robert Heacock [mailto:heacock1@mindspring.com]
**Sent:** Tuesday, February 24, 2015 8:48 AM
**To:** Tamara Gertsch, BLM National Project Manager
**Subject:** 25186: B2H new book information

Ms. Gertsch, we are in the process of preparing a reply on the B2H project .

We had previously discussed the locations of the pertinent Lewis and Clark Expedition sites in the area.

N7a My book entitled 'Wind hard from the west, the Lewis and Clark Expedition on the Snake and Columbia Rivers' has been recently made available.

A bookmark for that is attached.
Perhaps that will give you another source of information to help determine the effect of the B2H project or any other future projects.

Thanks

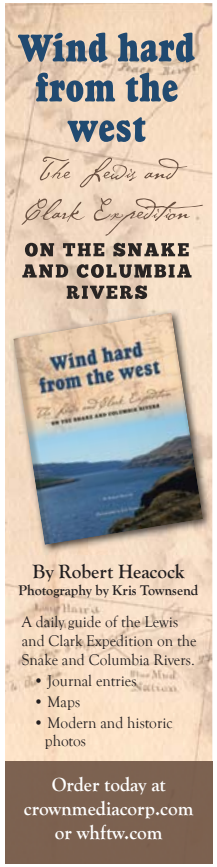
Robert Heacock
Wind hard from the west
13908 East 27th Ct.
Spokane Valley, WA 99037
H 509-924-4020
Mobile 509-202-3504
www.whftw.com

1

N7a Comment noted.

## ATTACHMENT

**N7** **Lewis & Clark Trail Heritage Foundation – Feb. 24, 2015 (cont.)**



## COMMENT(S)

## RESPONSE(S)

### N8 Lewis and Clark Trail Heritage Foundation – March 16, 2015

**comment@boardmantohemingway.com**

**From:** info@boardmantohemingway.com
**Sent:** Monday, March 16, 2015 9:49 AM
**To:** comment@boardmantohemingway.com
**Subject:** FW: B2H Comments
**Attachments:** Trail Stewardship Idaho power B2H FINAL _MG Edits (2).doc

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**From:** Robert Heacock [mailto:heacock1@mindspring.com]
**Sent:** Thursday, March 12, 2015 10:36 AM
**To:** Tamara Gertsch, BLM National Project Manager
**Cc:** 'Margaret Gorski'; 'Lindy Hatcher'; John Orthmann; markbarb2@comcast.net; Chuck Raddon
**Subject:** B2H Comments

Hi, thank you for including us in the process here.

Attached is a letter from the Lewis and Clark Trail Heritage Foundation, Inc. regarding the encroachment of the B2H project

Feel free to contact me if you have any further questions

Sincerely,

Robert Heacock
Washington State Chapter
Lewis and Clark Trail Heritage Foundation, Inc.
H 509-924-4020
Mobile 509-202-3504
heacock1@mindspring.com

1

## COMMENT(S)

## RESPONSE(S)

**N8** **Lewis & Clark Trail Heritage Foundation – Mar. 16, 2015 (cont.)**

Lewis & Clark
TRAIL HERITAGE FOUNDATION
www.lewisandclark.org

*Keepers of the Story ~ Stewards of the Trail℠*
*We preserve, promote and teach the diverse heritage of Lewis and Clark for the benefit of all people*

March 12, 2015

Ms. Tamara Gertsch
BLM National Project Manager
Boardman to Hemingway Transmission Line Project,
P.O. Box 655,
Vale, OR 97918

RE: Boardman to Hemingway Transmission Line Project

Dear Ms. Gertsch:

Thank you for providing the Lewis and Clark Trail Heritage Foundation, Inc. (LCTHF) information on the Boardman to Hemingway Transmission Line Project (B2H). We are interested in submitting our comments on this matter, and we appreciate the opportunity to be a part of the Project process.

The Lewis and Clark Trail Heritage Foundation, Inc. is a national organization dedicated to preserving the historic accuracy of the story of the Lewis and Clark Expedition, and protecting the cultural and historic integrity of the landscapes through which the Expedition traveled from 1803-1806. We currently have about 1,200 members organized in 32 local chapters across the country. Our membership comes from all walks of life who share a common passion for passing along the lessons that can be learned from this important era of our nation's history to future generations.

The Lewis and Clark Historic Trail was designated by Congress by the National Trails System Act, (P.L. 90-543, as amended through P.L. 111-11, March 30, 2009). It is one of 30 National Scenic and Historic Trails in the collection of long distance trails in our National Trails Systems. It is 3,700 miles long and is officially recognized from St Louis, Illinois to Fort Clatsop, Oregon.

We have been provided information that the B2H project will affect the Columbia River view shed in the area of the project origin in Boardman, Oregon. Our Chapter has inspected the area of the proposed encroachment of the Columbia River view shed, and we agree that the proposed towers will have an effect on the Columbia River view shed and the scenic resources within the Lewis and Clark National Historic Trail corridor .

This portion of the Columbia River is of course an integral part of the Lewis and Clark National Historic Trail, and as such is entitled to certain protections. In addition to being an integral portion of the Lewis and Clark National Historic Trail, there are Expedition campsites in the area at Alder Creek (April 25, 1806) and Long Walk Island (October 19, 1805). There are also several area locations described the by the Expedition of rapids and native settlements.

P.O. Box 3434 • Great Falls • MT • 59403 • (888) 701-3434 • york@lewisandclark.org • Nonprofit Tax ID#: 51-0187715

## COMMENT(S)

## N8 Lewis & Clark Trail Heritage Foundation – Mar. 16, 2015 (cont.)

N8a National Historic Trails were designated *"to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established…."*
Although the historic route followed by the expedition was primarily confined to the river, members of the expedition explored on foot, they camped on shore, and they recorded the sights, sounds, and resources they encountered. All these resources, including the scenic resources within the viewshed, contribute to the overall recreational and historic experience of visitors retracing the trail. Because the B2H towers will clearly affect the visual quality of the scenic resources within the view shed of the Lewis and Clark National Historic Trail, we feel that any and all efforts to mitigate the effect of the towers or other permanent constructed features should be undertaken.

We expect your project analysis for the Boardman to Hemingway B2H Transmission Line to evaluate the impacts of the project on the resources, particularly the scenic resources, within the Lewis and Clark National Historic Trail corridor. If you need assistance in your analysis, please contact the National Park Service, which is the administering agency for the Lewis and Clark National Historic Trail. Their headquarters is in Omaha, Nebraska.

Thank you for the opportunity to comment on this project.

Sincerely,

Robert Heacock
Past President
Washington Chapter
LCTHF
13908 East 27th Ct
Spokane Valley, Washington 99037
509-924-4020
Heacock1@mindspring.com

By email and regular postal mail.

Cc Margaret Gorski – President, LCTHF
Lindy Hatcher – Executive Director, LCTHF
John Orthmann - 2015 President, Washington Chapter LCTHF
Mark Johnson – President, Oregon Chapter LCTHF
Chuck Raddon – President, Idaho Chapter LCTHF

P.O. Box 3434 • Great Falls • MT • 59403 • (888) 701-3434 • york@lewisandclark.org • Nonprofit Tax ID#: 51-0187715

## RESPONSE(S)

N8a The Final EIS analyzes the impacts on the Lewis and Clark NHT including impacts on trail and recreation setting as well as mitigation to reduce impacts on trail resources.

**COMMENT(S)** | **RESPONSE(S)**

**N9** | **Northeast Oregon Cyclist Club**

B2H Transmission Line Project
Boardman to Hemingway

COMMENT FORM

Date: 1/26/15
First Name: Anita Last Name: Metler
Organization or Affiliation (if any): Northeast Oregon Cyclist Club
Address: 65208 Hill Lane
City: Imbler State: OR Zip: 97841
E-mail address: Phone:

**Privacy Statement:** *Before including your address, phone number, e-mail address or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold identifying information, we cannot guarantee that we will be able to do so.*

☐ Please check here if you wish your personal information to remain confidential.

**Comments must be submitted by March 19, 2015.**

My comments on the Boardman to Hemingway Transmission Line Project are:

See attached letter

Boardman to Hemingway Transmission Line Project | P.O. Box 655, Vale, OR 97918

## COMMENT(S)

**N9** **Northeast Oregon Cyclist Club (cont.)**

January 26, 2015

Anita Metlen

Organization or Affiliation: Grande Tour Scenic Bikeway Proponent Committee

65208 Hull Lane, Imbler, Oregon 97841

Contact information: a.m.twigg@hotmail.com, 541.910.0089

*** Please keep my personal information confidential. Thank you.

My comments on the B2H Transmission Line Project Comments are:

N9a, N9b, N9c I am concerned for the view shed changes that will be created along the Grande Tour Scenic Bikeway. The GTSB was designated by the State of Oregon as a Scenic Bikeway in 2012. Parts of the Grande Tour Scenic Bikeway do coincide with the Elkhorn and Hells Canyon Scenic Byways . The Scenic Bikeway designation took several years to achieve and has the potential to significantly enhance the economic well-being of Northeast Oregon. Scenic Bikeways along with Scenic Byways are economic conduits for local and seasonal tourist users. Bicycling alone brings $400 million to Oregon as of 2012 economic data collected by Travel Oregon. Bicycle Tourism in Oregon is booming and we in this part of the state are part of that boom. Open spaces without human trace are important to all who live and frequent rural Oregon. I trust you will respect the need to maintain open natural spaces for locals and tourists to enjoy.

N9d Methods I would suggest to limit damage to the view shed are:

1. Share existing powder corridors.
2. Share tower structures. Design the towers to accomplish this task.
3. Install the transmission lines underground were possible. This the current trend in America today. Many power and gas lines are being buried with the intension of uncluttering above view shed. Methods are presently used to accomplish this task. High power transmission lines should be included in this movement. The benefit of buried lines would include less damage from weather, falling trees, less visible to terrorists, reduced number of metal structures to build and maintain.
4. Uses existing right of ways when possible. Right of way is very expensive and very disliked by those affected, of causing long term changes of health or location.
5. Camouflage the structures. Oil companies located near Los Angles and other large metropolitan and tourist centers have created palm tree islands to camouflage the off shore oil derricks for example.

Thank you for this opportunity to share my thoughts and concerns for this project.

Sincerely,

Anita Metlen

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## RESPONSE(S)

N9a Comment noted. This bikeway has been added to the analysis for the Final EIS. Please refer to Section 3.2.12 of the Final EIS for tables and narratives regarding potential impacts to the Grande Tour Scenic Bikeway.

N9b See response to Comment N9a.

N9c Comment noted.

N9d Your comment is noted. Colocation with existing power corridors is being considered in the document. It is not feasible for Idaho Power to share tower structures for the 500kV line. It is not feasible for Idaho Power to underground the 500kV line. The project has used utility corridors to the extent practical. It is not feasible for Idaho Power to camouflage the structures, however selective mitigation measures are included to reduce visual impacts from the project.

## ATTACHMENT

| N9 | Northeast Oregon Cyclist Club (cont.) |
|---|---|

### The Route

The Grande Tour Scenic Bikeway in northeast Oregon offers cycling opportunities for every rider. If you are an adventure cyclist seeking a challenging destination ride, try the entire 134-mile figure-eight route, where you'll find plenty of rolling, winding country roads with little traffic. Cyclists wanting a more leisurely trip can ride segments near small communities to make your ride fun, comfortable, and memorable.

All riders will thrill at Oregon's outback: stunning mountain vistas, clear streams, and serene farmland. The route will take you under the scented canopy of Ponderosa pine forests, alongside towering windmills, and across sweeping sagebrush-covered rangeland.

The Grande Tour Scenic Bikeway covers some the route traveled by pioneers on the Oregon Trail. Be a pioneer yourself and discover beautiful Eastern Oregon. Watch for wildlife: elk, deer, antelope, eagles, hawks, foxes, and many other wild creatures. Enjoy pastoral views of cows and horses grazing. Explore a pioneer cemetery. Visit a world-famous bronze foundry. Reconnect with your soul.

Your ride begins at Riverside Park in La Grande. A community of just over 13,000, with convenient access to restaurants, motels, grocery stores, and myriad specialty shops—including a bike shop. The halfway point of the ride is in historic Baker City, where you can refresh and spend a relaxing night enjoying excellent dining and accommodations. Treat yourself to an award-winning microbrew.

A different route brings you back to La Grande. Your wheels will sing under the big sky as miles of remote open road beckon and your cares melt away. Relax, inhale the fragrant sage, and crank on! Bring snacks and plenty of water. It's a long way between towns.

### Distance
134 miles

### Time to Allow
You can ride the entire route in 2-3 days, depending on your skill level, or segments in just a few hours.

### Best Time to Travel
Spring through fall are best, but the road is enjoyable all year round.

### Road Conditions
Roads are paved and well maintained. You'll find signs along the bikeway to mark your route.

### Bicycle Oregon
Find more Oregon cycling routes and information:
oregonscenicbikeways.org
rideoregonride.com

### Bicycle Safety Tips
- Always maintain control of your bicycle.
- Ride on the right, with traffic.
- Be visible, be alert.
- Wear a helmet and reflective clothing.

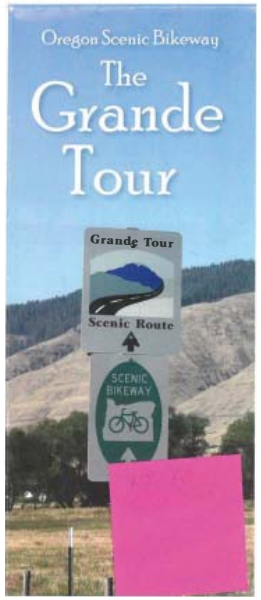
*Learn more!* Find an *Oregon Bicyclist Manual* online at Oregon.gov.

Oregon Department of Transportation

Union County Chamber of Commerce

*207 Depot St., La Grande OR*
*541.963.8588 | 800.848.9969*

*Online visitor guide - VisitLaGrande.com*
*Union County trails & recreation - LaGrandeNaturally.com*
*Visitor & community info - UnionCountyChamber.org*




### Adventure Cyclists (100+ miles a day)

The Grande Tour Scenic Bikeway is 134 miles long and provides a variety of challenges for the experienced cyclist. Several sections are very hilly and contain long grades at a moderate elevation gain. Some sections are remote with minimal traffic and services, while offering solitude and awesome vistas of Northeast Oregon's classic high valleys and surrounding mountains. The Wallowa, Eagle Cap, and Elkhorn mountain ranges provide vistas typical of the Great Basin region. Vegetation varies from farms and ranches to rolling sagebrush hills and forested mountain slopes. Populated areas range from communities of 13,100 to small hamlets and ghost towns. Ride the bikeway twice: counterclockwise, then clockwise for a totally new experience.

### Day Trippers (10-40 miles a day)

Due to the figure-eight design of the Grande Tour Scenic Bikeway and location of towns, there are a variety of 10- to 40-mile day trips that can be identified along the route.

- Baker City-Medical Springs-Union, or Baker City-Haines-North Powder sections go through rolling rangeland, sagebrush hills, and forested areas.
- Day trips: From your campsite at Catherine Creek State Park, heading south provides challenging terrain with views of the Elkhorn and Wallowa mountains. From motel or vacation rental in North Powder or Haines, day trips in each direction along the Bikeway offer fantastic views and varying terrain.
- Grande Ronde Valley Loop (La Grande-Union-Cove) passes through rich farmland and is a relatively flat and easy ride.

### Family, Youth, Special Groups, or Novice Cyclists:

Numerous segments of the Bikeway are relatively flat, have low traffic, and offer small town amenities like parks, museums, camping, and eateries. Plan on riding 1-10 miles a day.

**Baker County area:**

- The segment from Baker City west, then north to Haines, has great valley and mountain views, low traffic, and good roads.
- The segment from Haines to North Powder has views of the Elkhorn and Wallowa mountains, wildlife and ranch views, and low traffic.

**Union County area:**

- A ride starting at Catherine Creek State Park and going north to Union or south to Medical Springs [and on to Pondosa for a challenging ride] offers camping, and timber, wildlife and ranch views.
- Ride from the City of Union to Pyles Canyon, or simply around town. You'll encounter small-town charm, Victorian homes, an extensive museum, Oregon State University Research Center, delightful shops, golf, art, and eateries.
- Ride along Lower Cove Road north of the City of Cove for quiet farmlands and surrounding forested hills as you pedal toward La Grande and Mount Emily. The Eagle Cap Wilderness is east of the Grande Ronde Valley, with access near Cove.
- Ride from Riverside Park in La Grande to the Historic District, city parks, and Eastern Oregon University.

## ATTACHMENT

| N9 | Northeast Oregon Cyclist Club (cont.) |
|---|---|

# Scenic Bikeway & Amenities

| Location | Route Road | Junction | Miles to turn | Total miles | Counter/clockwise (Mileage on map) |
|---|---|---|---|---|---|
| LA GRANDE | RIVERSIDE PARK | FRUITDALE LN | 0.0 | 0.0 | RIGHT |
| | FRUITDALE LN | LEFFEL RD | 0.6 | 0.6 | LEFT |
| | LEFFEL RD | FRUITDALE LN | 0.1 | 0.7 | RIGHT |
| | FRUITDALE LN | HUNTER RD | 1.7 | 2.4 | RIGHT |
| | HUNTER RD | OR HWY 82 | 0.3 | 2.6 | RIGHT |
| ISLAND CITY | OR HWY 82 | STOP LIGHT | 0.2 | 2.8 | STRAIGHT |
| | N MCALLISTER RD | BUCHANAN LN | 1.1 | 3.9 | LEFT |
| | BUCHANAN LN | GEKELER LN | 1.8 | 5.7 | LEFT |
| | GEKELER LN | PIERCE RD | 0.5 | 6.2 | RIGHT |
| UNION | PIERCE RD | OR HWY 203 | 2.1 | 8.3 | LEFT |
| | OR HWY 203 | N POWDER/HWY 237 | 8.9 | 17.2 | STRAIGHT |
| TELOCASET | OR HWY 237 | STRAIGHT | 8.6 | 25.8 | STRAIGHT |
| N POWDER | OR HWY 237 | FREEWAY UNDER | 7.6 | 33.4 | STRAIGHT |
| | OR HWY 237 | N POWDER RIVER LN | 0.1 | 33.5 | STRAIGHT |
| | N POWDER RIVER LN | ELLIS RD | 5.9 | 37.4 | LEFT |
| | ELLIS RD | ANTHONY LAKES HWY | 0.7 | 38.1 | LEFT |
| | ANTHONY LAKES HWY | POCAHONTAS RD | 5.8 | 43.9 | STRAIGHT |
| | POCAHONTAS RD | POCAHONTAS RD | 0.7 | 44.6 | STRAIGHT (Course goes to Halfway) |
| | POCAHONTAS RD | MARBLE CRK RD | 6.6 | 51.2 | LEFT |

| Location | Route Road | Junction | Miles to turn | Total miles | Counter/clockwise (Mileage on map) |
|---|---|---|---|---|---|
| BAKER CITY | POCAHONTAS RD | OR HWY 30 | 7.1 | 58.3 | RIGHT |
| | OR HWY 30 | CAMPBELL ST | 1.0 | 59.3 | LEFT |
| | CAMPBELL ST | HWY 7/CAMPBELL/PARK | 0.7 | 60.0 | STRAIGHT |
| | HWY 7/CAMPBELL | FREEWAY UNDER | 0.9 | 60.9 | STRAIGHT |
| | HWY 7/CAMPBELL | ATWOOD | 0.2 | 61.1 | RIGHT |
| | ATWOOD | ATWOOD/LINDLEY | 0.3 | 61.4 | LEFT |
| | LINDLEY | OR HWY 86 | 1.2 | 62.2 | STRAIGHT |
| PONDOSA | LINDLEY | AIRPORT | 2.2 | 64.8 | STRAIGHT |
| MEDICAL SPGS | LINDLEY | OR HWY 203 | 2.0 | 66.8 | RIGHT |
| UNION | OR HWY 203 | OR HWY 237/MAIN | 37.2 | 104.0 | RIGHT |
| | OR HWY 237/MAIN | HWY 237/E BYRON | 0.6 | 104.6 | RIGHT |
| | HWY 237/ E BYRON | COVE OR HWY 237 | 0.3 | 104.9 | LEFT |
| COVE | COVE/OR HWY 237 | DOLLARS/HWY 237 | 8.3 | 113.2 | LEFT |
| | OR HWY 237 | LOWER COVE RD | 1.2 | 114.4 | STRAIGHT |
| | LOWER COVE RD | MARKET LN | 7.6 | 122.0 | LEFT |
| | MARKET LN | OR HWY 82 | 5.8 | 127.8 | LEFT |
| | OR HWY 82 | BOOTH LN | 0.9 | 128.7 | RIGHT |
| | BOOTH LN | HUNTER RD | 0.8 | 129.5 | STRAIGHT |
| | BOOTH LN | MT GLEN RD | 3.1 | 132.6 | STRAIGHT |
| LA GRANDE | FRUITDALE LN | RIVERSIDE PARK | 1.7 | 134.3 | LEFT |

Print or download this map to your smart phone or GPS device from lagrandenaturally.com.
Find more amazing Oregon rides at rideoregonride.com.

## COMMENT(S)

## RESPONSE(S)

### N10 Northeast Oregon Water Association

**comment@boardmantohemingway.com**

**From:** jrcook@northeastoregonwater.org
**Sent:** Thursday, March 19, 2015 10:08 AM
**To:** tgertsch@blm.gov; comment@boardmantohemingway.com
**Subject:** Boardman to Hemmingway DEIS (Comments of the Northeast Oregon Water Association)
**Attachments:** B2H DEIS Comments_FINAL.pdf

Ms. Gertsch:

Attached please find the comments of the Northeast Oregon Water Association regarding the Draft EIS for the Idaho Power Boardman to Hemingway Project.

Please contact me should you have any questions.

Thank you
J.R. Cook

J.R. Cook
Executive Director
Northeast Oregon Water Association
Mobile: 541.969.8026
Email: jrcook@northeastoregonwater.org

Mailing Address:
3750 SW Marshall Place
Pendleton, OR 97801

Office Address:
River Front Center
2 Marine Drive
Boardman, OR 97818

1

## COMMENT(S)

## RESPONSE(S)

**N10** **Northeast Oregon Water Association (cont.)**

NORTHEAST OREGON WATER ASSOCIATION

Sent Via Electronic Mail (comment@boardmantohemingway.com)

March 19, 2015

Ms. Tamara Gertsch
BLM National Project Manager
Bureau of Land Management
100 Oregon Street
Vale, OR 97918
tgertsch@blm.gov

**RE: Boardman to Hemingway ("B2H") Transmission Line Project ("B2H Project") - Comments on the DEIS- Destruction of Oregon Farmland**

Dear Ms. Gertsch

The Northeast Oregon Water Association (NOWA) represents the farms, industries and communities that make up our multi-billion dollar value-added agricultural economy in Morrow and Umatilla Counties. Several NOWA members will be directly affected by the B2H Project, and the entire value-chain of the regional agricultural economy will be negatively impacted by the "Longhorn Variation" and the "Longhorn Alternative" included for consideration in the B2H DEIS.

We therefore, write to submit our comments in regards to the B2H Project and in opposition to the Agency Preferred Alternative (i.e. Longhorn Variation) and the Longhorn Alternative. In light of glaring deficiencies in the EIS process; adverse effects of the project on unique, irreplaceable irrigated farmland; and the Bureau of Land Management's (BLM's) failure to consider routing alternatives that would largely avoid impacting high-value irrigated farmland, NOWA respectfully submits the following comments:

1) **Due to Lack of Proper Notification and Insufficient Time, the DEIS Comment Period Should Be Extended by 60 Days**

N10a The current Agency Preferred Alternative (the Longhorn Variation) was eliminated from consideration in June 2010. Although NOWA and other local landowners remained active in the B2H Project's scoping and commenting period, we were not made aware of the Longhorn Variation and possible negative impacts on the high-value agricultural region until this year, giving us very little time to familiarize ourselves with this project and submit comments.

In light of BLM's eleventh-hour selection of the Longhorn Variation as the Preferred Alternative, local landowners who have been involved with this process for years are scrambling to meet the March 19th deadline. Because 90 days is an unreasonable time to review, understand, and react to the drastic route changes the B2H Project continues to make, a 60-day extension on the comment period is a reasonable request given the size and scope of the consequences of this transmission line. Additional time to submit

MAILING 3750 SW Marshall Place, Pendleton, OR 97801 OFFICE 2 Marine Drive Suite 100, Boardman, OR 97818
EMAIL jrcook@northeastoregonwater.org WEB northeastoregonwater.org PHONE 541 969 8026

N10a This alternative was developed when the Applicant revised their SF-299 application to include the Longhorn Substation. Refer to Sections 2.1.1.3 and 2.5.2.

## COMMENT(S)

## RESPONSE(S)

**N10** **Northeast Oregon Water Association (cont.)**

2

Formal Comments
Boardman to Hemmingway dEIS

comments will allow NOWA, as well as other interested and impacted parties, to further assess the facts and circumstances surrounding the B2H Project and provide relevant input into the determinations involved in the B2H Project.

2) **The DEIS Drastically Underestimates the Effects of the B2H Project on Surrounding Agricultural Land**
The DEIS is unclear about the impact of the B2H Project on prime, irreplaceable irrigated farmland and appears to gloss over the dire economic losses on local farmers. The DEIS contains numerous inconsistencies regarding affected agricultural land and requires clarification. *See, e.g.,* DEIS § 3.2.6.6 at 3-438, *ll.* 29-30.

N10b The Columbia-Snake River Irrigators Association (CSRIA) estimates that impacts to irrigated farmland during both construction and operations will be substantial -- in the range of 350 to 1,050 acres. Technical Memorandum from Darryll Olsen, CSRIA, to Tamara Gertsch, BLM at 3 (Mar. 17, 2015). The CSRIA, through a technical expert, recently estimated that the fair market value of irrigated farmland in the region is $7,500 - $10,000 per acre. *Id.* Thus, the total value of impacted irrigated agriculture would be approximately $2.6 million to $10.5 million, and the estimated present value, annually, of associated regional income loss would be about $12.5 million to $17.4 million. *Id.* at 4. The DEIS improperly characterizes these economic impacts as "low," when nothing could be further from the truth. *See* DEIS § 3.2.6.6 at 3-439, *ll.* 11-13. Currently, NOWA represents communities that include over 200 non-farm businesses that directly rely on the current irrigated land base. The regional income loss to these non-farm businesses, which directly effects the income tax revenue of the State of Oregon will be a minimum of $375 million over the next 30 years. These are significant impacts to NOWA members and to the regional economy and are drastically underestimated in the DEIS.

N10c The DEIS is also misleading because it claims that the Longhorn Variation and Longhorn Alternative will impact less prime farmland than the Proposed Action. This is inaccurate because the DEIS's acreage figures mistakenly focus on so-called "prime" farmland that theoretically *could* be farmed rather than actual irrigated farmland that is currently in use. BLM's reliance on theoretical farmland suggests a mistaken belief that irrigated farmland can simply be replaced. However, this is not the case, as irrigated farming is highly dependent on soils, geography, water delivery, and irrigation conditions – lost farmland cannot merely be moved to or recovered in other locales. Given the unique circumstances required for irrigated farming, BLM's concession in the DEIS that the Proposed Action will disturb 32 *more* acres of irrigated agriculture than the Proposed Action directly contradicts its claim that the Longhorn Variation will impose less harm on agriculture land than the Proposed Action. *See DEIS* at 3-438, *ll.* 29-30. Indeed, the Longhorn Variation and Longhorn Alternative will impose greater harm on irrigated farming than any of the other alternatives.

3) **The DEIS' Cumulative Impact Analysis is Deficient**
N10d As BLM is aware, activity for wind and other energy projects in Morrow and nearby counties remains high. The B2H Project presents a continuing threat to surrounding farmland because it potentially creates a transmission line corridor straight through productive irrigated farmland. This is a particular concern because Oregon law provides that one of the factors in evaluating whether a project should be granted an exception to allow siting in areas designated for exclusive farm use is whether the project uses an existing

N10b The analysis of impacts on irrigated agriculture for alternative routes analyzed in detail in the Final EIS is included in Section 3.2.7.

The economic analysis in Section 3.2.17 includes data on effects to irrigated farmland from the construction and operation of the B2H Project. The analyses assess how surface disturbances may affect crop yields under the alternatives, and how these changes in crop yields may affect local economic conditions.

N10c The analysis of impacts on agriculture for all alternatives (including the Longhorn Alternative and East of Bombing Range Road) in the Final EIS includes a quantitative analysis of important farmland, high-value soils, irrigated farmland, and existing agriculture. Refer to Section 3.2.7 for more information.

N10d Comments noted. A discussion of this potential effect has been added to Types of Potential Effects in Sections 3.2.7 and 3.3.3.7. Also, this issue is specifically addressed for the Bombing Range Road corridor. The Applicant has proposed an additional action to construct a 230-kV transmission line along Bombing Range Road for the potential wind farms that may in the future need to tie in to the grid. This 230-kV is discussed for each resource, including irrigated agriculture, under the Applicant's Proposed Action and is referred to as Additional Action – 69-Kilovolt Line Replacement Options 1, 2, and 3.

## COMMENT(S)

## N10 Northeast Oregon Water Association (cont.)



N10d
N10e

right of way. *See* ORS 215.275. Thus, there is a high likelihood that this corridor will continue to expand and in turn consume additional farmland to meet increasing demands for transmission capacity (See attachment 1 which includes a map and aerial photo of proposed transmission lines in relation to irreplaceable irrigated agriculture operations and dairies).

N10f

In light of the above, the DEIS's cumulative impact analysis is deficient because it fails to address the cumulative impact of the B2H Project when considered in conjunction with the various wind energy projects proposed in the region. For instance, the DEIS omits discussion of the proposed 500 MW Wheatridge Wind Energy Facility, which has provided notice that it may connect to the grid through the Longhorn Variation corridor. The Wheatridge project should have been included and was inexplicably absent from the DEIS and the DEIS consideration of cumulative impacts. Moreover, we understand that additional energy projects, including Perennial Windchaser and Ella Butte, could potentially utilize the transmission corridor created by the Longhorn Variation based on their location. Together, these projects generate an influx of power and create a risk of further cumulative impacts to irrigated farmland along the transmission corridor. We urge BLM to consider these impacts in detail and carefully weigh the severe effects and cumulative economic impacts that will be far greater than the technical report provided by CSRIA, and referenced in #2 above, on nearby farmland in light of other feasible routes such as the Slatt Alternative as described below.

4) **The Original, Southerly Route or the Slatt Alternative Should Be Considered for the B2H Project and the Longhorn Variation and Longhorn Alternative Should Be Removed from Consideration.**

The original Proposed Action, the Southerly Route, was wisely chosen by Idaho Power because of its minimal impact on Oregon farmland and was presented to the local community as the preferred route from 2010 through 2014. The Southerly Route would connect through the proposed Grasslands Substation. Similar to the Southerly Route is the Slatt Alternative, which would follow the Southerly Route before turning west and terminating at the existing Slatt substation, which is the major 500-kV interconnection hub serving the northeastern Oregon Region. The last-second deviation to the Bombing Range Road route is a surprising and concerning development for several reasons, outlined below.

N10g

- The Slatt substation is already built and suitable for wind farms. The Longhorn substation to the north has yet to be built and will meet strong resistance from the local community.
- The Southerly Route and the Slatt Alternative have minimal impact on the local agricultural community. That route will be met with little public, environmental and political resistance.

N10h

- The Longhorn Routes condemn prime farmland and will be much more expensive than the Southerly Route or the Slatt Alternative. Irrigation pivots cannot be used near the transmission lines, and once a crop circle is shortened, the entire farm is compromised. In connection with a condemnation action, each pivot circle area impacted would need to be purchased in its entirety from the property owner.

## RESPONSE(S)

N10e

Comments noted.

N10f

The Final EIS has been revised to provide more detailed analysis related to cumulative effects. Counties and cooperating agencies were contacted and asked to provide additional information to be included in cumulative analysis for the Final EIS. Refer to Section 3.3 for further detail.

N10g

Regarding consideration of the Slatt Substation, in a letter dated July 23, 2015, the Bonneville Power Administration, the sole owner of the Slatt Substation, informed the BLM that the Slatt Substation has no open 500-kV bays and there are "severe physical constraints" to expanding the substation to accommodate the B2H Project. Also, because the Slatt Substation is wholly owned by the BPA, the BPA's policy and rate schedules would require that BPA charge the Applicant and PacifiCorp for use of the substation (which would be passed onto the rate payers. In addition, a thorough study would have to be completed to determine whether the Slatt Substation could meet the B2H Project's objectives. Because the Slatt Substation is seriously constrained and technically infeasible, and does not meet the interests and objectives of the B2H Project and its partners, consideration of the Slatt Substation and an alternative route to the substation was eliminated from detailed analysis in the Final EIS (Final EIS Section 2.5.4).

N10h

The impacts on prime farmland along the Longhorn Alternative have been updated. Idaho Power has indicated that most pivots can be used under the transmission line in the right-of-way. The transmission line structures would be located outside of pivots wherever possible, and their locations would be selected in coordination with the landowner so as to minimize impacts on operations and irrigated farmland. Adverse impacts to individual property owners will be carefully considered by the Applicant during micro-siting. The Applicant will negotiate with the owners of real property interests to ensure that, if any private property interests are impaired by the final location, they are appropriately compensated.

See Section 3.2.7.6 for further discussion of impacts to prime farmland, pivot irrigation, and irrigated agriculture.

See also response to N10g.

## COMMENT(S)

## RESPONSE(S)

**N10** **Northeast Oregon Water Association (cont.)**



- The Southerly Route or the Slatt Alternative would prevent environmental and federal issues. Idaho Power's newly favored Bombing Range Road route will result in a negative impact on an endangered species that has been documented previously.

We welcome any opportunity to discuss our comments with you – please feel welcome to contact with any questions you may have.

Sincerely,

J.R. Cook
Director

Attachment: 1) Map showing potential cumulative impacts of transmission development on irreplaceable irrigated farm land

CC (w/o Attachment):
File
NOWA Board of Directors
NOWA General Membership

ATTACHMENT

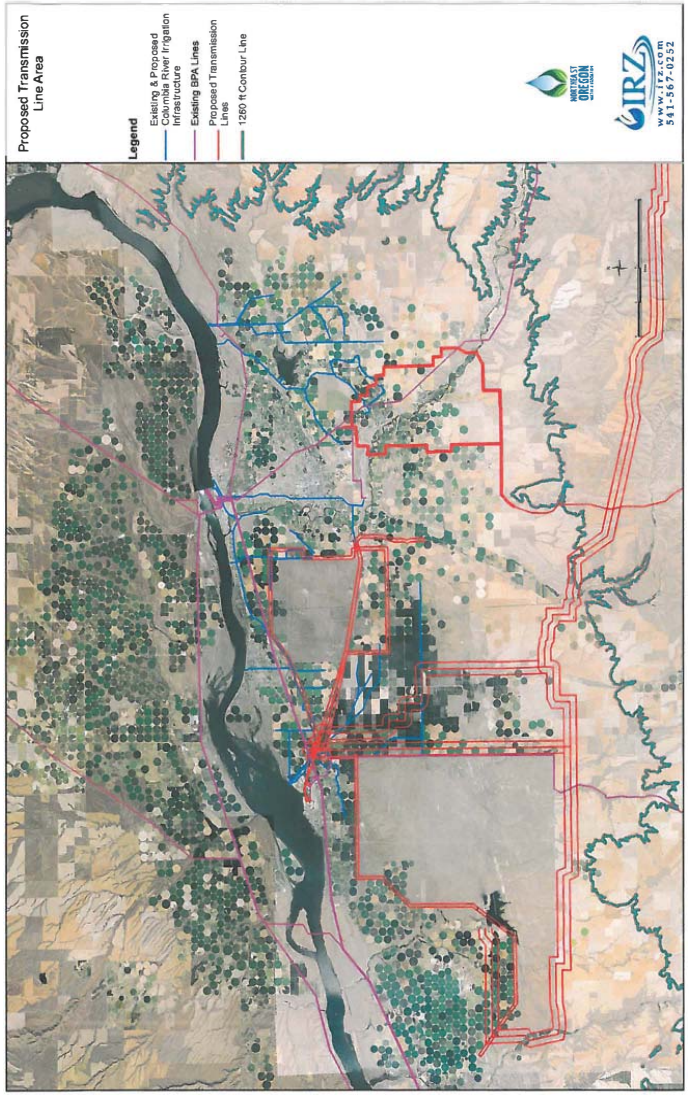
| N10 | Northeast Oregon Water Association (cont.) |
|---|---|

# Attachment 1

# Proposed Transmission Lines Across High-Value Irrigated Agricultural Operations

## ATTACHMENT

| N10 | Northeast Oregon Water Association (cont.) |
|---|---|



## COMMENT(S)

## RESPONSE(S)

### N11 Northwest Requirements Utilities

300544

**comment@boardmantohemingway.com**

**From:** Blake Weathers <bweathers@nru-nw.com>
**Sent:** Thursday, March 19, 2015 5:32 PM
**To:** comment@boardmantohemingway.com
**Subject:** Comments Regarding the Boardman-to-Hemingway Draft Environmental Impact Statement
**Attachments:** NRU B2H Comments FINAL.docx

Hello,

Please find Northwest Requirement Utilities' comments on the Draft Environmental Impact Statement for the Boardman to Hemingway Transmission Project attached to this email.

Regards,
Blake Weathers

Blake Weathers
Resources and Planning Director
bweathers@nru-nw.com
(503) 233-5823

1

Page 1 of 3

No response needed.

**COMMENT(S)** | **RESPONSE(S)**

**N11** **Northwest Requirements Utilities (cont.)**

300544

NRU
Northwest Requirements Utilities

(503) 233-5823
Fax (503) 233-3076
jsaven@nru-nw.com
825 NE Multnomah, Suite 1135
Portland, Oregon 97232

March 19, 2015

Boardman to Hemingway
Transmission Line Project
PO Box 655
Vale, OR 97918

*Submitted via: comment@boardmantohemingway.com*

RE: Comments Regarding the Boardman-to-Hemingway Draft Environmental Impact Statement

Northwest Requirements Utilities ("NRU") appreciates the opportunity to provide input to the Bureau of Land Management's Draft Environmental Impact Statement ("DEIS") on the Boardman-to-Hemingway Transmission Project ("B2H Project"). NRU is a non-profit trade association of 54 public power utilities that rely upon the Bonneville Power Administration ("BPA") as their primary or exclusive supplier of wholesale electric energy. These utilities account for nearly 25% of BPA's wholesale public power sales in the Northwest, and nine utility members of NRU would be directly served by the B2H project. We understand that the purpose of the DEIS is to analyze the potential impacts on the natural and human environment from the construction of a single-circuit alternating-current, 500-kilovolt overhead electric transmission line with ancillary facilities. The DEIS will also consider the purpose and needs of the relevant federal agencies that may be impacted by the B2H Project. Overall, NRU supports the findings in the DEIS, and we would like to take this opportunity to address the purpose and needs related to reliable load service provided by the B2H Project, as well as the findings associated with the northern terminus alternatives.

For BPA, the B2H Project will be critical to provide low cost, reliable load service to public utilities located in Idaho, Nevada, and Wyoming. The B2H Project would become part of the Northwest to Idaho transmission path, which is one of the most congested transmission paths on the contiguous Northwest transmission system. In fact, there is currently no Long-Term Firm capacity available on the existing Northwest to Idaho transmission path for the next ten years. The B2H Project would relieve the presently congested Northwest to Idaho transmission path and provide greater reliability for the Northwest transmission system. Additionally, the B2H

## COMMENT(S)

## RESPONSE(S)

**N11** **Northwest Requirements Utilities (cont.)**

300544

Project represents the lowest cost option for BPA in meeting its contractual obligations for load service in southeast Idaho. This is especially important in light of the pending termination of the Southeast Idaho Exchange Agreement between BPA and PacifiCorp. In summary, the B2H Project will provide BPA a long term, low cost option in meeting its contractual load service obligation.

In response to the four alternatives that the DEIS considers for the northern terminus of the B2H Project, NRU believes that the Longhorn Variation Alternative is the most viable option. In short, the Longhorn Variation Alternative best mitigates the environmental impacts resulting from the B2H Project while also meeting the purpose and needs of the impacted federal agencies. This is demonstrated by the following:

- The DEIS determined that the Longhorn Variation Alternative is the Environmentally Preferred Alternative for the northern terminus, and along with the first Longhorn Alternative, it has the least amount of ground squirrel habitat impact. Meanwhile, the Proposed Alternative and Horn Butte Alternative have the greatest amount of ground squirrel habitat impact.
- The concerns raised by the U.S Department of Navy regarding the encroachment on military airspace created by the Longhorn Alternative are alleviated by the Longhorn Variation Alternative.
- The Longhorn Variation Alternative also minimizes the impacts to agriculture, and is aligned with an existing transmission corridor.
- From an electrical perspective, the Proposed Alternative and Horn Butte Alternative are less desirable for BPA, as they provide no direct interconnection to the BPA system.
-

In closing, NRU supports the DEIS process and the findings that were made by the BLM in regards to the environmental impacts as well as the effects on the purpose and needs of the impacted federal agencies. We also concur that the Longhorn Variation Alternative is the best option for the northern terminus of the B2H Project. Finally, we would like to emphasize the importance that the B2H Project has on BPA's ability to providing low cost, reliable load service to the region. Thank you for the opportunity to comment on the DEIS for the B2H Project.

Regards,

John D. Saven, Chief Executive Officer

## COMMENT(S)

## N12 Oregon Historic Trails Advisory Council – January 5, 2015

1132 30th Place SW
Albany, OR 97321-3419
January 5, 2015

Boardman to Hemingway
Transmission Line Project
PO Box 655
Vale, OR 97918

B2H Comments

These B2H related comments are sent by email at comment@boardmantohemingway.com. I am making these comments on behalf of the Oregon Historic Trails Advisory Council. I appreciate being a part of the process in developing the B2H Programatic Agreement. I also appreciate the work that has gone into developing the Draft Environmental Impact Statement that has been presented for comment.

N12a I have repeatedly requested larger and more detailed maps of the main and alternative routes as they relate to the Oregon Trail and other designated historic trails in Oregon. Except for early maps they have not been sent. The online maps do not give sufficient details to judge the potential impact on the trail or the views from the trail looking toward transmission lines , towers, and roads.

N12b The impact on sage grouse habitat in the B2H project area should be further studied. That extensive EIS draft study has not been finalized.

N12c Wherever there is potential impact to any designated historic trail in Oregon, adequate mitigation will be necessary. Mitigation should not be restricted to the immediate area of the impact because that limits options.

Thank you for your consideration of these comments and revisions in the DEIS.

Yours truly,

Glenn Harrison

Glenn Harrison
OHTAC member

## RESPONSE(S)

N12a Large format maps are included in the Final EIS including a map of National Trails displaying impacts along the B2H Project alignments in context with trail inventory information.

N12b Comment noted. In October 2015, the U.S. Fish and Wildlife Service announced that the listing the Greater Sage-Grouse was not warranted.

Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS in Appendix C to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

N12c See next page for response to SI12c.

**COMMENT(S)**

**RESPONSE(S) - CONTINUED**

**N12** **Oregon Historic Trails Advisory Council – Jan. 5, 2015 (cont.)**

N12c

As explained in Section 2.5.1.1, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House Council on Environmental Quality (40 Code of Federal Regulations 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

Appendix C of the Final EIS is a Mitigation Framework. As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects. The BLM has established a mitigation standard, through application of the mitigation hierarchy, of a no net loss outcome for affected resources and their values, services, and functions, or, as required or appropriate, a net benefit (or gain, if appropriate) in outcomes where it has determined that compensatory mitigation is warranted.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation options for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be reviewed by the cooperating agencies and a recommendation will be made to the Authorized Officer for approval prior to any issuance of Notices to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

## COMMENT(S)

## N13 Oregon Historic Trails Advisory Council – March 16, 2015

1132 30th Place SW
Albany, OR 97321-3419
March 16, 2015

Bureau of Land Management
Vale District Office
100 Oregon Street
Vale, OR 97918

Via email: comment@boardmantohemingway.com

**RECOMMENDATIONS: Boardman to Hemingway Draft Environmental Impact Statement**

N13a The BLM's "National Scenic and Historic Trails Strategy and Work Plan" (NSHT Plan, 2006) set a goal: Protect and sustain trail resources to provide for enriching and inspiring experiences, scenic landscapes, or historic settings. Two objectives for reaching that goal were laid out: 1. Establish and implement national policy and guidance to identify and protect trail resources in conjunction with our multiple-use mandate; and 2. Ensure National Scenic and Historic Trail management is address within the Bureau's planning system. A part of the second objective was to "Monitor Trail Resources: Include an inventory and monitoring program in trail management plans that uses current data standards. With partners, define conflicting use areas, separate inappropriate overlap, and educate public on revised use plan. Engage partners, stakeholders, and volunteers in use regulation and monitoring of trails, as appropriate."

To implement this plan defining conflicting use areas and separating out "inappropriate overlap." **Rather the BLM should identify "inappropriate overlap" before it happens and make plans to avoid it rather than allow the overlap and then try to mitigate for the conflicts.**

As one well-informed Oregon Trail researcher, Stafford Hazelett, points out about the Alkali Springs and Tub Springs area, "It would be appropriate to take notice that there are no other places left along the Oregon Trail where the visible remains of the passage of the mid-19th century families with their wagons are as well-preserved in a setting that has changed so little in the intervening time. It is not like we can suggest that people go see something better somewhere else. Even South Pass has fewer and less authentic remains and more intrusions and disruptions of the setting than the Oregon Trail segments in Malheur and Baker Counties."

N13b **The comment made in Ch 3 - p 729 about trail destruction should be removed.** It is not the number of trail miles, but the quality of those miles that is most important. **The cumulative impacts to the Oregon Trail and other historic trails should be examined.** How much of the trail has already been destroyed or seriously damaged in the past ten years by transmission lines, wind energy projects, and pipelines? How much of the trail will be damaged or destroyed by the B2H, Gateway West, and future wind projects? When historic trails segments or the view to or from the trail is compromised, it does not recover. **There should be no disturbance of any Class 1 or Class 2 trail ruts or swales for the entire length of the B2H Project.** This is

N13c

## RESPONSE(S)

N13a One of the goals of the work plan was to develop BLM manuals to guide National Trail management, which reflects the development of BLM Manual 6280. As part of this management direction, the use of NPS high potential sites and segments defines those most critical areas for trail protection. Due to the need of the BLM to respond to a range of project proposals, Manual 6280 includes a robust mitigation strategy incorporating on-site project specific mitigation to off-site compensatory mitigation depending on the level of effect after on-site mitigation has been applied. Impacts on the Oregon NHT cannot be completely avoided but through using best available data and this robust mitigation strategy, effects on the trail can be reduce to the extent possible in balance with the BLM's goal for multiple use across all lands administered.

N13b This statement was removed as it inaccurately states the intactness of the remaining portions of the Oregon NHT reducing the effect of the B2H Project on the trail and trail setting. The Cumulative Effects section (Section 3.3) also was expanded to include effects from the B2H Project in consideration with past, present, and reasonably foreseeable future projects along the high potential historic sites and segments to facilitate a more accurate acknowledgment of effects on the Oregon NHT.

N13c See response to Comment N13a.

**COMMENT(S)**

**N13** **Oregon Historic Trails Advisory Council – Mar. 16, 2015 (cont.)**

N13c especially true in the Weatherby area as the rest stop was a camping ground with a spring that is now covered. The B2H transmission line should pass far enough to the east of the Oregon Trail that it would and impact this important trail segment. **The Birch Creek trail segment south of Farewell Bend should avoid impacting the Oregon Trail and preserving the pristine view.**

Cloud shaded Oregon Trail going north passing Black-eyed Susans seen from the Birch Creek BLM parking lot

N13d Tourism is an important industry in Oregon and following the Oregon Trail and visiting the Trail Centers is important to the state and the local economies. The importance for many people is following in the steps of their ancestors or at least seeing the trail they followed. Others enjoy Oregon history of the trail's importance to that history. For the northern states the Oregon Trail made the United States stretch "from sea to shining sea."

N13e **Sixteen of Oregon's important trails have been designated as historic trails by the Oregon State Legislature**, some of which are also nationally recognized Historic Trails. **This B2H Project impacts eight of them.** The following map shows the route of the trails that would be impacted physically or by the view from or toward at least one of these trails. The Oregon Trail is recognized nationally, but in addition there trail segments in Oregon that have been recognized as so significant that they are listed on the National Register of Historic Places. **One of those segments is the Wells Springs Segments.** Other Oregon Trail High Potential Sites and Segments in Oregon have been recognized and additional segments nominated and will likely be included.

**RESPONSE(S)**

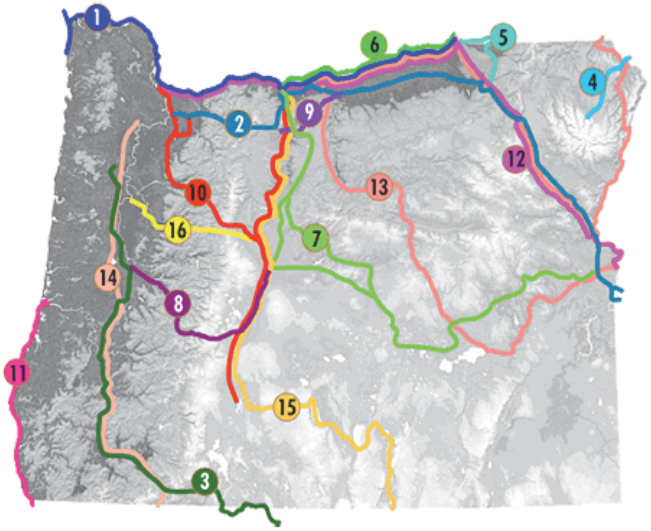
N13d Comment noted.

N13e No response required.

The high potential sites and segments associated with the Oregon NHT, as identified by the NPS, have been included in the analysis as well as trails currently under feasibility study within the National Trails section (Section 3.2.15). Other historic trails, not designated by Congress or under study, are discussed in the Cultural Resources section (Section 3.2.13).

**COMMENT(S)**

**N13** **Oregon Historic Trails Advisory Council – Mar. 16, 2015 (cont.)**




2. Oregon National Historic Trail
1. Lewis and Clark National Historic Trail
7. **Meek Cutoff**
9. **Cutoff to the Barlow Road**
12. Nathaniel Wyeth Route
13. Benjamin Bonneville Route
6. **Upper Columbia Route**
5. **Whitman Mission Route**

N13e The trails in bold print are under NPS study for inclusion as part of the National Historic Trail System.

N13f The Oregon Historic Trail Advisory Council (OHTAC) was established by Executive Order and is composed of nine knowledgeable Oregon residents who are appointed by the Oregon governor and charged with the responsibility to advise the Governor and others and to locate, preserve and encourage the use of these historic trails by Oregonians and visitors. OHTAC goals include collecting and sharing information on locating and marking trails; encouraging local communities and agencies to develop directional and interpretive signs, brochures and maps, and protecting and share these irreplaceable corridors of history. **This letter states the concerns and recommendations of the members of the Oregon Historic Trails advisory Council. The major points are printed in bold type for emphasis.**

N13g On B2H Draft EIS and LUP Amendments page 2-56, both the Proposed Route and the Alternative travel from the Grassland Substation, follow south near Willow Creek along the route of the hills, which would be visible from the Oregon Trail emigrant campsite north of Cecil. Then they pass near Cecil, cross the National Historic Oregon Trail, and

**RESPONSE(S)**

N13f Comment noted.

N13g Based on a change in connections to other proposed transmission line projects, only the Longhorn substation remains viable for the B2H Project. A comprehensive mitigation approach has been developed to address direct and indirect impacts on the Oregon NHT.

## COMMENT(S)

## N13 Oregon Historic Trails Advisory Council – Mar. 16, 2015 (cont.)

N13g follow the road past the interpretive panels, which tell about the Wells Springs along the Oregon Trail. A better alternative would be to avoid using the Horn Substation and the Grassland Substation. **Instead the Longhorn Substation should be utilized and the Longhorn Alternative (MO4-MO3) used with the transmission line routed in the least obtrusive way near the Oregon Trail and at each trail crossing.** This recommendation assumes that Bonneville Power Co. will be able to build that substation.

Willow Creek emigrant campground north of Cecil

N13h On B2H Draft EIS and LUP Amendments page 2-58 Figure 2-15 **the Glass Hill Proposed Route and the north end of the Glass Hill Alternative should be rerouted to the west to avoid intersecting the National Historic Oregon Trail.**

N13i On B2H Draft EIS and LUP Amendments page 2-61 Figure 2-16 the Timber Canyon Alternative has been moved to the east to avoid the greater sage grouse habitat and does not impact as much on the Sisley Creek-Swayzy Creek segment. The route does cross the Oregon Trail on the Proposed Route north of North Powder. Throughout the B2H Project it is best to find alternative routes even where existing power line routes are followed when there is close contact with the Oregon Trail.

N13j **The Proposed Route east of the National Historic Oregon Trail Interpretive Center on Flagstaff Hill would not only cross the Oregon Trail and the Goodale Trail in Virtue Flat, but would be seen for miles destroying the trail experience. The view**

## RESPONSE(S)

N13h This Oregon NHT alignment is neither the congressionally-designated nor a contributing segment of the trail. Impacts on the adjacent stone markers, trail-associated cultural sites, were included in the assessment of impacts on the Oregon NHT.

N13i The Oregon NHT impacts have been considered in context with other resources to develop the alternative routes in addition to applying a comprehensive mitigation approach to reduce trail impacts where the Oregon NHT would be impacted.

N13j A comprehensive mitigation approach was developed to include on-site and off-site compensatory mitigation techniques to reduce impacts on the Oregon NHT.

**COMMENT(S)**

**RESPONSE(S)**

**N13** **Oregon Historic Trails Advisory Council – Mar. 16, 2015 (cont.)**

N13j

**from the wagons at the Interpretive Center would be destroyed. The Flagstaff Alternative to the west has been moved farther away and would follow an existing power line, but it would still be visible from some Trail Center locations. The entire Proposed Route that closely follows the Oregon Trail should be avoided. As proposed throughout the B2H route small interpretive signs would help visitors understand what they are seeing along the trail. But they should not be as large as "viewing platforms" would imply. They should not add to the unwanted visual impact of the trail experience. However, the Timber Canyon Alternatine should remove fewer large trees.**

Late afternoon in Virtue Flat from the road leaving the Oregon Trail Interpretive Center at Flagstaff Hill near Baker City

On B2H Draft EIS and LUP Amendments page 2-63 Figure 2-17 **the Tub Mountain South Alternative (BA12-CL11-MA9) is a totally unacceptable alternative.** It would cross the National Historic Oregon Trail in several places, especially south of Huntington. If built the transmission line would come into Alkali Flat, east of Alkali Spring, and be visible from the overlook when approaching from the south, at a distance of about five miles to the northeast, or in a nearly direct line looking over Alkali Spring. The line would turn toward that overlook and cross the Oregon Trail and the county road. That will be the most visible viewshed disruption and closest encounter with the B2H line while someone is on the Oregon Trail at a publicly accessible location. **Avoid the use of the Tub Mountain South Alternative.**

## N13 Oregon Historic Trails Advisory Council – Mar. 16, 2015 (cont.)

### Comment(s)

N13lk

On B2H Draft EIS and LUP Amendments page 2-65 Figure 2-18, **both the Proposed Route and the Alternative do avoid the main route of the Oregon Trail, but do cross the Meek Cutoff west of the Oregon Trail crossing into Oregon from Idaho.** An NPS Feasibility Study is under way which will likely result in the Meek Cutoff being included as part of the National Historic Trail System. The Oregon Legislature has already designated the Meek Cutoff as an Historic Trail in Oregon. **Transmission lines should be located in the least obtrusive way to avoid trail corridors and visual impacts and disturbances in several places along the Oregon Trail, the Meek Cutoff, and other recognized federal and state historic trails. Substantial mitigation for disturbances to trail corridors and the visual landscape to and from these historic trails is very important.**

N13l

**The recommendations related to trail and viewshed preservation also apply to all aspects of the construction and maintenance of the transmission line corredor. Avoid crossing or impacting the Oregon Trail and other historic trails.**

**It is our expectation that these comments and recommendations will be followed as the Draft EIS is modified and accepted before implementation.**

Yours truly,

Glenn Harrison /s/

Glenn Harrison, member
Oregon Historic Trails Advisory Council

### Response(s)

N13k

Impacts on the Meek Cutoff are analyzed in the Final EIS as well as a suite of mitigation measures to reduce impacts on trails to the extent practicable.

N13l

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

## RESPONSE(S)

### N14 Oregon Natural Desert Association and Multiple Others

**comment@boardmantohemingway.com**

**From:** Dan Morse <dmorse@onda.org>
**Sent:** Wednesday, March 18, 2015 5:50 PM
**To:** comment@boardmantohemingway.com
**Cc:** John Robison; Doug Heiken; Brian Kelly; 'Pam Eaton' (pam_eaton@tws.org)
**Subject:** Boardman to Hemingway Draft EIS
**Attachments:** ONDA et al B2H DEIS Comment Letter Final 031815.pdf

To Whom It May Concern:

Please find attached to this e-mail comments on the Boardman to Hemingway Draft EIS from Oregon Natural Desert Association, Idaho Conservation League, Oregon Wild, Hells Canyon Preservation Council and The Wilderness Society.

Please confirm receipt of this e-mail and the attached comments.

Sincerely,

Dan Morse
Conservation Director
Oregon Natural Desert Association
50 SW Bond St, Suite 4
Bend, OR 97702
(541) 330-2638
www.onda.org

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## COMMENT(S)

## RESPONSE(S)

### N14 Oregon Natural Desert Association and Multiple Others (cont.)

March 18, 2015

VIA ELECTRONIC MAIL

Tamara Gertsch, National Project Manager
Bureau of Land Management
B2H Project
P.O. Box 655
Vale, OR 97918

comment@boardmantohemingway.com

Re: Boardman to Hemingway Draft Environmental Impact Statement

To Whom It May Concern:

The Oregon Natural Desert Association, Oregon Wild, Hells Canyon Preservation Council and The Wilderness Society (hereinafter "ONDA et al") provide these comments in response to the Draft Environmental Impact Statement ("DEIS") prepared for the Boardman to Hemingway Transmission Line Project ("B2H").

ONDA is an organization of more than 4,500 members and supporters dedicated to defending, protecting, and restoring Oregon's high desert. ONDA supports responsible energy development that is planned smart from the start, meaning that it is developed in places that will have low impacts on our natural resources and encourages a responsible energy future that truly benefits the entire environment.

Since 1973, the Idaho Conservation League has had a long history of involvement with both habitat protection and regional energy issues. As Idaho's largest statewide conservation organization, we represent over 25,000 supporters who want to ensure that energy development and infrastructure are consistent with natural resource protection.

Oregon Wild represents approximately 10,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife and waters as an enduring legacy. Oregon Wild has worked all across Oregon for 40 years to defend wilderness, protect wildlife and their habitat, and promote public appreciation of our natural heritage. Oregon Wild members use and enjoy public lands, including areas used by sage grouse, for hiking, photography, bird watching, and nature appreciation.

Hells Canyon Preservation Council (HCPC) is a non-profit conservation organization based in La Grande, OR with approximately 1000 supporters. HCPC's mission is to protect and restore the inspiring wildlands, pure waters, unique habitats and biodiversity of the Hells Canyon-Wallowa and Blue Mountain Ecosystems through advocacy, education and collaboration, advancing science-based policy and protective land management.

## COMMENT(S)

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

The Wilderness Society is a national conservation organization with more than 500,000 members and supporters working to protect wilderness and inspire Americans to care for our wild places. Founded in 1935, TWS has led the effort to permanently protect 110 million acres of wilderness and to ensure sound management of our shared national lands.

The B2H project proposes to add approximately 300 miles of new single circuit 500 kV transmission line across northeast Oregon and southwest Idaho and to rebuild several existing lines. The DEIS documents the potential effects of the Proposed Action and alternatives, including a no-action alternative.

Investing in properly sited transmission systems can protect the environment, promote economic development, diversify the power system and keep the region economically competitive. However, the impact of these transmission systems largely depends on the location of the project, the specific design of the final alignment, and mitigation actions. We are concerned that the DEIS does not adequately consider the effects of the Proposed Action and alternatives to the Greater sage-grouse, Lands with Wilderness Characteristics, Visual Resources, and Wild and Scenic Rivers.

N14a We are also particularly concerned about construction of transmission facilities across unroaded areas within or adjacent to habitat for sage-grouse and other wildlife. We urge the BLM to select an alternative in previously developed areas or along existing corridors to avoid impacts to sage-grouse and other wildlife species. Where there still may be impacts to sage-grouse, these impacts should be avoided through design features and mitigated in accordance with BLM mitigation policy and guidance as well as by utilizing mitigation frameworks for sage-grouse from the States of Idaho and Oregon.

**I. THE DEIS DOES NOT ADEQUATELY CONSIDER EFFECTS TO THE GREATER SAGE-GROUSE**

N14b As the DEIS explains, the U.S. Fish and Wildlife Service (hereafter, "the Service") has determined that the Greater sage-grouse is warranted for protection under the Endangered Species Act. The sage-grouse is classified as a BLM and USFS sensitive species and is considered a vulnerable species by the State of Oregon. DEIS at B.4-16. The species requires large, intact, connected expanses of sagebrush steppe in order to survive. DEIS at B.4-16. Moreover, the bird's habitat needs vary with the seasons, and it moves between or among seasonal use areas accordingly. DEIS at B.4-16.

The DEIS does not adequately discuss the effects of habitat fragmentation and loss of connectivity—both connectivity between seasonal habitats and, critically, genetic connectivity among neighboring populations or how such impacts have been avoided. Segments 3, 4, and 5 of the proposed transmission line present a major threat to the persistence of the Greater sage-grouse. As documented in the DEIS, under the Proposed Action Segment 3 cuts across a sage-grouse core area that has experienced significant population decline in the past ten years. DEIS 3-255, 3-256. Segment 4 likewise cuts across sage-grouse core area, likely causing a high cumulative impact to Greater sage-grouse and its habitat. DEIS 3-1056. Segment 5 intersects

## RESPONSE(S)

N14a Even though not applicable to or binding upon the B2H Project, the analysis and avoidance and minimization measures are consistent with the BLM's Oregon Sub-regional Greater Sage-Grouse Approved Resource Management Plan Amendment. The Applicant has committed to design measures and site-specific selective mitigation measures designed to avoid and minimize anticipated B2H Project effects to Greater Sage-Grouse, including preconstruction surveys for sensitive species, seasonal and spatial restrictions for B2H Project activities, flight diverters and perch deterrents, avian-safe design standards, and a Plan of Development that includes a Biological Resources Conservation Plan. The B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

N14b Comment noted. The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to Greater Sage-Grouse, including access road closure or rehabilitation, preconstruction surveys for sensitive species, seasonal and spatial restrictions, avian-safe design standards, and creation of a Plan of Development that includes a Noxious Weed Management Plan and a Fire Protection Plan. Refer to Section 3.2.4.3 in the Final EIS.

The EIS has been revised to include additional analysis of direct and indirect effects on Greater Sage-Grouse, including habitat fragmentation. Refer to Section 3.2.4.5 in the Final EIS.

## COMMENT(S)

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

N14b known habitat for the Greater sage-grouse Northern Basin population, which is already separated from neighboring populations by distance and topography. DEIS 3-263.

N14c Sage-grouse migrate across corridors that connect neighboring areas of habitat the birds need to survive. Oregon Department of Fish & Wildlife, Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (2011), at 10. Specifically, the sage-grouse's life cycle revolves around the seasons. In the spring, the birds breed at relatively open sites of low grasses called "leks." The hens then disperse to nest under taller stands of sagebrush, which are used both as food and as concealment from predators. In the summer months, the sage-grouse move to areas with natural springs and wet meadows. *See* Clait E. Braun, John W. Connelly & Michael A. Schroeder, "Seasonal Habitat Requirements for Sage-Grouse: Spring, Summer, Fall, and Winter," *in USDA Forest Service Proceedings*, at 38-40 (N.L. Shaw, S.B. Monsen & M. Pellant, eds., 2005). In winter, the focus returns to using sagebrush for food and cover, which means finding sagebrush that isn't buried by snow. *Id*. If a population of sage-grouse is cut off from accessing a seasonal habitat, the very survival of that population is placed in peril.

Migration across connectivity corridors also allows local sage-grouse populations to intermix—which is key to promoting genetic diversity and protecting against inbreeding that is detrimental to the species' survival. *See* Steven T. Knick & Steven E. Hanser, "Connecting Pattern and Process in Greater Sage-Grouse Populations and Sagebrush Landscapes," *in Greater Sage-Grouse: Ecology and Conservation of a landscape and its Habitats* (Steven T. Knock & John W. Connelly, eds., 2011). According to the Service, "maintaining habitat connectivity and sage-grouse population numbers are essential for sage-grouse persistence." 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered, 75 Fed. Reg. 13,910, 13,923 (Mar. 23, 2010).

N14d The ecosystem on which sage-grouse depend is the most imperiled in North America, with loss and fragmentation of sagebrush threatening the bird's prospects for survival. 75 Fed. Reg. 13,910, 13,916. Any land use that subdivides blocks of intact sagebrush causes fragmentation. *Id*. at 13,927 (defining fragmentation as "the separation or splitting apart of previously contiguous, functional habitat components of a species"). Transmission lines do just this. Sage-grouse exhibit strong avoidance behavior toward vertical structures such as power lines. *Id*. at 13,928 ("The presence of a powerline may fragment sage-grouse habitats even if raptors are not present."). Scientists believe sage-grouse avoid these structures instinctively because the birds know they may provide perches and hunting corridors for predators. *Id*. at 13,928, 13,972. The Service has concluded that power lines are "a particularly strong barrier to movement." *Id*. at 13,928.

Furthermore, according to the Service, power lines directly affect sage-grouse "by posing a collision and electrocution hazard, and can have indirect effects by decreasing lek recruitment, increasing predation, fragmenting habitat, and facilitating the invasion of exotic annual plants." 75 Fed. Reg. 13910, 13928 (internal scientific references omitted). Power poles afford perches for raptors and ravens that "increase a raptor's range of vision, allow for greater speed during attacks on prey, and serve as territorial markers." *Id*. The "increased abundance of raptors and corvids within occupied sage-grouse habitats can result in increased predation." *Id*.

## RESPONSE(S)

N14c See response to Comment N14b.

N14d The analysis of Greater Sage-Grouse has been revised to include additional direct and indirect effects from the B2H Project, including analysis of increased predation, behavioral avoidance of tall structures, mortality, and habitat loss.

In addition, the Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to Greater Sage-Grouse, including avian-safe design standards and use of flight diverters and perch deterrents.

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

N14e

*Minimizing impacts to sage-grouse*
Once important sage-grouse areas have been avoided, the BLM should require design features to ensure that any side effects or minor impacts are minimized through design features. With regard to activities with the potential to disturb sage-grouse, the Idaho Sage-grouse Conservation Plan offers this recommendation:

> *Apply seasonal-use restrictions (see Human Disturbance Section 4.3.5) on activities associated with the exploration, operations, and maintenance of mines, gravel pits, or landfills, including those associated with supporting infrastructure.*
> -Conservation Plan for the Greater Sage-grouse in Idaho, p. 4-126

When considering design features to minimize adverse effect to sage-grouse, the BLM needs to consider both the appropriate spatial scale for considering effects of proposed management activities on sage-grouse and their habitat as well as the adverse impacts of invasive exotic plant species, and the increased threat of wildfire.

Knick and Hanser (2009) analyzed factors in lek persistence of over 5,000 leks. They used three radii to test for landscape disturbance effects on lek persistence – radii of 3.1 miles, 11.2 miles, and 33.5 miles. Previous studies had shown behavioral effects on sage-grouse related to sagebrush disturbance at the 33.5 mile radius (Swenson et al. 1987, Leonard et al. 2000). Knick and Hansen's study showed adverse effects on lek persistence from wildfire at the 33.5-mile radius. As such, the design features to minimize impacts should be based on both the quality of the habitat adjacent to the transmission line, the topography of that habitat, the impacts to that habitat and to sage-grouse, and the specific use of that habitat by sage-grouse (lekking, nesting and brood rearing, etc).

N14f

*Mitigation for remaining Sage-grouse impacts*
The DEIS does not adequately consider how it will mitigate any remaining impacts to the sage-grouse. In reference to Segment 3, the DEIS states, "To minimize disturbance to Greater Sage-Grouse, Greater Sage-Grouse-specific mitigation measures would be developed prior to publication of the Final EIS." DEIS 3-296, 3-297. For Segment 4, it explains, "The analysis of the cumulative effects on Greater Sage-Grouse assumes that off-site mitigation required for the Proposed Action and all alternatives . . . will be sufficient and effective in maintaining or enhancing habitat for the Northern Great Basin Sage-Grouse population," and therefore the cumulative effects "[a]re not expected to result in diminished Greater Sage-Grouse habitat quality or quantity." DEIS 3-1057. The same logic is then applied to explain how the impacts to sage-grouse will be mitigated in Segment 5. DEIS 3-1059. The Greater Sage-Grouse Mitigation Blueprint outlines general mitigation principles and standards, but states, "Mitigation Areas shall not occur in any location directly impacted by the Project." DEIS, App. E, 9. This can only be understood to mean that off-site mitigation will be the *only* method of mitigation considered.

These statements are far too vague to meet NEPA requirements. An EIS must do more than provide a perfunctory description of possible mitigation measures. *Okanogan Highlands Alliance v. Williams*, 236 F.3d 468, 473 (9th Cir. 2000). An EIS is not complete unless it contains "a reasonably complete discussion of possible mitigation measures." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352, 109 S.Ct. 1835, 104 L.Ed.2d 351 (1989). That requirement

### RESPONSE(S)

N14e

See response to Comment N14d.

Also, the Applicant has committed to design features and site-specific selective mitigation measures that are consistent with the ARMPAs. The B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

N14f

See response to Comment N14m.

Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS in Appendix C to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan, to discuss how direct and indirect impacts for the B2H Project were identified. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

## COMMENT(S)

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

N14f

is implicit in NEPA's demand that an EIS must discuss "'any adverse environmental effects which cannot be avoided should the proposal be implemented.'" *Id.* at 351-52, 109 S.Ct. 1835 (quoting NEPA, 42 U.S.C. § 4332(C)(ii)); *see also* 40 C.F.R. § 1502.16(h) (stating that an EIS must contain "[m]eans to mitigate adverse environmental impacts"). An agency must take a "hard look" at potential mitigating measures; a perfunctory description, or a mere listing, of mitigating measures, without supporting analytical data, violates NEPA. *Okanogan Highlands Alliance*, 236 F.3d at 473. The lack of details regarding off-site mitigation in the DEIS make it impossible to fully and fairly evaluate the impacts of the proposed B2H project. It is unacceptable to wait until after the ROD is signed to identify and require specific off-site mitigation measures. Detailed mitigation plans should be developed and published for public comment prior to publication of the FEIS, and should be included in the FEIS and ROD.

N14g

The DEIS does not comply with the basic requirements under NEPA that include supporting analytical data that explains how mitigation might actually prevent harmful effects. It does not provide any details or analysis of what mitigation measures might be taken, and how, or whether, they might actually mitigate the likely adverse impacts described. In fact, sage-grouse scientists currently are aware of no *effective* measures that can mitigate for loss of genetic connectivity—which ought to fundamentally change not just the environmental analysis in the EIS but potentially the final project decision itself. Importantly, mitigation for direct loss of habitat is not enough: BLM must evaluate mitigation for disruption and/or loss of genetic connectivity. Put differently, a non-arbitrary review cannot focus myopically on ground disturbance (*i.e.*, physical footprint), failing to appreciate the potential loss of gene flow at a population level. Again, though, loss of genetic interchange across connectivity corridors likely *cannot* be mitigated.

The overall scheme of the limited mitigation plan included in the DEIS does nothing to protect the Greater sage-grouse populations directly affected by the proposed transmission line. It apparently writes off those populations, assuming instead that actions taken to protect other populations will be sufficient mitigation for the overall survival of the species. There is no scientific analysis to support this assumption. Losing one sage-grouse population means losing an important link to the genetic diversity that is vital to the survival of the species. 75 Fed. Reg. 13910, 13923. Sage-grouse scientists currently are aware of no measures that can effectively mitigate for the loss of genetic connectivity between neighboring populations.

N14h

*Additional Considerations for Off-Site Mitigation Design*

Despite the inability to mitigate for the loss of genetic connectivity, BLM still has a number of important tools at its disposal for establishing compensatory, off-site mitigation for project impacts, such as designation of Areas of Critical Environmental Concern and management of Lands with Wilderness Characteristics for protection. To enhance the durability of its mitigation and conservation decisions, BLM should also expand its current approach to include other tools, such as Rights of Way for Conservation, which could be issued to a state wildlife agency or FWS; withdrawals of incompatible uses; and establishment of cooperative agreements.

In accordance with BLM policy, the following factors indicate that off-site mitigation is appropriate for this project:

- B2H is a major electrical right-of-way project, one of the types of large development projects for which offsite mitigation (at the scale necessary) may be appropriate;

## RESPONSE(S)

N14g

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts to Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS to provide additional information about BLM's requirements and recommendations for compensatory mitigation. As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

N14h

See responses to Comment N14f. The approach outlined in the Mitigation Framework is consistent with the Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment (November 3, 2015); Secretarial Order No. 3330, Improving Mitigation Policies and Practices of the Department of the Interior; the BLM's obligations under the FLPMA, NEPA, CEQ Regulations; and the USDI Manual 600 DM 6: Landscape Scale Mitigation Policy and WO IM2013-142: Draft MS-1794 – Regional Mitigation.

## COMMENT(S)

## RESPONSE(S)

### N14 Oregon Natural Desert Association and Multiple Others (cont.)

N14h

- B2H is likely to affect resources and values of high public importance; and
- B2H may have permanent impacts that cannot be mitigated onsite.

BLM's Draft Regional Mitigation Manual,[1] Secretarial Order 3330 on mitigation,[2] and President Obama's Presidential Memorandum on improving siting, permitting and mitigation for transmission development[3] all provide guidance on off-site mitigation. These documents offer valuable tools for continuing to improve the conservation outcomes for mitigation for project impacts, and should be used to improve mitigation for B2H in the FEIS. Any compensatory mitigation must be additional to agencies' existing conservation obligations, and should focus on actions that demonstrably improve habitat, improve species' populations, or reduce threats to wildlife, lands with wilderness characteristics or other resources.

N14i

Compensatory mitigation actions on public lands must be durable, meaning protection and management of mitigation lands must be effective for at least as long as the impacts. Recommended compensatory mitigation measures include, but are not limited to, the following:

- Designation of public lands for conservation management (such as Areas of Critical Environmental Concern) or management to protect Lands with Wilderness Characteristics, with management prescriptions for these areas that include comprehensive and measurable protections for the resources unavoidably affected by the project;
- Establishment of Rights of Way for Conservation;
- Withdrawals of incompatible uses;
- Purchase and protection of private lands, either maintained in private ownership or transferred to federal management with a suitable designation for durable and protective conservation management; and
- Restoration activities, such as fence removal or restoration of closed roads.

The FEIS must include a robust on and off-site mitigation program detailing the mitigation obligations of the Bureau of Land Management (BLM) and Idaho Power.

N14j

In addition to BLM policy and guidance, the Idaho Sage-grouse Conservation Plan also recommends developing off-site mitigation for any remaining impacts where impacts have already been avoided and minimized:

> *Off-site mitigation should be employed to offset unavoidable alteration and losses of sage-grouse habitat. Off-site mitigation should focus on acquiring, restoring, or improving habitat within or adjacent to occupied habitats and ideally should be designed to complement local sage-grouse conservation priorities.*
> -Conservation Plan for the Greater Sage-grouse in Idaho, p. 4-126

[1] *Available at:* http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2013.Par.57631.File.dat/IM2013-142_att1.pdf
[2] *Available at:* http://www.doi.gov/news/upload/secretarial-order-mitigation.pdf
[3] *Available at:* http://www.whitehouse.gov/the-press-office/2013/06/07/presidential-memorandum-transforming-our-nations-electric-grid-through-i

N14i See responses to Comment N14f.

N14j See response to Comment N14f.

## COMMENT(S)

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

N14k

A key component of the Governor of Idaho's Sage-Grouse Conservation Plan is the use of a Mitigation Framework developed by the State Sage-Grouse Advisory Committee. This framework is based on the assumption that impacts will be first avoided, then minimized and finally mitigated.

The mitigation framework requires the quantification of both direct *and* indirect impacts. The USFWS's determined that transmission lines may cause a host of adverse indirect effects to sage-grouse, including increased predation, lower recruitment rates, habitat fragmentation, habitat degradation from invasive species, and impacts from electromagnetic fields.[4] The BLM should utilize a phased decision approach to expand the analysis to include indirect effects when making mitigation calculations.

The BLM should start by considering the indirect effects within a standard, conservative distance from the transmission line and adjust this distance depending on the quality of the habitat adjacent to the transmission line, the topography of that habitat, the impacts to that habitat and to sage-grouse, and the specific use of that habitat by sage-grouse (lekking, nesting and brood rearing, etc). The mitigation calculations need to factor in the success rate of vegetation restoration efforts, the rate of habitat loss due to wildfire, the lag time before any actual mitigation is realized. In our determination, fence marking/modification, as described in the Habitat Equivalency Analysis, is not an appropriate form of mitigation for indirect effects related to this project.

Depending on the nature and degree of project impacts, an offsite mitigation program could be available to direct funding from the project proponent to high-priority restoration areas. The Idaho Governor's Plan calls for restoration within Core Habitat Areas where the habitat has been degraded but can be restored. This mitigation program should not be available for projects within Core Habitat Zones where infrastructure should not be located (allowing for limited exceptions).

N14l

*The Baker Population*
The Baker population, found in Segment 3, is of particular concern. This population suffers from limited connectivity, placing it at high risk of extirpation. Hagen 2011, DEIS 3-255, 3-256. Its population trend has declined dramatically over the past ten years, from an estimated 2,017 birds in 2003 to a mere 571 birds in 2013. DEIS 3-255, 3-256. This is a population on the verge of "blinking out." And yet, the DEIS admits that the project would have significant impacts to this population: "Permanent loss of Greater Sage-Grouse habitat in segment 3, and the potential for mortality of individuals and lek abandonment from the indirect effects from the Proposed Action and alternatives would result in long-term high impacts." DEIS at 3-298. The transmission line, under the Proposed Action, would be located within five miles of 40 leks, 144,198 acres of Preliminary Priority Habitat ("PPH") (the equivalent of core areas), and 62,084 acres of Preliminary General Habitat ("PGH") for the Baker population. DEIS at 3-300, Table 3-70.

[4] U.S. Fish and Wildlife Service, 2010, Endangered and threatened wildlife and plants, 12-month findings for petitions to list the Greater Sage-Grouse (*Centrocercus urophasianus*) as threatened or endangered: Washington, D.C., FWS–R6–ES–2010–0018, Federal Register, v. 75, no. 55 (March 23, 2010), 107 p.

## RESPONSE(S)

N14k

See response to Comment N14f.

N14l

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project.

The Applicant has committed to design features and site-specific mitigation measures to minimize impacts to sensitive wildlife, including preconstruction surveys, seasonal and spatial restrictions for sensitive periods and habitats, minimization of timber and other vegetation clearing, spanning/avoiding sensitive features (e.g., water bodies), and a Plan of Development that includes a Biological Resources Conservation Plan. Refer to Section 3.2.4.3 in the Final EIS.

The B2H Project will be sited, designed, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage Grouse.

## COMMENT(S)

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

N14m

Isolating and further jeopardizing the Baker population is contrary to good sage-grouse management. ODFW sage-grouse management counsels that project sites should avoid core areas "because these habitats are considered essential and irreplaceable as defined in the Mitigation Policy." DEIS at 3-200. BLM policy is to minimize habitat loss and manage habitats "to maintain, enhance, or restore conditions that meet Greater Sage-Grouse life history needs." DEIS at 3-201, citing IM 2012-043. The Proposed Action ignores these management objectives as it proposes to construct the transmission line in close proximity to an enormous quantity of Baker population core areas and lek sites.

Furthermore, the offsite mitigation the DEIS proposes is unproven at best, and would do nothing to mitigate the Baker population's additional loss of connectivity. BLM should conduct additional studies of Baker population connectivity. Special consideration should be given to the effects of the Proposed Action when combined with the current causes of the Baker population's population decline, how it will affect connectivity with neighboring populations in Malheur County and Idaho, the proximity of the proposed transmission line to leks, and whether it will be detrimental to the population's seasonal habitat movement. For Segment 3, the Proposed Action has significantly more impact on sage-grouse and their habitat than other alternatives. BLM should further consider whether the Flagstaff or Timber Canyon alignments or other alignments not discussed in the DEIS could be appropriately mitigated for any identified impacts and would result in lesser impacts for sage-grouse.

**II. ADITIONAL CONSIDERATION MUST BE GIVEN TO IMPACTS TO OTHER WILDLIFE SPECIES**

N14n

*Golden Eagles*

A recent study along the Owyhee front indicates that golden eagles may also be adversely impacted by increased OHV use, which may be exacerbated as a result of the transmission line access road network.[5] As such, we recommend that mitigation for the transmission line include funding for decommissioning of user-created routes and increased education and enforcement efforts.

N14o

N14p

*Enhancement of raptor populations outside of sage-grouse habitat*

In addition to avoiding sage-grouse habitat, the Boardman to Hemingway Transmission line should be designed to have no adverse impacts on raptors. Outside of sage-grouse areas, it may also be possible to design towers in an attempt to maintain and even enhance raptor populations where appropriate. The permitting process should disallow line construction in sensitive raptor areas during the nesting season to avoid direct disturbance to nesting raptors.

Biologists and engineers should work together to design towers that are friendly to raptors but not to ravens. For example, the density of steel latticework on the bridge above the conductors should be as low as possible to discourage raven nesting. Towers with tubular metal poles may not benefit raptors because of vibrations and the lack of suitable perching and nesting sites.

[5] Steenhof, K. Brown, J., Kochert, M. 2014. Temporal and Spatial Changes in Golden Eagle Reproduction in Relation to Increased Off Highway Vehicle Activity. Wildlife Society Bulletin; DOI: 10.1002/wsb.451.

## RESPONSE(S)

N14m

See response to Comment N14f.

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project. See response to Comment N14l for a list of protective measures that will be applied to minimize impacts to Greater Sage-Grouse. The B2H Project will be sited, designed, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage Grouse.

The Greater Sage Grouse analysis has been updated to include number of leks within 0.25, 2.0, and 3.1 miles of all alternative routes in priority and general habitat, and the impact of the B2H Project on seasonal habitats.

N14n

Comment noted. The Applicant has committed to access road closure or rehabilitation to minimize anticipated B2H Project effects to sensitive species. Refer to Section 3.2.4.3 in the Final EIS.

N14o

Reclamation of temporary access roads is outlined in the Applicant's Plan of Development and associated Reclamation, Revegetation, and Monitoring Plan. In addition, reclamation is addressed in the Agency Required Mitigation Measures identified for the project.

N14p

The Applicant will also implement their established set of construction design guidelines for making structures raptor-safe in raptor-use areas.

Comment noted. The analysis for the Final EIS has been revised to include the number of raptor nests within 0.5 and 5 miles of all alternative routes. As described in Section 3.2.4.5 in the Final EIS, the Applicant has committed to design features and site-specific mitigation measures to minimize impacts to raptors including spatial and seasonal restrictions for nesting raptors, a Plan of Development that includes a Biological Resources Conservation Plan, limiting new or improved accessibility to sensitive habitat, and avian-safe design standards.

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

N14q

One potential design feature is to construct artificial platforms on transmission towers within important areas for raptors that will provide nesting sites at a safe location below the conductors. New towers in areas that replace or parallel existing lines should be designed in a way to encourage continued nesting by raptors, particularly ferruginous hawks (*Buteo regalis*), which often nest on transmission towers.

As part of a mitigation package, the BLM should consider removing redundant or unnecessary transmission and distribution lines and rehabilitating the access roads. Where existing lines are planned for removal, structures that are suitable for raptor nests and perches could be left intact. Artificial nesting platforms can provide new and alternative nesting substrate for raptors, particularly ferruginous hawks and golden eagles (*Aquila chrysaetos*), in areas without cliffs or existing transmission lines.

Enhancing raptor populations also requires enhancing prey populations, and prey populations are best enhanced by managing their habitat. Jackrabbits require shrubs for food and cover; ground squirrels thrive best in vegetation communities dominated by native perennial shrubs and grasses. Restoring habitat and increasing prey populations will benefit raptors, but additional measures to enhance raptor populations directly should be included in population enhancement strategies.

Use of the new transmission lines by raptors and ravens should be monitored as it was along the PP&L 500-kV transmission line in the Snake River Birds of Prey National Conservation Area in the 1980s (Steenhof et al. 1993). Monitoring trends in raptors nesting on transmission lines must be carried out in conjunction with monitoring population trends throughout the area. The Ferruginous Hawk should be a priority for monitoring because it is the species most likely to respond to transmission lines.

N14r

We also recommend that monitoring trends in small mammal populations that are key prey species (ground squirrels and jack rabbits) on a landscape level. The monitoring of small mammals should be coordinated with raptor monitoring.

*Other species*

Portions of the project area also contain habitat that is crucial to other sagebrush steppe obligate species such as pygmy rabbits, sage thrasher, sage sparrow, and others. Such habitat has been severely fragmented and reduced through a variety of land management practices, including road construction and development of rights of way corridors. Big game may also be adversely affected by project development. As with sage-grouse, the BLM should minimize negative impacts by avoiding areas of critical habitat for species of concern, establishing siting criteria to minimize soil disturbance and erosion on steep slopes, utilizing visual resource management guidelines, avoiding significant historic and cultural resource sites, and mitigating conflicts with other uses of the public lands.

**III. LANDS WITH WILDERNESS CHARACTERISTICS**

N14s

Under a court-approved settlement agreement reached in 2010, BLM is precluded from approving any activity on lands that have been identified as having wilderness characteristics,

### RESPONSE(S)

N14q

The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to raptors, including access road closure or rehabilitations and avian-safe design standards. Raptor nest management, including nesting platform guidelines, is addressed in Idaho Power's Avian Protection Plan.

N14r

Comment noted. Surveys required for the B2H Project will be identified in the Biological Resources Conservation Plan and included in the Plan of Development.

N14s

Comment noted.

## COMMENT(S)

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

N14s where that activity would disturb the surface of the land and would either cause the wilderness unit to shrink, or cause the unit to no longer meet the criteria for wilderness character. DEIS 3-444; *Or. Natural Desert Ass'n v. BLM*, No. 3:03-cv-1017-JE, Settlement Agreement Between ONDA, Committee for the High Desert, WWP, and BLM (D. Or. June 7, 2010). BLM correctly states that the Double Mountain alternative would violate the terms of the settlement. By contrast, the proposed action's route located outside of two Lands with Wilderness Character properly takes into account BLM's settlement obligations.

**IV. CITIZEN INVENTORIED WILDERNESS AREAS**

N14t Under the Proposed Action, the transmission line crosses into two areas ONDA has found to contain wilderness characteristics (but which BLM has not). These areas are Deer Butte (Pinnacle Point) and Double Mountain (Sagebrush Gulch). ONDA found these roadless areas to be of sufficient size, in a natural condition, with outstanding opportunities for solitude, and with outstanding opportunities for primitive and unconfined recreation, so as to qualify as a wilderness. BLM in its preliminary findings has not found these areas to contain all inventory characteristics to be considered LWCs or adjusted proposed boundaries to exclude portions of these areas from LWC units. Nevertheless, ONDA cautions against development on these lands.

ONDA continues to stand by its inventory that demonstrates that all portions of the Pinnacle Point and Sagebrush Gulch units possess wilderness characteristics and that impacts to these resources must be avoided or more fully described in the DEIS. BLM's finding that Pinnacle Point fails to provide outstanding opportunities for primitive recreation due to the use of motorized vehicles to support fishing opportunities is an incorrect application of the primitive recreation standard and the unit clearly possesses all of the recreation characteristics of an LWC unit. In addition, any impacts to the Sagebrush Gulch (Double Mountain) unit must be strictly avoided under any alternative so as not to impact the area's wilderness character. If the Proposed Action is implemented BLM should tailor its actions to protect the wilderness characteristics that do exist in these areas and mitigate for unavoidable impacts to lands with wilderness characteristics that do occur.

BLM has identified methods to mitigate unavoidable impacts on specially designated areas and lands with wilderness characteristics which include, but are not limited to, the following:

- Acquiring wilderness inholdings from willing sellers.
- Acquiring private lands from willing sellers adjacent to designated wilderness.
- Acquiring private lands from willing sellers within proposed wilderness or Wilderness Study Areas.
- Acquiring other lands containing important wilderness or related values, such as opportunities for solitude or a primitive, unconfined (type of) recreation.
- Restoring wilderness, for example, modifying routes or other structures that detract from wilderness character.
- Contributing mitigation monies to a "wilderness mitigation bank," if one exists, to fund activities such as the ones described above.
- Enacting management to protect lands with wilderness characteristics in the same field office or region that are not currently being managed to protect wilderness character.

## RESPONSE(S)

N14t Analysis has been expanded to include alternative route variations with careful consideration of lands with wilderness characteristics (including lands proposed to be protected) and BLM planning guidance. However, for the particular areas mentioned, because the BLM has inventoried the areas and determined that no wilderness characteristics are present. The BLM will not tailor its actions to protect for wilderness characteristics. The Final EIS has been updated to more clearly identify proposed Applicant-Committed Design Features and Agency Required Mitigation Measures. Chapter 2 of the Final EIS provides more clarification on this. In addition, the analysis of each resource clearly identifies which measures would be applied for protection of that particular resource. See Appendix C for further detail.

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

N14u Areas that are to be managed to protect wilderness characteristics under this approach must be of sufficient size to be manageable, which could also include areas adjacent to current WSAs or adjacent to areas currently being managed to protect wilderness characteristics.

N14v Solar PEIS Design Features for Specially Designated Areas and Lands with Wilderness Characteristics. http://blmsolar.anl.gov/documents/docs/peis/programmatic-design-features/SDAs_and_LWC.pdf

**V. WILD AND SCENIC RIVERS**

N14w In the 2002 Southeastern Oregon RMP, BLM identified the Owyhee River Below the Dam as suitable for Congressional designation as a Wild and Scenic River, due to its remarkable scenery, recreation, fish, and wildlife. DEIS at 3-447. These values must be protected pending designation by Congress, according to the Wild and Scenic Rivers Act and RMP direction. *Id*.

The Proposed Action and two alternatives would place transmission line structures across this section of the Owyhee River. DEIS 3-447. The visual dominance of these structures would permanently impair the river's outstandingly remarkable scenic values. *Id*.

The Owyhee River Below the Dam Area of Critical Environmental Concern (ACEC) is currently classified as Visual Resource Management ("VRM") Class II. Southeast Oregon Resource Management Plan and Record of Decision, Vale BLM, September 2002, at 89. The ROD specifies, "Proposed projects will be evaluated for impacts and permitted where relevant and important values will be maintained or enhanced." *Id*. The DEIS at issue here defines VRM Class II objectives as retaining the existing character of the landscape, and where management activities can be seen, they "should not attract the attention of the casual observer." DEIS at 3-254. A transmission line and its corresponding structures would be contrary to the objectives of this VRM Class II designation, significantly impacting the visual character of the area and creating a prominent development that would necessarily attract the attention of any observer in the area.

N14x BLM indicates it may avoid this conflict be re-classifying the VRM class of the Owyhee River Below the Dam ACEC. Notice of Availability of the Draft Environmental Impact Statement and Land-Use Management Plan for the Boardman to Hemingway Transmission Line Project, 79 Fed. Reg. 75,834, 75,836 (Dec. 19, 2014). Assuming the new classification would be VRM III or VRM IV, both of which are more permissive regarding modifications to the existing character of the landscape, BLM has attempted to avoid the issue procedurally. But doing so would undermine the very purpose and intent of having VRM classes. Simply opting to reclassify the VRM class of the ACEC fails to protect the outstandingly remarkable values of the Owyhee River and the visual resources of the area.

N14y In short, by impairing, rather than protecting, an outstandingly remarkable value of a river identified as suitable for designation as a Wild and Scenic River, the proposed actions would degrade the values of the Owyhee River Below the Dam ACEC and undermine the fundamental purpose of visual resources management under FLPMA as implemented through the SEORMP. BLM must consider route alignments that would avoid these impacts in this important area.

### RESPONSE(S)

N14u Analysis has been expanded to include alternative route variations with careful consideration of wilderness study areas and BLM planning guidance. As a result of comments on the Draft EIS, the alternatives considered for analysis have been revisited. As a result, there are no WSAs in the B2H Project study area.

N14v See response to Comment N14u.

N14w Analysis has been expanded to include alternative route variations with careful consideration of the Owyhee River Below the Dam ACEC and suitable wild and scenic river. The discussion has been broken out into the Sections 3.2.6 (Special Designations for the ACEC) and 3.2.11 for the suitable wild and scenic river. See applicable sections for further discussion of this area.

N14x Before proposing plan amendments to reclassify the VRM Class II areas in regards to the B2H Project, the areas were analyzed to their full extent by conducting a contrast rating of the area to determine if the B2H Project would meet VRM Class II objectives. After initial impacts were determined, selective mitigation measures were considered for the area to help meet these objectives to the extent possible. These mitigation measures will be documented as required in the Plan of Development, which will be a condition of the BLM's decision. The remaining (residual) effects of the proposed plan amendment are disclosed in Section 3.4 of the Final EIS, and require a plan amendment.

N14y As a result of DEIS comments, alternative route analysis was revised to include more routes and variations. This effort included a collaborative process that considered public lands, private lands, sensitive environmental resources (including Wild and Scenic Rivers) and colocation of utilities. All alignments considered for further detailed analysis avoid areas designated as Wild and Scenic Rivers.

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

**VI. IMPACTS ASSOCIATED WITH ROADS, RIGHTS-OF-WAY AND OHV USE**

N14z *Roads and Right of Way Corridors*
Previous management activities have resulted in extensive road and right-of-way densities throughout our public lands. This density compromises the ability of these lands to support wildlife and fish by promoting further human disturbance, fragmenting habitat, accelerating sedimentation, spreading noxious weeds, and encouraging Off Highway Vehicle use. Furthermore, there is a positive correlation between roads, even temporary ones, and human-caused wildfire ignitions. We recommend that the BLM evaluate the road and transmission network within the project area to avoid impacts to sage-grouse habitat where feasible, and close or decommission unneeded roads and corridors as part of the overall mitigation program.

N14aa *Off Road Vehicle Use*
The devastating impacts of improper Off Highway Vehicles (OHVs) on terrestrial and aquatic ecosystems are well established. Improper OHV use degrades water quality, spreads noxious weeds, fragments habitat, disturbs wildlife, increases fires, and displaces non-motorized recreationists. The BLM needs to take additional steps to manage and monitor OHV use along transmission corridor routes.

N14ab *Noxious Weeds*
The most cost-effective way to deal with noxious weeds is to protect strongholds of native vegetation from activities which either spread noxious weeds directly or create suitable habitat by removing native vegetation and disturbing the soil. BLM activities should limit road use and the exposure of mineral soils where weeds may become established. Roads, trails, and rivers serve as the primary routes for noxious weed species expansion. Special care should be taken to safeguard ecologically intact areas that are not currently infested.

**VII. SITE SPECIFC IMPACTS IN IDAHO**

N14ac **Jump Creek Recreation Site**
All proposed routes pass within a short distance of the mouth of Jump Creek Canyon Recreation Area and Jump Creek Area of Critical Environmental Concern, a very scenic recreational destination. Jump Creek is significant because it is one of the most accessible canyons in the Owyhees. Much of the Owyhee Front has been impacted and fragmented by motorized recreation and is not preferred by non-motorized recreationists, but Jump Creek has a series of non-motorized trails suitable for hikers, birdwatchers, and families. The site also includes archaeological sites in the cliff overhangs. The combination of proximity to the Treasure Valley, remarkable geology, non-motorized trails, and scenic vistas make Jump Creek a unique asset:

> Jump Creek Canyon offers desert scenery at its finest with wildflowers in the spring, sagebrush growing on the hillsides, and the lush green growth found along the creek. http://www.blm.gov/style/medialib/blm/id/recreation/sites/jump_creek.Par.71458.File.dat/brochure.pdf

### RESPONSE(S)

N14z New roads would comply with Framework Traffic and Transportation Management Plan, Framework Reclamation Plan and the Framework Plant and Wildlife Conservation Measures Plan for appropriate siting, construction and reclamation guidance within or adjacent to the project right-of-way. In addition, a Fire Prevention and Suppression Plan that meets all required state and federal requirements shall be approved by the appropriate agency prior to the start of field activities and executed appropriately for the project.

Comment noted. See response to Comment N14b.

N14aa Environmental protection measures have been developed to address the potential for spread of noxious weed species. In addition, as part of the POD, Applicant developed a Framework Reclamation Plan to outline appropriate measures for noxious and invasive weed control. See Appendix C1 of the POD for further detail.

N14ab The Applicant has committed to controlling noxious weeds through an adaptable plan where the results of preconstruction surveys will determine the types and extent of weed control methods. Post construction monitoring will determine the effectiveness of weed control measures and determine where additional control would be required. The exact methods, herbicides approved for use, buffers restricting herbicide application around sensitive resources, and control thresholds will be described in the Noxious Weed Management Plan. The Applicant has also committed to reclaiming and reestablishing native vegetation in disturbed areas through an adaptable plan similar to the Noxious Weed Management Plan where preconstruction where ongoing surveys will determine the application and success of reclamation efforts. The exact methods, thresholds, and reclamation extents will be described in the Reclamation, Revegetation, and Monitoring Plan. Both of these plans will be included in the Plan of Development and reviewed by the BLM and other agencies as part of the Record of Decision and the right-of-way grant.

N14ac Comment noted. Applicant-committed design features including selective mitigation measures will be used to reduce impacts on visual and recreational resources. Potential visual impacts to both the scenic quality and viewers within the Jump Creek vicinity have been included within the Final EIS. Impacts to viewers are represented by KOP 12-8, from which the transmission line alternatives would be viewed along with an existing 500kV transmission line that shares the same visual characteristics with the proposed transmission line. The analysis also considers that the primary focus of views within the Jump Creek area is directed inward toward the creek, waterfall, and incised canyon formation. Selective mitigation measures within this area would include having new transmission towers spaced at similar spans as the existing 500kV line, in order to prevent potential views of towers that are offset from one another.

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

N14ad

We are concerned that the transmission line's close proximity to Jump Creek would negatively impact the experience of recreationists:

> Platform 12-8 is located within the Jump Creek Recreation Area, which is a very popular day use recreation area that receives roughly 25,000 visitors annually. The platform is just outside of the Jump Creek Canyon ACEC. The use of this Platform is due to the areas popularity and outstanding scenic quality. This platform would be approximately 0.4 miles (access roads) and 1.0 miles (transmission line) from the nearest visible project components. Viewer exposure of the project components from this platform would be less than 45°. The primary focus of the viewer's attention is Jump Creek Canyon. The viewer position would be predominantly superior.
> http://www.boardmantohemingway.com/documents/deis/3_Ch3_AffEnv-Effects_B2H-DEIS_pt1.pdf, p. 3-567

We recommend that the route be moved farther to the north and away from the canyon mouth. Even with this change in alignment, the transmission line would likely dominate the view north from the canyon. Furthermore, the transmission line would further fragment the area and the access roads would invite additional OHV use and general degradation of the landscape. The BLM brochure notes that Jump Creek Recreation area already has significant vandalism issues and advises the public to avoid use of the area after dark "when unruly groups have been known to vandalize the area and discharge firearms." We recommend that a mitigation program be developed to help fund trails improvement, education and enforcement measures at Jump Creek. Wilson Creek is another popular trailhead south of the Hemingway Substation that may also be adversely affected and should receive some form of mitigation.

N14ae

**Reynolds Creek**

N14af

The transmission line would also cross Reynolds Creek which supports native redband trout and is 303(d) listed for sediment. We are concerned that construction and maintenance will impact the riparian area and contribute to sedimentation. The Reynolds Creek area also supports a population California bighorn sheep. In addition, the transmission line access roads could increase the number of Off Highway Vehicles using this area. Using the access roads which parallel the bighorn sheep habitat, Off Highway Vehicles may be able to pioneer routes into bighorn sheep habitat, increase the use of these areas, and displace bighorn sheep. As part of mitigation efforts, we recommend that the operators schedule construction for periods of time when bighorn are not as vulnerable to disturbance. In addition, the project should fund habitat improvement efforts in the Reynolds Creek for redband trout, the closure and rehabilitation of unauthorized routes in bighorn sheep area in the project vicinity as well as increased education, outreach, and enforcement efforts.

N14ag

The Owyhee front also supports the largest diversity of reptile species in Idaho. Studies by the BLM and Boise State University found that OHV trails can have a negative effect on reptile diversity and abundance.[6] We are concerned that OHVs will use access roads to pioneer

[6] Impacts of Off-Highway Motorized Vehicle Trails on the Reptiles and Vegetation of the Owyhee Front, James C. Munger, Bruce R. Barnett, Stephen J. Novak and Aaron A. Ames, Department of Biology, Boise State University, Boise, ID 83725, BLM Order # 1422D010P980060.

### RESPONSE(S)

N14ad

Comment noted. Potential visual impacts to both the scenic quality and viewers within the Jump Creek vicinity have been included within the Final EIS. Impacts to viewers are represented by KOP 12-8, from which the transmission line alternatives would be viewed along with an existing 500kV transmission line that shares the same visual characteristics with the proposed transmission line. The analysis also considers that the primary focus of views within the Jump Creek area is directed inward toward the creek, waterfall, and incised canyon formation. Selective mitigation measures within this area would include having new transmission towers spaced at similar spans as the existing 500kV line, in order to prevent potential views of towers that are offset from one another.

N14ae

Comment noted.

N14af

The following text was added to Section 3.2.5 of the Final EIS: "Vegetation removal within riparian areas (Riparian Habitat Conservation Areas) would generally occur under power lines (wire zone and border zone) and within access roads. A majority of the trees within the wire zone would be removed except for low-growing trees and shrubs and trees within valley bottoms. After initial clearing, vegetation in the wire zone would be maintained to consist of native grasses, legumes, herbs, ferns, and other low-growing shrubs that remain under 20 to 25 feet tall at maturity. Vegetation in the border zone would be maintained to consist of tall shrubs or short trees (up to 34 feet high at maturity), grasses, and forbs. Additionally, the cleared areas would be re-planted, where practicable, with a variety of native species, helping to restore vegetation communities". The Applicant has committed to updated design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project impacts from sediment transport from upland locations to streams, including spanning of riparian communities and water courses, using existing access roads, and selective removal of vegetation. Refer to Section 3.2.5 of the Final EIS for analysis of impacts.

Comment noted. The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to bighorn sheep, including access road closure or rehabilitation and seasonal and spatial restrictions. Refer to Section 3.2.4.3 in the Final EIS.

N14ag

See response to Comment N14n.

## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

N14ag additional user-created routes in sensitive habitat for reptiles. As such, we recommend that mitigation for the transmission line include funding for decommissioning of user-created routes and increased education and enforcement efforts.

**VIII. THE NEED FOR THE TRANSMISSION LINE**

N14ah The DEIS states the purpose of Boardman to Hemingway is to "alleviate existing transmission constraints and ensure sufficient capacity to meet present and future load requirements." DEIS at 1-1. In order to compare a complete range of reasonable alternatives to meet this purpose and need the DEIS should consider non-transmission alternatives that could avoid public lands impacts as identified in scoping comments from ONDA ET AL and other members of the public. The Council on Environmental Quality *Forty Most Asked Questions Concerning CEQ's NEPA Regulations* provide that "reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant" (1981:Question 2a).

N14ai The DEIS describes Idaho Power as the primary project proponent. Idaho Power, the primary project proponent, is currently developing an Integrated Resource Plan that considers Boardman to Hemingway as one of a range of options to meet long-term electric system needs. This study process includes comparing non-transmission alternatives to the project. The BLM should incorporate the results of this study into the NEPA process. While not a NEPA document, this utility produced Integrated Resource Plan is an important piece of information about the range of reasonable alternatives this DEIS must consider. Without considering non-transmission alternatives, this DEIS fails to adequately consider a reasonable range of alternatives, particularly since non-transmission alternatives are likely to drastically reduce or eliminate impacts to federal lands.

**IX. SUMMARY**

N14aj We respectfully suggests that the impacts of the Proposed Action and any contemplated configuration of the proposed Boardman to Hemingway Transmission Line are likely to result in significant impacts to Greater Sage-Grouse that are not adequately mitigated by the measures proposed in the DEIS. BLM and the project proponents are unlikely to be able to mitigate the genetic connectivity impacts to the Baker population in a manner that would prevent the further decline of this important but beleaguered sage-grouse habitat area. Only an alignment that avoids impacts to population and habitat connectivity critical to survival of the Baker population might eliminate this fundamental flaw in the Proposed Action and other alternatives in the DEIS.

N14ak While we acknowledge the efforts made to devise and propose route alignment alternatives that avoid Lands with Wilderness Characteristics units in accordance with the ONDA settlement agreement we caution against any alignment that would impact areas identified by citizen wilderness inventories. Similarly we have serious concern about the impacts to the Owyhee Wild and Scenic River and Visual Resources of the Owyhee Below the Dam ACEC area from the Proposed Action. The proposed procedural "fixes" to the impacts that would result from the Proposed Action fail to protect the resources of the area as intended in the SEORMP. Impacts to

### RESPONSE(S)

N14ah It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized and approved as appropriate by the Public Utilities Commission in each state. The Applicant's goals and objectives for a project are outlined in their IRP, which is updated every two years and can be found at http://www.pacificorp.com/es/irp.html.

The BLM's purpose and need is to respond to the application for right-of-way across lands it administers. Rather than the Applicant's interests and objectives (as indicated by the commenter), the development of alternatives to the Proposed Action is driven by the BLM's purpose and need for the action, as reflected in the EIS and consistent with the requirements of NEPA.

The BLM understands the Applicant considered a range of technologies and has addressed such in their 2015 Integrated Resource Plan at http://www.pacificorp.com/es/irp.html. The BLM considers the project description to reflect the best available technologies and project needs. Furthermore, considering alternative forms of energy would not respond to BLM's purpose and need to address the application in front of us for review. Moreover, analyzing such energy development as an alternative to the B2H Project would be remote and speculative.

Finally, CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.

N14ai It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS.

Further, the BLM understands the Applicant considered a range of technologies and considers the project description to reflect the best available technologies.

N14aj Route preference noted. If an alternative route is selected, the B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse. See response to Comment N14f.

N14ak Analysis has been expanded to include alternative route variations with careful consideration of lands with wilderness characteristics (including lands proposed to be protected) and BLM planning guidance. The Lands with Wilderness Characteristics discussion has been broken out into its own section (Section 3.2.10) and the discussion of the ONDA decision has been expanded. See Section 3.2.10 for further detail.

## COMMENT(S)

## RESPONSE(S)

### N14 Oregon Natural Desert Association and Multiple Others (cont.)

these important resource values must be better avoided or mitigated to prevent significant impacts from this proposal.

We appreciate the opportunity to provide these comments and request that ONDA's Bend and Portland offices, as well as the other organizations signatory to this letter, be maintained on the mailing list for this proposal.

Sincerely,

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## N14 Oregon Natural Desert Association and Multiple Others (cont.)

### COMMENT(S)

N14al

**REFERENCES**

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### RESPONSE(S)

N14al References noted.

## COMMENT(S)

## N15 Oregon-California Trails Association – February 25, 2015

**comment@boardmantohemingway.com**

**From:** Jim Tompkins <tompkins@bctonline.com>
**Sent:** Tuesday, February 24, 2015 12:15 PM
**To:** comment@boardmantohemingway.com
**Subject:** BLM Boardman to Hemingway DEIS response

BLM DEIS response

As president of the Northwest Chapter of the Oregon-California Trails Association, past president of the Sons and Daughters of Oregon Pioneers, board member of the Clackamas County Historical Society, and instructor for Clackamas Community College with deep interest in the Oregon Trail, I find it necessary to respond to the draft environmental impact statement issued by BLM.

The Boardman to Hemingway transmission line crosses the Oregon Trail eleven times. The statement has been made that there are plenty of places to see the Oregon Trail elsewhere. The Oregon Trail does not regenerate. Any part lost is gone forever. I hope that by saving the trail in Oregon, if the day comes that those other places to see the trail are lost, I can say we saved the trail in our state.

N15a BLM has been a friend of the Oregon Trail since its designation in 1976. BLM has marked the trail and worked with organizations such as mine to preserve the trail. It built the National Historic Oregon Trail Interpretive Center at Flagstaff Hill, near Baker City, Oregon, and placed their own man, David Hunsaker, in charge. B2H is now proposing to put up towers, up to 200 feet tall, in plain view of the picture windows at Flagstaff Hill Interpretive Center that will completely alter the view and the viewers perception of the Oregon Trail. BLM has marked and provided access to a pristine segment of the Oregon Trail just below the Flagstaff Hill center. People walking the Oregon Trail, at the invitation of BLM, will be completely overshadowed by these towers and power lines and will not have the same experience they might have without the towers and lines. Are you allowing your own showplace to be degraded?

N15b Idaho has fewer people than Oregon, yet is making itself dependent on Oregon power. Is this power really going to Idaho users or somewhere else like California or points east of Idaho? We already have power lines from Bonneville Power Authority dams at McNary and Bonneville to California. Why do we need new ones that ruin parts of the Oregon Trail or people's experience of the trail?

Boardman electricity producing plant is coal fired. Oregon has no coal. It is imported from Wyoming. The Boardman plant is scheduled to be closed at the same time that these new lines are built. Is this just an excuse for PGE to phony up the value of Boardman to keep it open? Or does Idaho Power have plans to replace Boardman power with BPA power out of McNary?

I can not think of good enough reasons to help destroy what is left of the Oregon Trail so Idaho Power can connect to Boardman.

Jim Tompkins
21421 S. Ferguson Rd
Beavercreek, OR 97004

1

## RESPONSE(S)

N15a Both direct and indirect impacts (trail setting) on the Oregon NHT are described in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

N15b It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS.

Comment noted. The Applicant's 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant's customers in southern Idaho and eastern Oregon. The B2H Project also will interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move throughout the Pacific Northwest. This helps meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project allows the Applicant to serve its growing load without building carbon-emitting resource.

## COMMENT(S)

## N16 Oregon-California Trails Association – March 15, 2015

**comment@boardmantohemingway.com**

**From:** Jim Tompkins <tompkins@bctonline.com>
**Sent:** Sunday, March 15, 2015 11:09 AM
**To:** comment@boardmantohemingway.com
**Cc:** Polly Jackson
**Subject:** NWOCTA BLM B2H DEIS response
**Attachments:** NWOCTA B2H Resolution.pdf; Untitled attachment 00011.txt

Resolution on Protecting the National Oregon Trail from Damage by the Boardman to Hemingway Transmission Line

Whereas the Northwest Chapter of the Oregon-California Trails Association seeks to prevent further deterioration of the Oregon Trail;

Whereas the Northwest Chapter of the Oregon-California Trails Association works to persuade government and industry to relocate roads, power lines, and pipe lines to preserve extant trail rut segments, trail remains, graves and associated trail sites;

Whereas the Northwest Chapter of the Oregon-California Trails Association may pursue whatever measures are necessary or advisable to accomplish these goals; now, therefore, be it

N16a

Resolved, that the Northwest Chapter of the Oregon-California Trails Association:

1. supports the BLM in its resource goal of "protecting and sustaining trail resources to provide for enriching and inspiring experiences;
2. calls on the BLM to protect three critical trail resources from damage due to the B2H Transmission Line - Flagstaff Hill, Birch Creek and Tub Mountain/Alkali Springs;
3. calls on the BLM to consider alternative routes that eliminate the eleven crossings of the Oregon Trail;
4. calls on the BLM to maintain the purpose of the ACEC designation without amendments that reduce or eliminate original concerns;
5. calls on the BLM to eliminate the disturbing comment appearing in the B2H DEIS in section 3.2.9.7 page 3-729 stating in part - "The influence of the alternatives under consideration would have minimal impact when compared to the qualities of the entire 2,170 mile long congressionally designated trail";
6. calls on the BLM to acknowledge that any loss of actual trail resources cannot be regenerated and cannot be replaced.

Moved and amended by Ray Egan, member Board of Directors NWOCTA Seconded by Polly Jackson, member Board of Directors NWOCTA Passed unanimously by members attending the NWOCTA Annual Meeting, Puyallup, WA

Submitted to the BLM Vale District Office to be included as comments from the Northwest Chapter of the Oregon-California Trails Association for the Draft EIS Boardman to Hemingway Transmission Line.

By Jim Tompkins, President Northwest Chapter of the Oregon-California Trails Association March 14, 2015

1

## RESPONSE(S)

N6a

Analysis has been expanded to include alternative route variations with careful consideration of land status (including agricultural areas).The Applicant would work closely with landowners prior to development to locate the transmission line where it would have the least impact on the landowner's property. The impact on property rights will be carefully considered by Applicant, during micro-siting to minimize impacts to sensitive environmental resources, protection of farmlands, and critical management areas in conjunction with local, state and federal land use guidance.

In addition, analysis has been expanded to include alternative route variations with careful consideration of agricultural lands and colocation with existing facilities (including transportation facilities). See Sections 3.2.6 and Section 3.2.7 for detailed analysis of potential impacts from the B2H Project.

## COMMENT(S)

## RESPONSE(S)

**N16** **Oregon-California Trails Association – March 15, 2015 (cont.)**

**Resolution on Protecting the National Oregon Trail from Damage by the Boardman to Hemingway Transmission Line**

Whereas the Northwest Chapter of the Oregon-California Trails Association seeks to prevent further deterioration of the Oregon Trail;

Whereas the Northwest Chapter of the Oregon-California Trails Association works to persuade government and industry to relocate roads, power lines, and pipe lines to preserve extant trail rut segments, trail remains, graves and associated trail sites;

Whereas the Northwest Chapter of the Oregon-California Trails Association may pursue whatever measures are necessary or advisable to accomplish these goals; now, therefore, be it

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3. calls on the BLM to consider alternative routes that eliminate the eleven crossings of the Oregon Trail;
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6. calls on the BLM to acknowledge that any loss of actual trail resources cannot be regenerated and cannot be replaced.

Moved and amended by Ray Egan, member Board of Directors NWOCTA
Seconded by Polly Jackson, member Board of Directors NWOCTA
Passed unanimously by members attending the NWOCTA Annual Meeting, Puyallup, WA

Submitted to the BLM Vale District Office to be included as comments from the Northwest Chapter of the Oregon-California Trails Association for the Draft EIS Boardman to Hemingway Transmission Line.

By Jim Tompkins, President Northwest Chapter of the Oregon-California Trails Association
March 14, 2015

## COMMENT(S)

## RESPONSE(S)

### N17 Oregon-California Trails Association – March 16, 2015 [1]

300446

BLM DEIS response

As president of the Northwest Chapter of the Oregon-California Trails Association, past president of the Sons and Daughters of Oregon Pioneers, board member of the Clackamas County Historical Society, and instructor for Clackamas Community College with deep interest in the Oregon Trail, I find it necessary to respond to the draft environmental impact statement issued by BLM.

N17a

The Boardman to Hemingway transmission line crosses the Oregon Trail eleven times. The statement has been made that there are plenty of places to see the Oregon Trail elsewhere. The Oregon Trail does not regenerate. Any part lost is gone forever. I hope that by saving the trail in Oregon, if the day comes that those other places to see the trail are lost, I can say we saved the trail in our state.

BLM has been a friend of the Oregon Trail since its designation in 1976. BLM has marked the trail and worked with organizations such as mine to preserve the trail. It built the National Historic Oregon Trail Interpretive Center at Flagstaff Hill, near Baker City, Oregon, and placed their own man, David Hunsaker, in charge. B2H is now proposing to put up towers, up to 200 feet tall, in plain view of the picture windows at Flagstaff Hill Interpretive Center that will completely alter the view and the viewers perception of the Oregon Trail. BLM has marked and provided access to a pristine segment of the Oregon Trail just below the Flagstaff Hill center. People walking the Oregon Trail, at the invitation of BLM, will be completely overshadowed by these towers and power lines and will not have the same experience they might have without the towers and lines. Are you allowing your own showplace to be degraded?

Idaho has fewer people than Oregon, yet is making itself dependent on Oregon power. Is this power really going to Idaho users or somewhere else like California or points east of Idaho? We already have power lines from Bonneville Power Authority dams at McNary and Bonneville to California. Why do we need new ones that ruin parts of the Oregon Trail or people's experience of the trail?

Boardman electricity producing plant is coal fired. Oregon has no coal. It is imported from Wyoming. The Boardman plant is scheduled to be closed at the same time that these new lines are built. Is this just an excuse for PGE to phony up the value of Boardman to keep it open? Or does Idaho Power have plans to replace Boardman power with BPA power out of McNary?

I can not think of good enough reasons to help destroy what is left of the Oregon Trail so Idaho Power can connect to Boardman.

Jim Tompkins

Jim Tompkins
21421 S. Ferguson Rd
Beavercreek, OR 97004

Page 1 of 1

N17a

Both direct and indirect impacts (trail setting) on the Oregon NHT adjacent to the National Historic Oregon Trail Interpretive Center are described in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

**COMMENT(S)**

**N18** **Oregon-California Trails Association – March 17, 2015 [1]**

NORTHWEST CHAPTER
OREGON-CALIFORNIA TRAILS ASSOCIATION

10813 NE 20th Street
Bellevue, WA 98004-2907
March 17, 2015

Boardman to Hemingway Transmission Line Project
DEIS Response
P O Box 655
Vale, OR 97918

Dear Sirs,

N18a I am writing to you as a Charter Member of the Oregon-California Trails Association. It has come to our attention that the Idaho Power Company proposes to place wind turbines along the Old Oregon Trail crossing the Trail approximately six times. This is alarming and upsetting to our organization as we act as stewards of the Trail and it's historical and cultural significance.

There are a number of alternatives for the placement of these proposed wind turbines. The B2H is projected to cross the trail many times. The trail does not renew itself, once gone always gone.

Please help us to continue to protect the integrity and beauty of this important part of our countries history.

Sincerely,

Joyce P Bolerjack
NW Chapter, OCTA Membership Chairman

**RESPONSE(S)**

N18a Comment noted.

## COMMENT(S)

## N19 Oregon-California Trails Association – March 16, 2015 [2]

**comment@boardmantohemingway.com**

**From:** *Douglas D Jenson <jensondd@ida.net>
**Sent:** Tuesday, March 17, 2015 8:02 AM
**To:** comment@boardmantohemingway.com
**Subject:** BLM DEIS Response

BLM DEIS Response

BLM

Vale District Office

100 Oregon Street

Vale, OR 97918

I would like to express some thoughts and concerns regarding the proposed Boardman to Hemingway transmission line project.

N19a I understand that the proposed route could cross the remnants of the Oregon Trail, a nationally-designated Historic Trail, up to eleven times. The Trail is a non-renewable cultural resource. If it's destroyed, it's gone forever. It won't come back, to the loss to us, our children and grandchildren.

N19b Has the effect of the proposed route on the Baldock Slough north of Flagstaff Hill in Baker County been appropriately considered?

N19c Completion of the proposed project will open up new public access points on both Forest Service and BLM lands, which will allow access to ATVers and four-wheel enthusiasts.

This work should not be performed during winter months when the ground is wet and soggy.

N19d In the Birch Creek area, it would be preferable to locate the line closer to the interstate, and to make use of lower poles.

N19e Flagstaff Hill is a huge issue. This is a very historic area, where an important visitor center is located. Running a transmission line through this area would seriously impact, in a negative manner, the viewshed of this area. It would be preferable to either bury the line through there, or go with the Timber Canyon alternative.

The Oregon Trail is an important national resource, and is also important to me.

1

## RESPONSE(S)

N19a Comment noted.

N19b Baldock Slough was included in the Final EIS analysis of impacts on the Oregon NHT.

N19c New roads would comply with Framework Traffic and Transportation Management Plan, Framework Reclamation Plan and the Framework Plant and Wildlife Conservation Measures Plan for appropriate siting, construction and reclamation guidance within or adjacent to the project right-of-way.

N19d Your comment is noted. Additional alternatives have been included for the Final EIS. Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N19e Comment noted.

## COMMENT(S)

## RESPONSE(S)

### N19 Oregon-California Trails Association – Mar. 16, 2015 [2] (cont.)

**comment@boardmantohemingway.com**

**From:** *Douglas D Jenson <jensondd@ida.net>
**Sent:** Tuesday, March 17, 2015 8:02 AM
**To:** comment@boardmantohemingway.com
**Subject:** BLM DEIS Response

BLM DEIS Response

BLM

Vale District Office

100 Oregon Street

Vale, OR 97918

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This work should not be performed during winter months when the ground is wet and soggy.

In the Birch Creek area, it would be preferable to locate the line closer to the interstate, and to make use of lower poles.

Flagstaff Hill is a huge issue. This is a very historic area, where an important visitor center is located. Running a transmission line through this area would seriously impact, in a negative manner, the viewshed of this area. It would be preferable to either bury the line through there, or go with the Timber Canyon alternative.

The Oregon Trail is an important national resource, and is also important to me.

1

## COMMENT(S)

## RESPONSE(S)

### N20 Oregon-California Trails Association – March 17, 2015 [2]

**comment@boardmantohemingway.com**

**From:** Jere and Jan KRAKOW <jlkrakow@msn.com>
**Sent:** Tuesday, March 17, 2015 10:55 AM
**To:** comment@boardmantohemingway.com
**Subject:** B2H Comments
**Attachments:** B2H.DEIScomments.docx

Vale BLM,

Attached are the comments from the Oregon-California Trail Association (OCTA) written by Jere L. Krakow, National Preservation Officer of OCTA.

thanks,

Jere L. Krakow
National Preservation Officer
Oregon-California Trail Association
505-828-0309

1

## COMMENT(S)

## RESPONSE(S)

**N20** **Oregon-California Trails Association – Mar. 17, 2015 [2] (cont.)**

March 16, 2015

Bureau of Land Management
Vale District Office
100 Oregon Street
Vale, Oregon 97918

Re: Boardman to Hemingway Transmission Line Project

For several years the Oregon-California Trails Association (OCTA) through the Northwest Chapter has been monitoring and commenting on the proposed Boardman to Hemingway Transmission Line Project (B2H). Our concerns are many as the transmission line will compromise the Oregon National Historic Trail and Goodale and Meeks Cutoff routes in many locations and in a variety of ways.

OCTA appreciates the vast amount of time and budget committed by the BLM/Vale office to assessing the potential impacts of the transmission line and the many alternatives routes that have been proposed and studied. The challenges are many for BLM as a multi-use agency in the Department of Interior. OCTA values the energy produced on public lands and the transmission of energy to distant locations. Our voice is a very significant one as the association advocating for the historic trails in Oregon and Idaho, among many other western states. BLM has been an important partner and manager for historic trails resources. Many decades of working together bears testimony to the partnering efforts of the BLM and OCTA.

As a nonprofit, OCTA has demonstrated the priority mission of preservation of historic trail resources throughout the length of the many routes used by emigrants and gold seekers during the nineteenth century. The engagement of OCTA is many fold with hundreds of volunteers and thousands of hours of volunteer time and thousands of dollars contributed. In 2014 the volunteer hours and money contributed by OCTA totaled 100,379 hours valued at $2,263,546, and contributions of $686,060. Nationwide the volunteer hours alone in 2014 totaled 1,054,022 for the National Trails System, with a value of $23,768,196, according to the nonprofit Partnership for the National Trails System.

In reviewing the 2000+ pp. of the DEIS it is very clear that the public interest of the entire project has <u>not</u> been validated. On p. S-2 of the DEIS, it states,

## N20 Oregon-California Trails Association – Mar. 17, 2015 [2] (cont.)

### COMMENT(S)

N20a

"The B2H Project is neither required to support any particular new power generation project nor justified by any particular existing power generation project. Rather, the B2H Project would meet IPC's obligations to meet Federal Energy Regulatory Commission, Oregon Public Utility Commission, and Idaho Public Utility Commission requirements."

OCTA strongly believes the public interest has not been demonstrated. Without the public interest being met the entire proposed project is called into question. The power utility companies need to go back to that fundamental point and demonstrate the need.

N20b

The purposes and nature of national historic trails are incompatible with linear transmission facilities. The potential adverse effects destroy the very values that Congress intended to preserve when the Oregon Trail through legislation, was designated a National Historic Trail. The result OCTA seeks is "no net loss" of the values for which the trail was designated.

N20c

N20d

The project proponents have not conducted a thorough public process that results in the determination that the project is needed let alone that the B2H as proposed is an environmentally acceptable method for meeting the yet to be determined need. With the adverse impacts poorly described, no cumulative impacts quantified, and without a mitigation plan for a resource that is non-renewable (gone forever when compromised), inadequate mitigation is very prominent in the DEIS. If a renewable resource, Sage Grouse, has a mitigation plan then a non-renewable resource like those of the Oregon Trail, Goodale and Meeks Cutoff and their associated sites and setting, deserves mitigation too.

N20e

Mitigation Planning (3.2.8.9) needs to be fully developed in the DEIS text and not delayed by proposed avoidance measures in various agreements (Appendix G). "No net loss" of resources is the key element of impacts at on-site locations, and off site, if necessary. The critical development and design stage of the project is when mitigation should be the focus. Land acquisition for unprotected Oregon Trail resources is a priority in mitigation for OCTA, and if residual impacts are unaddressed, a cash offset by the project proponents needs to be developed.

N20f

At each and every transmission line crossing of the Oregon Trail and the Goodale and Meeks Cutoff, being studied through congressional act, the DEIS does not fully address the impacts nor does it address the cumulative impacts of each crossing and the total cumulative impacts aggregated, of the entire project. In the DEIS is the 20130829 Historic Trails Map Assembled, and the maps make it clear as to locations of the adverse effects. When the BLM Manual 6280, a touted document, underscores the monitoring and "best uses" and the DEIS with maps noted

### RESPONSE(S)

N20a

It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS.

Comment noted. The Applicant's 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant's customers in southern Idaho and eastern Oregon. The B2H Project also will interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move throughout the Pacific Northwest. This helps meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project allows the Applicant to serve its growing load without building carbon-emitting resource.

N20b

A comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy

N20c

See response to Comment N20a.

N20d

The narratives discussing adverse impacts on the Oregon NHT have been made more robust and a quantification of cumulative effects as well as a comprehensive mitigation approach have been added to the Final EIS.

N20e

A comprehensive mitigation approach was developed to include on-site and off-site compensatory mitigation techniques to reduce impacts on the Oregon NHT as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy

N20f

Both direct and indirect impacts on the Oregon NHT and study trails are described in the Final EIS. The analysis includes the application of on-site and offsite compensatory mitigation techniques to reduce impacts on the Oregon NHT. Impacts on the trail as a whole are described as impacts on the trail's nature and purpose.

## COMMENT(S)

## N20 Oregon-California Trails Association – Mar. 17, 2015 [2] (cont.)

N20f

above, does not give consideration to protecting historic trail resources, the assessment of impacts is shallow and almost nonexistent. Towers with heights of 165-195 feet along a route nearly 305 miles in length, and the associated project elements of cables, construction roads, access roads, maintenance facilities, fencing, borrow pits, lights, invasive species, off road vehicles, chain-link fences, cleared land, and visual and auditory impacts, all add up to a huge number of cumulative impacts. In short, hundreds of square miles will be required by the massive B2H project. The DEIS clearly does not speak to the cumulative effects, and is absent the analysis expected in a transmission line project, particularly one of the magnitude proposed.

N20g

N20h

It is not clear that the BLM has incorporated the "high potential sites" and "high potential segments" underscored in the National Trails System Act (1968, as amended 1978) that are identified in the *Comprehensive Management and Use Plan* update (1999) for the California, Pony Express, Oregon and Mormon Pioneer National Historic Trails. Attention to that planning document is critical for projects that may threaten historic trail resources.

N20i

Particular locations where negative impacts of the transmission line are visible

- north of Vale to Alkali Spring, and the crossing at North Vale.
- At Alkali Springs the transmission line visible to the south about 1.7 miles, and to the northeast through the gulch east of the roadway
- Tub Springs – tower tops visible to east
- Willow Springs – towers are visible across Love Reservoir
- Willow Springs where east of the transmission line is visible
- Burnt River – north Huntington visible on ridge across canyon
- Riber Creek to Chimney Rock – visible as when trail climbs out of canyon
- Birch Creek transmission line off of I-84 all the way to Farewell Bend
- Dixie – high visibility in canyon
- Jordan Creek – high visibility in canyon
- Burnt River – high visibility
- Swayze Creek – crossing with high visibility
- Durkee – visible up Durkee Creek for 1 ½ miles
- Pleasant valley – crossing with high visibility, and north of crossing to Virtue Flat
- Virtue Flat – alternate route very visible leading to Flagstaff Hill
- Flagstaff Hill – highly visible below interpretive Center
- Clover Creek – high visibility near I-84 crossing
- Ladd Canyon – approaching it
- Ladd Hill – visible to west several miles

## RESPONSE(S)

N20g

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

Both direct and indirect impacts on the Oregon NHT and study trails are described in the Final EIS. The analysis includes the application of on-site and offsite compensatory mitigation techniques to reduce impacts on the Oregon NHT. Impacts on the trail as a whole are described as impacts on the trail's nature and purpose.

N20h

Impacts on trail setting were updated in the Final EIS to more fully address BLM Manual 6280 direction.

References have been added to the Final EIS to more clearly demonstrate use of the NPS identified high potential sites and segments.

N20i

Comments noted. Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

**N20** **Oregon-California Trails Association – Mar. 17, 2015 [2] (cont.)**

N20i

- Hilgard State Park – visible due west, and to south from ridge across from park
- Blue Mountain Crossing – tops of towers somewhat visible (use ridges to hide towers)
- Meacham – occasional visibility
- Wells Spring – visible to south, at interpretive panels of wayside; and west toward Ella; and the impact of trail resources at the Boardman Bombing Range
- Meacham -occasional visibility
- Longhorn Variant – visible on east boundary
- Four-Mile Canyon – very visible
- Willow Creek – very visible in creek; intermittent visibility to Willow Creek

N20j

Alternate routes need to be employed for the transmission line project wherever possible to minimize visual impacts to the trail setting. Especially troubling are the many adverse effects in and around Flagstaff Hill and the National Historic Oregon Trail Interpretive Center. The setting extends for miles and the experience of visitors at the center is critical to the story of the Oregon Trail. It is a top quality experience that should retain the trail setting as much as possible and it is a place where BLM has showcased the Oregon Trail and the Goodale Route. OCTA opposes the "preferred routings" identified in the supplemental maps of the DEIS.

N20k

Furthermore the guidance in BLM Manuals 6250 and 6280 concerning landscapes and setting are in effect and need be used in the management of historic trail resources. These management manuals need be fully integrated into the DEIS for a project of the magnitude of the B2H.

OCTA appreciates the opportunity to comment on the DEIS and anticipates being fully engaged in the next steps of the B2H project.

Sincerely,

Jere L. Krakow
National Preservation Officer
Oregon-California Trails Association

## RESPONSE(S)

N20j Comments noted.

N20k See response to Comment N20h.

## COMMENT(S)

## RESPONSE(S)

### N21 Oregon-California Trails Association – March 16, 2015 [3]

OREGON-CALIFORNIA TRAILS ASSOCIATION

524 South Osage St. • P.O. Box 1019 • Independence, MO 64051-0519
Phone: (816) 252-2276 • Toll Free (888) 811-6282 • Fax: (816) 836-0989
E-Mail: octa@indepmo.org • www.octa-trails.org

16 March 2015

BLM Project Manager
B2H Project
P.O. Box 655
Vale, OR 97918

Att'n: Tamara Gertsch

The proposed Boardman to Hemingway Transmission Line Project would be a disaster for the Oregon National Historic Trail.

The Northwest Chapter of the Oregon-California Trails Association (OCTA) has been actively engaged in studying this project, and in reviewing the Draft Environmental Impact Statement (DEIS). It is quite clear the so-called "preferred alternative" for routing the line parallels—and at some points is virtually on top of—the Oregon National Historic Trail, and other pioneer routes like Meek's Cutoff and the Goodale Cutoff which are currently under study for inclusion in the National Historic Trail system. N21a

The potential adverse impacts are quite evident, and the analysis of those impacts in the DEIS are quite scattered and limited. Northwest Chapter reviewers and our National Preservation Officer have identified serious threats to the Oregon Trail that are not discussed in mitigation concepts in the DEIS. N21b

In discussion and action at the recently concluded meeting of the Board of Directors of OCTA, the attached resolution passed unanimously, and is sent to call your attention to our very significant concerns for the Trail and the cumulative effects of this project on trail resources. Please place it with the many letters sent by OCTA members and others to the Vale office of the BLM regarding this project.

Sincerely,

John Krizek
President

Cc: Jerome Perez, Oregon State Director, BLM
Don Gonzalez, Vale District Manager, BLM
Aaron Mahr, Superintendent, Long Distance Trails Office, National Parks Service

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Loren Pospisil (2015)
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Bill Symms (2016)
Yachats, OR

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N21a Impacts on NHTs were a key component in selection of the agency preferred alternative in consideration with other resources.

N21b All discussions associated with impacts on NHTs have been moved to the National Trails System section (Section 3.2.15) except for Section 106-related items. Additionally, a comprehensive mitigation approach was developed to include on-site and off-site compensatory mitigation techniques to reduce impacts on the Oregon NHT.

## COMMENT(S)

## RESPONSE(S)

**N21** **Oregon-California Trails Association – Mar. 16, 2015 [3] (cont.)**

OREGON-CALIFORNIA TRAILS ASSOCIATION

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16 March 2015

BLM Project Manager
B2H Project
P.O. Box 655
Vale, OR 97918

Att'n: Tamara Gertsch

The proposed Boardman to Hemingway Transmission Line Project would be a disaster for the Oregon National Historic Trail.

The Northwest Chapter of the Oregon-California Trails Association (OCTA) has been actively engaged in studying this project, and in reviewing the Draft Environmental Impact Statement (DEIS). It is quite clear the so-called "preferred alternative" for routing the line parallels—and at some points is virtually on top of—the Oregon National Historic Trail, and other pioneer routes like Meek's Cutoff and the Goodale Cutoff which are currently under study for inclusion in the National Historic Trail system.

N21c The potential adverse impacts are quite evident, and the analysis of those impacts in the DEIS are quite scattered and limited. Northwest Chapter reviewers and our National Preservation Officer have identified serious threats to the Oregon Trail that are not discussed in mitigation concepts in the DEIS.

N21d In discussion and action at the recently concluded meeting of the Board of Directors of OCTA, the attached resolution passed unanimously, and is sent to call your attention to our very significant concerns for the Trail and the cumulative effects of this project on trail resources. Please place it with the many letters sent by OCTA members and others to the Vale office of the BLM regarding this project.

Sincerely,

John Krizek
President

Cc: Jerome Perez, Oregon State Director, BLM
Don Gonzalez, Vale District Manager, BLM
Aaron Mahr, Superintendent, Long Distance Trails Office, National Parks Service

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N21c This statement was removed as it inaccurately states the intactness of the remaining portions of the Oregon NHT, reducing the effect of the B2H Project on the trail and trail setting.

N21d Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

As explained in Section 2.5.1, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House Council on Environmental Quality (40 Code of Federal Regulations 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

Impacts on the Oregon NHT have been considered in context with other resources to develop the alternative routes in addition to applying a comprehensive mitigation approach to reduce trail impacts where the Oregon NHT would be impacted.

## COMMENT(S)

## RESPONSE(S)

**N22** **Oregon-California Trails Association – March 12, 2015**

**comment@boardmantohemingway.com**

**From:** Bill <wsymms@peak.org>
**Sent:** Thursday, March 12, 2015 9:32 PM
**To:** comment@boardmantohemingway.com
**Subject:** B2H Comments
**Attachments:** B to H Response.doc

Hello,
I am the Preservation Officer for Northwest OCTA and I have attached a document that I sent to the wrong person.
Hopefully this gets to the correct one now.

William Symms
Preservation Officer Northwest Oregon/California Trails

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This email has been checked for viruses by Avast antivirus software.
http://www.avast.com

1

## N22 Oregon-California Trails Association – March 12, 2015 (cont.)

### Comment(s)

December 9, 2013
*OCTA Response to Boardman to Hemingway Transmission Line Historical Setting Inventory:*

*On November 13th and 14th I had the opportunity to visit these areas with Jeremy Call from Logan Simpson Design and assist in the evaluation of the area for the construction of the B to H power line right of way on BLM land: Love Reservoir, Birch Creek, Straw Ranch I (T10S, R42E, Sec. 28, 33), Straw Ranch II (T10S, R42E, Sec. 7, 8) and Chimney Creek (T13S, R44E, Sec. 3), areas where the Oregon National Historic Trail leaves the Burnt River Canyon heading for Virtue Flats and Flagstaff Hill National Interpretive Center.*

*I have been involved in four different BLM projects, over the last 9 years, in marking and mapping the Oregon National Historic Trail as it traverses the segment from west of Ft. Boise to the Flagstaff Hill Interpretive Center at Baker City. I am very familiar with the region. Northwest Chapter of the Oregon/California Trails Association has been very active in partnering with the BLM to help maintain this section of the trail.*

N22a *As you read the BLM 6280 Document and look at how it applies to this project, the route the BLM suggests is does not appear to be appropriate in this situation. The massive towers in this section will be 180 to 200 feet tall which will be very difficult to hide through some mitigation measure. The IPC preferred route west of Willow Creek appears to be the best alternative in this section.*

Key Terms Used in This Manual
2. National Historic Trail. An extended, long-distance trail designated by Congress that is not necessarily managed as continuous but follows as closely as possible and practicable the original trails or routes of travel of national historic significance. The purpose of a National Historic Trail is the identification and protection of the historic route and the historic remnants and artifacts for public use and enjoyment. A National Historic Trail is managed to recognize the nationally significant resources, qualities, values, and associated settings of the areas through which such trails may pass, including the primary use or uses of the trail. Federal Protection Components associated with the National Historic Trail, including high potential historic sites, high potential route segments, and auto tour routes are identified by the National Trail administering agency through the trail wide Comprehensive Plan. Properties eligible for the National Register of Historic Places, which may also be Federal Protection Components, may be identified along the National Historic Trail, including segments of the National Historic Trail.

*The Oregon National Historic Trail has already been recognized by congress.*

3. National Trail Segment.
Individual sections of a National Trail which, in combination, comprise the entire National Trail. Each segment of a National Trail may contain unique features or landforms, and variable resources, qualities, values, or associated settings.

N22b *Between 1836 and 1864, approximately 300,000 plus emigrants came west on the Oregon/California Trail. Of that number, approximately 150,000 came on to Oregon after others took off for California in Idaho. They have left a permanent mark on the earth for us to observe and to enjoy while we study their stories and our history. Each year more and more of the trail is disappearing to development of wind energy and other areas of concern so it is critical that we preserve the sections of the trail that we have in this state in their original condition. It is unique to Oregon and the Oregon National Historic Trail is a source of many tour dollars that boost our state economy.*

N22c *There are two sections of the trail that I address in this response and each one of them is unique and different and worthy of protection. The first section is from directly west of Fort Boise on the Snake River to Farewell Bend on the Snake River. The section from the Fort Boise area to Vale is not an area of concern as the IPC route would avoid any issues around Keeney Pass Interpretive Area established by the BLM. The area we are deeply concerned about is from Vale to Farewell Bend by way of Alkali and Tub Springs to Birch Creek Interpretive area. These areas are absolutely critical to preservation*

### Response(s)

N22a Comments noted.

N22b Comments noted. The potential effects of the B2H Project on tourism related to the Oregon NHT are analyzed in the Final EIS.

N22c Impacts on the NPS auto tour route, interpretive sites/centers, and contributing trail segments have been included in the assessment of impacts on the Oregon NHT. These impacts were refined using a viewshed analysis to determine those areas where the B2H Project would be visible.

## COMMENT(S)

## RESPONSE(S)

### N22 Oregon-California Trails Association – March 12, 2015 (cont.)

N22c

*concerns as they already have been identified, mapped and marked with interpretive panels installed at these locations by the BLM and OCTA and we are in the process of installing another interpretive panel at a section of Class 1 Swales on the west side of Tub Mountain. After traveling this area with a representative from Logan-Simpson Design, I determined that the electric transmission towers would be observable from almost every location on the 22 mile segment with some in the distance and some in the forefront. This section is already a designated Auto Tour Route with brochures available at BLM offices and at the Flagstaff Hill Oregon National Historic Trail Interpretive Center at Baker City. It is one of the easiest sections of the Oregon National Historic Trail accessible for individuals with disabilities. They do not have to get out of a vehicle to have the vicarious trail experience with empathy for the setting that these emigrants experienced.*

*The second section is Straw Ranch I (T10S, R42E, Sec. 28, 33), Straw Ranch II (T10S, R42E, Sec. 7, 8) and Chimney Creek (T13S, R44E, Sec. 3), areas where the Oregon National Historic Trail leaves the Burnt River Canyon heading for Virtue Flats and Flagstaff Hill Interpretive Center.*

18. Auto Tour Route.
Those roads that parallel the National Historic Trail and provide opportunities to commemorate the historic route as an alternate experience. These opportunities may occur inside or outside the National Trail Management Corridor. Auto tour route opportunities may include access to National Historic Trail high potential historic sites and high potential route segments located on BLM public and, other participating agency land, or lands of willing landowners. Auto tour routes are normally restricted to existing all-weather roads or paved highways and may be limited to specific use conditions.

*The 22 miles section from Vale to Farewell Bend is already designated as part of the Oregon National Trail Auto Tour Route.*

1.6 Policy
A. Statement of Programmatic Policy
3. Management Standard for Congressionally Designated National Scenic and Historic Trails (National Trails).
ii. Substantial Interference and Avoidance of Incompatible Activities

N22d

Through the land use planning and NEPA processes for proposed actions on National Trails, the BLM may permit uses that will not substantially interfere with the nature and purposes of the National Trails. To the extent practicable, the BLM shall make efforts to avoid activities that are incompatible with the purposes for which such trails were established. NTSA Sec. 7(c). As such, subject to valid existing rights, the BLM may, through the appropriate NEPA analysis, approve, reject, deny, prohibit, minimize, and/or mitigate proposed actions.

*The power transmission line would substantially interfere with the nature and purpose of the National Trails.*

V. Management
a. The BLM will consider the following National Trail characteristics in National Trail management:
(2) National Historic Trails
(i) The original trails or routes of travel of national historic significance to maximize vicarious experiences and provide resource protection.
(ii) Historic route and its historic remnants and artifacts for public use and enjoyment.

N22e

*In order to have a vicarious experience and provide resource protection on this section, the IPC route to the west of Willow Creek should be taken. This section of the trail in August reflects the experience and empathy for what the emigrants felt when they were walking across this section of Oregon.*

2.4 Protocol for Proposed Actions which May Affect Trails Under National Trail Feasibility Study and Trails Recommended as Suitable for National Trail Designation

N22d A comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy

N22e Comment noted

## N22 Oregon-California Trails Association – March 12, 2015 (cont.)

### COMMENT(S)

N22f

C. The NEPA analysis for the proposed action will consider existing data, including data from the completed National Trail Feasibility Study, data provided to the BLM by the agency conducting the National Trail Feasibility Study, or additional data collected as necessary for alternative formulation and analysis. In evaluating whether to approve the proposed action, the NEPA analysis, will:
2. Analyze and describe any impacts of the proposed action on the values, characteristics, and settings of trails under study or trails recommended as suitable.
3. Consider an alternative that would avoid adverse impacts to the values, characteristics, and settings of the trail under study or recommended as suitable and/or incorporate and consider applying design features (see examples in Appendix 1) to avoid adverse impacts.

*This alternative is already on the maps as IPC proposed route which runs west of Birch Creek and would eliminate this whole issue of Alkali, Tub Springs, Tub Mountain and Birch Creek Interpretive area. The power line would conflict with the Integrity of the Historical Setting.*

3.5 Conducting the National Trail Inventory
E. To the greatest extent practicable, the inventory shall be conducted for each of the following landscape elements. National Trail resources, qualities, and values, and the primary use or uses for each landscape element must be inventoried and assessed prior to determining the extent of the associated settings. The inventory of the associated settings is based on the documentation of resources, qualities, and values, and the primary use or uses.

N22g

1. Scenic Resources, Qualities, and Values, and the Primary Use or Uses. The scenic resources, qualities, and values, and the primary use or uses inventory includes:
i. A viewshed analysis (computer based-modeling), including a scenic quality analysis, a sensitivity-level analysis, and a delineation of distance zones for scenic values, and documentation of the elements of the landscape that are seen, seldom seen, and not seen from the National Trail, including the foreground, middle ground, and background of the viewshed of the National Trail.

*The setting and viewshed in this section of the trail would be destroyed by the appearance of power transmission lines and accompanying road and construction activities visible the entire length of this section of the trail. The power line would conflict with the Integrity of the Historical Setting.*

N22h

2. Scenic Setting. The scenic settings are the geographic extent of the visual landscape elements that influence the trail experience and contribute to resource protection. The scenic inventory includes:
ii. For National Scenic Trails only, identify significant scenic or high visual qualities of the area through which such trails may pass.
iii. For National Historic Trails only, identify areas with high scenic quality that support the nature and purposes and/or relative freedom from intrusion within and adjacent to high potential historic sites and high potential route segments.

*Currently there is very little intrusion on this 22 mile segment other than the road which is actually the trail in many places and the fences. They have a very small impact on the area as compared to an electric transmission line and the entire infrastructure that goes with it for entire length of this section.*

N22i

7. Natural (including Biological, Geological, and Scientific) Resources, Qualities, and Values, and the Primary Use or Uses. The natural resources, qualities, and values, and the primary use or uses inventory includes:
iii. For National Historic Trails only, landscape-defining National Trail-related characteristics immediately surrounding and within the viewshed of high potential historic sites and high potential route segments or satellite areas, such as landmarks or landscape features identified by the original trail users.

*Beginning in 1813 with Madame Marie Dorian, 1836 with Narcissa Whitman, 1843 with John C. Fremont, 1845 with Joel Palmer, 1849 with Osborne Cross, 1851 with Susan Amelia Cranston, Amelia Hadley, 1852 with Abigail Jane Scott, Martha S. Read, James Akin, Jr., Cecelia Adams & Parthenia Blank, 1853 with Amelia Stewart Knight, Celinda Hines, 1854 with Sarah Sutton, 1883 with Mary*

### RESPONSE(S)

N22f

Impacts on the Oregon NHT resulting from the different alternatives were compared and considered in context with other resource impacts to determine a preferred route.

N22g

Impacts on the trail setting were analyzed in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

N22h

These impacts are described in the Final EIS as well as their mapped location on the large-format maps contained in the map volume.

N22i

Impacts on this trail segment, and associated cultural sites, have been included in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

## COMMENT(S)

## N22 Oregon-California Trails Association – March 12, 2015 (cont.)

N22i *Matilda Surfus; they all commented in their journals or diaries on either The Sulfur Springs between the Malheur River and Birch Creek (Alkali Springs or Tub Springs) and finally Birch Creek campsite itself before leaving the Snake River at Farewell Bend. They discussed the difficulties of the crossing of that 22 mile stretch and how hard it was on humans and animals. This section needs to be preserved as it is for future generations to have the vicarious trail experience.*

Chapter 4. Congressionally Designated National Trails - Land Use Planning
C. Development of Designated National Trail Goals and Objectives. Goals and objectives for the National Trail shall be identified based on the NTSA, enabling legislation, legislative history (in consultation with the Office of the Solicitor), the nature and purposes of the trail, supporting information from the National Trail Feasibility Study, trailwide Comprehensive Plan, and National Trail inventory. The nature and purposes; resources, qualities, values, and associated settings; and the primary use or uses will be clearly described. At a minimum, the following goals and objectives should be considered for National Trails:
1. For all National Trails
i. Safeguard the nature and purposes; and conserve, protect, and restore the National Trail resources, qualities, values, and associated settings and the primary use or uses.
ii. Provide premier trail visitor experiences for public benefit.

N22j *As this is already an established Auto Tour Route, the public has ready access to the 22 mile segment from Vale to Farewell Bend and the Birch Creek Interpretive site. The construction of a power line using the BLM preferred route through this section would not be a premier trail visitor experience and there would be no public benefit. The IPC preferred route which is west of Willow Creek would be visible in the distance from the Birch Creek Interpretive Site but it would not be intrusive due to the distance from the site. The BLM preferred route at the Birch Creek Interpretive Site would be almost on top of the Interpretive Site and very highly visible and would adversely impact the viewshed and setting as well as destroy the vicarious trail experience.*

iv. Reduce the potential for uses that substantially interfere with the nature and purposes of the National Trail (see Chapter 1, 1.6 Statement of Programmatic Policy).
v. Avoidance of activities that are incompatible with the purposes for which the National Trail was established (see Chapter 1, 1.6 Statement of Programmatic Policy).

N22k *The construction of a power line and the entire associated infrastructure, roads, construction sites, towers and anything else involved with construction and maintenance of the said power line would be highly incompatible with the purpose of the establishment of the Oregon National Historic Trail.*

E. Trail Management Guidance by Resource Program.
2. Cultural and Historic Resources. The land use plan and associated NEPA analysis should consider the following management decisions for cultural and historic resources for National Trails:
i. The identification, preservation, and protection of significant cultural resources and significant historic properties that support the nature and purposes of the National Trail.

N22l *The Oregon National Trail in this section has been identified, marked and mapped numerous times so its location is well known. There are significant historic properties all along the trail that need to be protected from intrusion by power lines and towers and infrastructure necessary to construct and maintain the power line.*

5.3 Protocol for Proposed Actions which May Adversely Impact Designated National Trails
1. Where a proposed action is found to be inconsistent with the purpose for which the National Trail was designated, the BLM shall consider rejecting applications for proposed projects or denying approval of the action pursuant to FLPMA, the NTSA, and other applicable law and policy.

## RESPONSE(S)

N22j Comments noted.

N22k Comment noted.

N22l Comment noted.

## N22 Oregon-California Trails Association – March 12, 2015 (cont.)

### COMMENT(S)

2. The BLM may not permit proposed uses along National Trails which will substantially interfere with the nature and purposes of the trail, and the BLM shall make efforts, to the extent practicable, to avoid authorizing activities that are incompatible with the purposes for which such trails were established.

N22m *The construction of the Boardman to Hemingway Power line, roads, cement pads and any other construction issues would substantially interfere with the nature and purpose of the trail and should not be authorized. The IPC preferred route west of Birch Creek would be much more suitable.*

B. Determining the Scope of Analysis
2. If a National Trail Management Corridor has not been established in a land use plan, the BLM should undertake the following:
i. A viewshed analysis to evaluate whether the proposed action is contained within the viewshed.
ii. If within the viewshed, and likely to cause adverse impact, a BLM National Trail inventory and assessment is required, and should be broad enough to be able to identify reasonable alternative project locations with potentially less or no adverse impact. Upon inventory, the area of potential adverse impact shall be delineated, encompassing the resources, qualities, values and associated settings and the primary use or uses identified.

*This is already addressed with the IPC preferred route to the west of Willow Creek. That location would have no impact on the trail, the vicarious experience of the trail, or the setting of the trail.*

iii. The BLM will identify, within the area of potential adverse impact, any adverse impacts to the nature and purposes; resources, qualities, values, and associated settings; and the primary use or uses for the affected environment, alternative formulation and analysis, and environmental consequences (see chapter 3 of this manual).

*These adverse impacts are already known by all parties and the IPC preferred route to the west of Willow Creek is the best route to use.*

iv. The BLM shall consider alternatives which support National Trail purposes in accordance with this policy. The BLM will consider alternatives which direct the proposed project outside the area of potential adverse impact or to a comparably disturbed or culturally modified area, such as areas already containing transmission lines, pipelines, highways, or improved roads.

*This is already addressed by the developer with the IPC preferred route which is west of Willow Creek would be out of sight of the trail in this entire 22 mile section.*

Appendix 1 - Design Features and Best Management Practices for National Trails and Associated Resources
2. Projects proposed within the National Trail Management Corridor will be designed and located in a manner that is compatible with trail purposes.

N22n *There really is no design or mitigation that would be compatible with the trail purpose in this location.*

3. Minimize visual contrast of project through use of project design such as use of low profile buildings; siting using the natural topography to hide or screen development; reducing the aerial extent of impact by clustering developments; use of vegetative screening; mimicking the line, form, and texture of the surrounding landscape; painting infrastructure, using colors that camouflage the development and prevent glare; and other techniques developed to address the site specific conditions.

N22o *Due to the topography of this area, there are some areas where the towers, roads or transmission lines would be hidden from view and others where they would be highly visible in this 22 mile trail segment. The original IPC preferred route located to the west of Willow Creek would be the best possible route to use.*

N22p *The Straw Ranch I (T10S, R42E, Sec. 28, 33), Straw Ranch II (T10S, R42E, Sec. 7, 8) and Chimney Creek (T13S, R44E, Sec. 3), areas where the Oregon National Historic Trail leaves the Burnt River*

### RESPONSE(S)

N22m Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N22n Comment noted.

N22o Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N22p Comment noted. See also response to Comment N21o.

**COMMENT(S)**

**RESPONSE(S)**

**N22** **Oregon-California Trails Association – March 12, 2015 (cont.)**

N22p *Canyon heading for Virtue Flats and Flagstaff Hill National Interpretive Center are a little different. The 180 to 200 foot tall towers would be visible in all of these areas using the IPC preferred route. This section is not so accessible to the public but it contains some MET class 1 swales and in some places has parallel swales running side by side. They are outstanding and need to be preserved as well. They are marked with BLM concrete obelisks and brown carsonite Oregon National Historic Trail Markers. There is a possibility that mitigation through camouflage or colors to break up the outline of the towers would help but a 180 to 200 foot tall power line is very hard to hide. It would be hard to hide the ugly aspects of construction and maintenance of the overhead lines. The Timber Canyon Alternative would take care of this issue or if not that one, the BLM preferred route would be second best. The IPC preferred route is not the best in this section.*

William R. Symms

Preservation Officer, Northwest Chapter Oregon/California Trails Association
Member of Board of Directors of National Oregon/California Trails Association

## COMMENT(S)

## RESPONSE(S)

### N23 Oregon-California Trails Association – March 16, 2015 [4]

**comment@boardmantohemingway.com**

**From:** Bill <wsymms@peak.org>
**Sent:** Monday, March 16, 2015 11:12 AM
**To:** comment@boardmantohemingway.com
**Subject:** B2H DEIS Comments from Oregon California Trails
**Attachments:** Boardman to Hemingway Final.odt

Attached is the response from the Oregon California Trails Association.
Your consideration is appreciated.

William R Symms
Oregon/California Trails Association

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This email has been checked for viruses by Avast antivirus software.
http://www.avast.com

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## COMMENT(S)

## N23 Oregon-California Trails Association – Mar. 16, 2015 [4] (cont.)

March 15, 2015

B2H DEIS Response

For years now the Oregon National Historic Trail has been under attack by forces of large business with the assistance in some cases by the Federal and State governments with the end result that much of the trail setting has been lost to wind farm projects and transmission lines. I have written several letters of concern during the scope of the project which I have been involved in since the first meeting in La Grande. Our concerns have not been addressed or even considered by the BLM. The sheer size of the project and all the paper work would discourage most people from even responding as it is confusing and even contradictory at times. I will have to say that I am discouraged as well but for a different reason. It is time to say enough is enough.

After reading all 275 pages of the BLM Manual 6280 Inventory and Impacts Analysis for National Historic Trails and Study Trails November 2014, I have reached the following conclusions:

N23a A. The Oregon Trail will be in the Area of Potential Effect for approximately 240 of the 305 miles of the transmission line project, in some cases closer than 1/4 mile. The Oregon/California Trails Association calls on the BLM to do a better job of protecting the Oregon Trail. That means there could be a lot of damage to the setting of the Oregon Trail. If the transmission line does cross the trail 11 different times, that opens it up for destruction of the trail itself due to roads and other infrastructure making it more easily accessible to off road vehicles and other elements.

B. The Oregon Trail has no protection. There is no mention of a mitigation plan for the Oregon National Historic Trail, Meeks Cutoff, Goodale Cutoff, Benjamin Bonneville Trail, John C. Fremont Trail, Whitman Trail, Upper Columbia River Route, Nathaniel Wyeth Route or any other historic trail in the area of concern.

N23b C. The document admits that the Oregon Trail will be adversely impacted by the project in many areas, so the question is this; with 15,000,000 acres of federal and state land in Oregon why does the power transmission line have to go where the trail is located? There are already right of ways for the power companies so why do they need new ones that destroy the integrity of the trail and the trail experience?

N23c D. So much of the trail setting has already been destroyed by wind farms in north central Oregon, why would you risk the remaining class one areas of the trail still left in Oregon. If this transmission line is placed where the BLM wants to put it, it will destroy the integrity and setting of the trail and there will be no places left in Oregon where there is such a pristine setting, like Well Springs, Blue Mountain Crossing, Flagstaff Hill/Baker City area, Birch Creek ACEC Interpretive Area, Alkali and Tub Springs ACEC Interpretive area. These areas cannot be replaced and there is no other area in the entire length of the Oregon/California Trail that is like these. It is easy to sit in an office and make decisions but you need to be in the field to make decisions and the Oregon/California Trails Association does not believe this has been done by the BLM.

## RESPONSE(S)

N23a Both direct and indirect impacts on the Oregon NHT are described in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

N23b Both direct and indirect impacts (trail setting) on the Oregon NHT are described in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

N23c Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

Both direct and indirect impacts on the Oregon NHT and study trails are described in the Final EIS. The analysis includes the application of on-site and offsite compensatory mitigation techniques to reduce impacts on the Oregon NHT. Impacts on the trail as a whole are described as impacts on the trail's nature and purpose.

## N23 Oregon-California Trails Association – Mar. 16, 2015 [4] (cont.)

### Comment(s)

N23d E. The visual line of sight to the trails in this project will be adversely impacted. Part of the trail experience as set forth in all Federal documents deals now with the historical setting of the trail. Some of the best historical settings in the entire trail system occur in this region but have not been addressed or even considered. The issues of setting and trail disturbance by construction and placement of power line towers and access roads and other infrastructure are extremely important considerations for the entire length of this project.

N23e F. BLM Manual 6280 says that the BLM will monitor the trail and provide for best uses of the trail system. If this is their idea of best use then there are some real problems. Putting 200 ft. tall transmission towers and a new road system in the area of the trails is not our idea of best use of the trail. The manual mentions high potential sites and segments for the trail. There are several high potential sites and segments in the project as well as several ACEC's. All of this has been disregarded when deciding the placement of the transmission line. The National Park Service has recognized these areas and are currently studying them for inclusion into the trail system. Much of the trail in these areas is already in the National Trail System.

N23f G. This is a bad plan and a new route needs to be considered as we have advocated from the very beginning of the project but have been ignored. The current plan will lead to very expensive mitigation that is not necessary if the BLM will do the right thing.

I have used 20130829 Historic Trails Map Assembled, for my concerns:

N23g First: Horn Butte/Grasslands Alternative is the worst of all the choices here. This route is going to cross the Oregon Trail at least once and will be 1/2 to 1 1/2 miles from the trail as it travels east to where it joins the BLM Preliminary Preferred Alternative east of Boardman. The reason for our concern is the issue surrounding the Well Springs Interpretive Site and swales on the Boardman Bombing Range and Echo Meadows. Depending on the location, the power line will be visible for the entire length of this transit for about 5 to 20 miles along Immigrant Road. The degree of impact would be determined by the size of the towers used, but no matter which route is used there will be issues of setting and road disturbance. The Longhorn Alternative will probably not work because of the large amount of farm land involved and the Bombing Range Road Variation may have issues with the military. So there are really no good alternatives here, it is a no win situation for someone. Any way they go they will have to cross the Oregon Trail at some point. The Oregon/California Trails Association oppose any of these routes.

N23h Second: According to the maps Emigrant Springs State Park, Meacham Meadows or the Blue Mountain Crossing Interpretive Site are all within the Area of Potential Effect so the Oregon/California Trails Association opposes the current placement unless you can assure us that the towers will not be visible from any of those sites. The towers are up to 195 feet tall and I don't think you will find a tree in the forest there that is that tall, which means the towers will be above the forest. Talk about visibility.

N23i Third: Flagstaff Hill Historical Interpretive Center at Baker City and the Virtue Flat Trail segment: This is a premier BLM facility so I am surprised that they want to put the transmission line anywhere near the facility. I find this quite ironic, that the BLM spends millions of tax payer dollars on interpretive centers and trail studies yet are willing to assist in the degradation of all of that, with this plan. Any route mentioned here will have a huge impact on the trail setting. You need to stay away from this area entirely as the 165-195 ft. tall towers will be

### Response(s)

N23d Impacts on NHTs were a key component in selection of the agency preferred alternative in consideration with other resources.

N23e Impacts on the Oregon NHT and other resources were considered in the siting of the B2H Project alternatives, including new routes added based on comments received on the Draft EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

N23f Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N23g Comments noted.

N23h Comment noted.

N23i Comment noted.

## COMMENT(S)

## N23 Oregon-California Trails Association – Mar. 16, 2015 [4] (cont.)

N23i highly visible from the Interpretive Center. Why are we putting this line here? The Oregon/California Trails Association opposes it! The Oregon/California Trails Association recommends very strongly that the Timber Canyon Alternative with accommodation for the sage grouse be used in this area to avoid any and all of the conflicts.

N23j Fourth: Farewell Bend/Birch Creek/Tub Springs/Alkali Springs to Vale segment. This is one area where you can still have a vicarious trail experience and truly understand what the emigrants faced when they came west to settle the Oregon Country. The best route in this area would be the proposed action taking the power line west of Brogan. This route eliminates any possible concerns for this area as far as OCTA is concerned. The next best would be the Willow Creek Alternative. It would eliminate some of the concerns of OCTA. It is true that the towers would be seen in the west at some points, they would not be close and would be no easier to see than the wind farms to the north. The Oregon/California Trails Association is not happy with them either but The Oregon/California Trails Association had no say in those as they are on private land. The last choice would be the South Tub Mountain Alternative. It would be a disaster for the trail. It would affect all of the trail segments in this section and is in direct violation of BLM Manual 6280. You need to come up with another route in this area. The Oregon/California Trails Association strongly opposes this route.

N23k In Chapter 2 pg. 2-1- to 2-15, it discusses transmission line components and their sizes which will be from 100 to 195 ft. in height. This will make them hard to hide and they will have a significant impact on the visual setting of the Oregon Trail no matter how they try to hide them.

In Chapter 3, Pg. 3-729 Lines 20-32: "The influence of the alternatives under consideration would have minimal impact when compared to the qualities of the entire 2,170 mile long Congressional designated trail, the 529.2 miles of trail in Idaho or the 519.5 miles of trail in Oregon. The Proposed Action and the Longhorn, Longhorn Variation, Horn Butte, Timber Canyon, Flagstaff, Burnt River Mountain and Tub Mountain South alternative would have direct, long-term adverse impacts to the visual setting and user experience for the portions of the trail that would be visible within the foreground of the Proposed Action and these alternatives. The 26 miles of the Oregon National Historic Trail that would be visible within the foreground of the Proposed Action and the alternative would be as follows: 23.9 miles within the foreground of the Proposed Action, 1.0 mile within the foreground of the Longhorn Alternative, 1.0 mile within the foreground of the Longhorn Variation, 2.1 miles within foreground of the Horn Butte Alternative, 1.1 miles within the foreground of the Timber Canyon Alternative, 1.2 miles within the foreground of the Flagstaff Alternative, 3.0 miles within the foreground of e Burnt River Mountain Alternative, and 3.2 miles within the foreground of the Tub Mountain South."

N23l The Oregon California Trail Association really feels this was written by someone who has not been out on the trail and has figured all of this by looking at maps in an office. They do not have any idea of the impact this project will have on the trail. If the project crosses the Oregon Trail 11 times as the document states, it is way too often and opens the trail to a lot of destructive issues for both setting and physical damage from a variety of sources. Your Appendix H Supporting Data for Cumulative Impacts on Visual Resources supports these issues and does not speak well for the transmission line placement. The appendix addresses area of foreground, midground and background impacts to the trail and they are massive.

## RESPONSE(S)

N23j Comment on routing preference noted.

N23k Comment noted.

N23l Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

## N23 Oregon-California Trails Association – Mar. 16, 2015 [4] (cont.)

N23m The Sage Grouse has a mitigation plan but the historic trails do not. In fact, there are a number of mitigation and compensatory plans in this document but no frame work for mitigation for a National Historic Trail. I don't understand that at all. With a mitigation plan, why is the sage grouse even considered in placement of the transmission line, it is not threatened or endangered, unlike the Oregon Historic Trail. What are the priorities here? Congress has mandated protection of the trail and The Oregon/California Trails Association does not see that in this document. The Sage Grouse has 15,000,000 acres in Oregon to roam in. The Oregon/California Trails Association just wants to save some of the State of Oregon and U.S. History for future generations so they can learn about their heritage, the same as we have been able to do. Sometimes I feel we are not good stewards of this land. We have a chance to make a difference and it is most often easier to take a pass and hope the next group will do better. We are running out of chances for some things and this is one of them.

N23n After reading Appendix B - Transmission Line and Substation Components, This project should not even be allowed to take place. The massive amount of ground disturbance will affect the trails, the farms and peoples lives. We can't even go out to do historical research on the trail with metal detectors without a licensed archeologist and this transmission line is going to come in blast, grade and tear up the ground in places that are historically sacred. If we would have used the IPC preferred route in most areas, there would have been minimal impact. The BLM route is an unmitigated disaster for the trail. So I say with great emphasis that the Oregon/California Trails Association is opposed to it in its present form. Every farmer in the State of Oregon and every legislator in the State of Oregon should oppose it as it is not right. The people of the State of Oregon get nothing in return for their investment, only destruction and loss of one of their greatest assets which is their history and a lot of farm land. Appendix B shows that 11,072 acres of land will be lost to this project. Move the transmission line somewhere that does not impact any historical trails or areas and minimal impact on the farm land.

N23o So much of the Oregon National Historic Trail is now dependent on setting to have the vicarious emigrant experience. Large segments have been lost to farming, wind farms and a variety of other enterprises, so in places the only thing left is the setting. Once it is gone, then emigrant trail experience is destroyed forever. The National Park Service understands the importance of setting in regards to preserving the trail experience and the BLM Manual 6280 discusses it as well, so do the right thing and stop this project or consider another route.

N23p The BLM Manual 6250 says "High potential route segments shall be identified and included within the trail wide comprehensive plan as segments of a trail which would afford a high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route." The Oregon California Trail Association is not convinced this has happened and call on the BLM to make it happen.

In closing, once the trail experience is gone, which includes the setting, it cannot be replaced, it is gone forever. The Oregon California Trail Association is trying to save some of the best sections of the remaining trail for future generations to come and experience. They need to understand the hardships the emigrants experienced to develop the American West. Imagine if you will, sitting at Tub Springs in August having a picnic lunch. It is hot, the dust devils are swirling and your animals are dying, your kids are sick, your wife is about to kill you for making her come to this desolate landscape. You can almost see and hear the oxen straining at

## RESPONSE(S)

N23m A comprehensive mitigation approach was developed to reduce impacts on National Trails including compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy

N23n Comment noted.

N23o Comments noted. See response to Comment N23c.

N23p The identification of the Oregon NHT high potential route segments was included in the 1999 NPS Oregon NHT Comprehensive Management Plan.

## COMMENT(S)

## RESPONSE(S)

**N23** **Oregon-California Trails Association – Mar. 16, 2015 [4] (cont.)**

the yoke pulling the wagons of the next group behind you because yes there were traffic issues even then; with everything everything needed start a new life in Oregon. It is so quiet and so dry that you wonder if they lied to you back home about the promised land of Oregon. You are starting to question if you made the right choice in subjecting you family to this journey. Then lunch is over and it is back to walking mile after mile. It is a very powerful picture. Now visualize the same picture only put a 200 foot tall transmission tower and the power lines hanging down by the trail. What does that do to the experience. Please make the right and intelligent choice in the transmission line placement.

Thank you,

William R. Symms

Oregon/California Trails Association
Northwest OCTA Preservation Officer

## COMMENT(S)

## RESPONSE(S)

### N24 Oregon-California Trails Association – March 19, 2015

**comment@boardmantohemingway.com**

**From:** Bill <wsymms@peak.org>
**Sent:** Sunday, March 15, 2015 4:30 PM
**To:** comment@boardmantohemingway.com
**Subject:** B2H DEIS Response
**Attachments:** 2013-2014 B2H Recommended Route Document.xls

**Flag Status:** Flagged

Attached is the response from the Oregon California Trails Association about route recommendations from the maps used in the summary more issues will be addressed in another e-mail.
Thank you,
William Symms
Oregon California Trails Association

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http://www.avast.com

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## COMMENT(S)

## N23 Oregon-California Trails Association – March 19, 2015 (cont.)

**Boardman to Hemingway (B2H) Transmission Line Project**
**Comment Response Sheet**

| | Comment # | Section/ Chapter/ Appendix | Page # | Paragraph/ Site form/ figure | Line # | Comment/Issue | Organization | Reviewer (if available) |
|---|---|---|---|---|---|---|---|---|
| N24a | OR1 | Summary B2H DEIS | | | Figure S-2 Longhorn Alternative, Longhorn Variation, and Horn Butte Alternative | Oregon California Trails Association recommends the Longhorn Variation MO4-MO5-MO3 as opposed to the Horn Bute Alternative MO2-MO5-MO3 or the Longhorn Alternative MO4-MO3 and the proposed route MO1-MO2-MO3. The Longhorn Variation eliminates any issues surrounding the Pioneer cemetery and Well Springs Interpretive site and Echo Meadows | OCTA | William Symms |
| | OR2 | Summary B2H DEIS | | | Figure S-3 Glass Hill Alternative | Oregon California Trails Association recommends the Glass Hill Alternative as opposed to the | OCTA | William Symms |
| | OR3 | Summary B2H DEIS | | | Figure S-4 Timber Canyon, Flasgtaff, and Burnt River Mountain Alternatives | Oregon California Trails Association recommends the Timber Canyon Alternative BA1-CL6-CL7- BA4 and is strongly opposed to the proposed route, Flagstaff Rebuild and Flagstaff Altertive BA2- BA5-BA3;BA6-BA7. This route eliminates and issues of issues related to the Oregon National Historic Trail at Flagstaff Hill and Virtue Flats. This is a premier destination for anyone interested | OCTA | William Symms |
| N24b | OR4 | Summary B2H DEIS | | | Figure S-5 Willow Creek and Tube Mountain South Alternatives | Oregon California Trails Association recommends the proposed action BA!@-BA13-CL8-MA8 as opposed to the Willow Creek Alternative BA13-CL10-MA8 or the Tub Mountain South Alternative BA12-CL11-MA9. The proposed action eliminates any concers about the Birch Creek ACEC, the Tub Mountain ACEC and Alkali Springs trail related issues. This is a pristine section of the trail and needs to | OCTA | William Symms |
| | OR5 | Summary B2H DEIS | | | Figure S-6 Double Mountain, Malheur S, and Malheur A Alternatives | Oregon California Trails Association agrees that the proposed action would be fine however, the Malheur S Alternative MA!-MA6-MA$-MA5 would keep it further to the south of the trail as it comes over Keeney Pass. | | William Symms |
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## RESPONSE(S)

N24a Comment noted.

N24b Impacts on the trail setting were analyzed in the Final EIS including from those high potential segments and ACECs. Impacts on the Oregon NHT and other resources were considered in the selection of preferred alternatives.

## COMMENT(S)

## N25 Oregon-California Trails Association – March 18, 2015

**comment@boardmantohemingway.com**

**From:** EnviroLytical - B2H <info@envirolytical.com>
**Sent:** Wednesday, March 18, 2015 11:23 AM
**To:** comment@boardmantohemingway.com
**Subject:** New Communication: Many members of the Oregon-California Trails Association have submitted comments of the DEIS pointing to the specific adverse impacts of the proposed transmission B2H transmission line to the Oregon N

David Welch <welchdj@comcast.net>
https://el2.envirolytical.com/communication/view/103211
Many members of the Oregon-California Trails Association have submitted comments of the DEIS pointing to the specific adverse impacts of the proposed transmission B2H transmission line to the Oregon National Historic Trail. I support those comments.

The tone of the DEIS is summarized by a comment in Section 3, page 729:

N25a The influence of the alternatives under consideration would have minimal impact when compared to the qualities of the entire 2,170-mile long congressionally designated trail, the 529.2 miles of trail in Idaho, or the 519.5 miles of trail in Oregon.

This statement is not supported by facts since an end-to-end assessment of the quality of the trail in accordance with the BLM's own standards (or the NPS) has never been completed. This statement and its inference should be removed from the DEIS.

N25b There are specific adverse impacts at numerous points where the transmission line crosses or approaches within view of the trail. These include but are not limited to Alkali Springs, Tub Mountain, Birch Creek, Swayze Creek, Pleasant Valley and in particular Flagstaff Hill. In each case further efforts to minimize impacts are needed. It is a concern that the final routings will in fact have a greater impact than the approximate routings shown in various maps. Micro-siting of towers could have a major impact on settings.

N25c The situation at Flagstaff borders on the incredulous. Two routes through the area have a major impact on high quality trails segments (Class 1) and the setting. The BLM's own Interpretive Center was sited to provide the view of the trail as it approaches from Virtue Flats, passes over the low pass and then descends into the valley. This setting would be dominated by transmission towers under the routes presented in the DEIS negating the whole reason for the center's location. There must be a better alternative.

In 2013 or 2014 the BLM published Manuals 6450 and 6480 dealing with settings. It does not appear that these manuals have been considered in the preparation of the DEIS. The presence of transmission lines and towers within the setting of the ONHT seems counter to these manuals. How have the instructions of the manual influenced the resulting routes?

Finally, it must be assumed that substantial mitigation will result if the proposed routes are implemented and the impacts are as foreseen and documented in the DEIS.

Thank you for the opportunity to comment on the DEIS.

[Signed]
David J. Welch
Member, Oregon-California Trails Association Former President, OCTA Former National Preservation Officer, OCTA
Lacey, Washington

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## RESPONSE(S)

N25a This statement was removed as it inaccurately states the intactness of the remaining portions of the Oregon NHT reducing the effect of the B2H Project on the trail and trail setting. The Cumulative Effects section (Section 3.3) has also been expanded to include effects from the B2H Project in consideration with past, present, and reasonably foreseeable future projects along the high potential historic sites and segments to facilitate a more accurate acknowledgment of effects on the Oregon NHT.

N25b Both direct and indirect impacts (trail setting) on the Oregon NHT are described in the Final EIS. Additionally, a comprehensive mitigation approach was developed to reduce impacts on National Trails including micro-siting and compensatory mitigation as directed by the Department of the Interior's Landscape-Scale Mitigation Strategy.

N25c Both direct and indirect impacts (trail setting) on the Oregon NHT are described in the Final EIS in more detail and are focused on those most intact trail resources. Additional route variations were added adjacent to the NHOTIC to address these impacts in the FEIS as well as the requirement for compensatory mitigation to offset these impacts as described in Appendix C.

**COMMENT(S)**

**N26** **Oregon-California Trails Association**

NORTHWEST CHAPTER
OREGON-CALIFORNIA TRAILS ASSOCIATION

10813 NE 20th Street
Bellevue, WA 98004-2907
March 17, 2015

Boardman to Hemingway Transmission Line Project
DEIS Response
P O Box 655
Vale, OR 97918

Dear Sirs,

I am writing to you as a Charter Member of the Oregon-California Trails Association. It has come to our attention that the Idaho Power Company proposes to place wind turbines along the Old Oregon Trail crossing the Trail approximately six times. This is alarming and upsetting to our organization as we act as stewards of the Trail and it's historical and cultural significance.

There are a number of alternatives for the placement of these proposed wind turbines. The B2H is projected to cross the trail many times. The trail does not renew itself, once gone always gone.

Please help us to continue to protect the integrity and beauty of this important part of our countries history.

Sincerely,

Joyce P Bolerjack
NW Chapter, OCTA Membership Chairman

**RESPONSE(S)**

No response needed.

## COMMENT(S)

## RESPONSE(S)

**N27** **Public Power Council**

**comment@boardmantohemingway.com**

**From:** Nancy Baker <nbaker@ppcpdx.org>
**Sent:** Thursday, March 19, 2015 2:45 PM
**To:** comment@boardmantohemingway.com
**Cc:** Scott Corwin
**Subject:** Public Power Council comments on Draft EIS for the Boardman-to-Hemingway Project
**Attachments:** 150319 PPC B2H DEIS Comments.pdf

Please find attached PPC's comments. If you have problems with the file or questions about the comments, please contact me at your earliest convenience.

Best,
npb

Nancy Baker
Public Power Council
825 NE Multnomah Str., Suite 1225
Portland, Ore. 97232
503 595 9770

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**COMMENT(S)**

**RESPONSE(S)**

**N27** **Public Power Council (cont.)**

Public Power Council
825 NE Multnomah, Suite 1225
Portland, OR 97232
503.595.9770
Fax 503.239.5959

March 19, 2015

**VIA EMAIL**
Boardman-to-Hemingway
Transmission Line Project
PO Box 655
Vale, Oregon 97918
comment@boardmantohemingway.com

RE: Public Power Council's Comments Regarding the Boardman-to-Hemingway Draft Environmental Impact Statement

Dear Gentlepersons:

On Dec. 5, 2014, the Bureau of Land Management (the Bureau) published its Draft Environmental Impact Statement (DEIS) regarding the Boardman-to-Hemingway Transmission Project (B2H Project). Public Power Council (PPC) appreciates the opportunity to comment on the DEIS. Overall, PPC supports the findings in the DEIS. PPC's comments principally address the DEIS findings regarding the alternatives for the northern terminus of the B2H Project and the purpose of and needs for the B2H Project related to reliable electric load service.

PPC is a non-profit trade association that represents the common interests of more than 90 public utility districts, municipal electric utilities and cooperative electric utilities that serve retail customers across the Northwest. All PPC members purchase electric power from the Bonneville Power Administration (BPA) to serve their retail loads and each member has a statutory preference to do so. BPA is a cooperating agency in the DEIS process and would use the Final EIS to support a decision whether to invest in the B2H Project if the Project moves forward. PPC's members have a large stake in BPA's ability to deliver power to its publicly owned utilities in the most cost-effective manner after consideration of the best alternatives available to it. The B2H Project is one of the alternatives that BPA would consider as a means of serving its publicly owned customers located in Idaho, Nevada, and Wyoming. Consequently, PPC members have an interest in the successful completion of the environmental review process related to the B2H Project.

The DEIS analyzes the potential impacts on the natural and human environment of the construction of the B2H Project. Generally stated, the B2H Project is a proposed single-circuit, alternating-current, 500-kilovolt overhead electric transmission line with ancillary facilities that would connect an existing substation in Melba, Idaho, with an existing or new substation near Boardman, Oregon. The B2H Project would be owned by Idaho Power Co.[1] BPA has an interest in potentially participating in the construction and ownership of B2H Project facilities; one of the stated federal "needs" for the DEIS is to support BPA's future decision regarding whether to participate in the B2H Project:

[1] See generally, *DEIS*, § 1.1, p. 1-1.

## COMMENT(S)

## RESPONSE(S)

**N27** **Public Power Council (cont.)**

PPC Comments on Boardman-to-Hemingway DEIS
Mar. 19, 2015
Page 2 of 3

BPA has electric power supply and transmission service obligations that serve six preference customers (i.e., those customers with preference status under the Bonneville Project Act) located in southeastern Idaho. BPA currently meets those obligations through contractual arrangements with PacifiCorp. In June 2011, PacifiCorp gave BPA notice that it will terminate those contractual arrangements in June 2016. BPA is now considering various options for replacing those arrangements and continuing to serve southeastern Idaho customers after June 2016. One potential option would be for BPA to participate in the proposed B2H Project as a joint owner and to acquire partial ownership in other existing transmission facilities in the region so that BPA could have sufficient ownership of power transmission between the Federal Columbia River Power System and its southeastern Idaho customers.

Accordingly, BPA will use this Draft EIS to help support any decision concerning its need to participate in the B2H Project to continue serving its customers in southeastern Idaho. In evaluating the need for action, BPA will consider the following purposes:

- Maintain BPA's transmission system reliability and performance
- Meet BPA's contractual and statutory obligations
- Minimize impacts on the environment
- Minimize costs while meeting BPA's power and transmission service needs[2]

As noted in the DEIS, BPA has "special expertise in electrical power generation and transmission"[3] and legal obligations to serve its publicly owned utility customers at the lowest reasonable cost. We strongly support the Bureau's reliance on and deference to BPA in determining the electrical impacts of the various alternatives.

N27a The DEIS considers four alternatives for the northern terminus of the B2H Project: the Proposed Alternative, the Longhorn Alternative, the Horn Butte Alternative and the Longhorn Variation Alternative. Each of these represents different routes to one of three potential terminal substations, Grassland (for the Proposed Alternative), Longhorn and Horn Butte. The Longhorn substation would be built by BPA prior to the interconnection of the B2H Project; the two Longhorn alternatives represent two different line routes to reach the Longhorn substation.[4] Of the four alternatives Longhorn Variation Alternative best meets the purposes and needs of the participating agencies, including BPA. The Longhorn Variation Alternative best mitigates the environmental impacts of the B2H Project while also meeting the purpose and needs of coordinating federal agencies.

- DEIS concludes that the Longhorn Variation Alternative is the Environmentally Preferred Alternative and the Agency Preferred Alternative for the Morrow-Umatilla segment and northern terminus (Segment 1).[5]
- Along with the Longhorn Alternative, the Longhorn Variation Alternative has the least impact on vegetation and on habitat for the Washington ground squirrel, the only identified candidate

[2] *DEIS*, § 1.2.6, p. 1-6 - 1-7.
[3] *DEIS*, § 1.2.6, p. 1-6.
[4] *DEIS*, §§ 2.3.1.2 & 2.3.1.3, p. 2-54 – 2-55. BPA has not yet decided whether to build the Longhorn substation.
[5] *DEIS*, Summary, p. S-25 – S-26.

N27a Comments noted.

## COMMENT(S)

## RESPONSE(S)

**N27** **Public Power Council (cont.)**

PPC Comments on Boardman-to-Hemingway DEIS
Mar. 19, 2015
Page 3 of 3

N27a

species in Segment 1. In contrast, the Proposed Alternative and Horn Butte Alternative have greater impact on both vegetation and suitable habitat for Washington ground squirrels.

- The Longhorn Variation Alternative addresses the concerns raised by the U.S Department of Navy regarding the Longhorn Alternative's encroachment on military airspace.
- The Longhorn Variation Alternative also minimizes the impacts to agriculture, and is aligned with an existing transmission corridor.
- From an electrical perspective, the Proposed Alternative and Horn Butte Alternative are less desirable for BPA, as they provide no direct interconnection to the BPA system.

N27b

This last point is a very important factor in assessing the ability of the Proposed and Horn Butte Alternatives to satisfy the purpose and need statement. A direct connection would provide BPA's access to the transmission capacity at the northern terminus required for any transfer of power to its publicly owned customers in Idaho, Nevada and Wyoming. This provides BPA with the greatest certainty of being able to use the B2H project capacity without impediment and without additional costs, should BPA decide to use the project to serve those utilities. The other alternatives require BPA to pay other entities for access to the line and to run the risk of insufficient capability for its needs. For this reason, we conclude that the Longhorn Variation Alternative best satisfies BPA's needs to (a) meet its contractual and statutory obligations, (b) minimize impacts on the environment, and (c) minimize its costs while meeting its power and transmission service needs.

PPC supports the Bureau's conclusions regarding to the environmental impacts of the different potential routes of the B2H Project and their ability to meet the purpose and needs of the Bureau and the cooperating federal agencies. PPC concurs with the DEIS that the Longhorn Variation Alternative is the best option for the northern terminus of the B2H Project. PPC appreciates the opportunity to comment on the DEIS and looks forward to reviewing the Bureau's Final EIS as the process moves towards completion.

Sincerely,

Senior Policy Advisor

cc: PPC Executive Committee Members and Alternates
PPC Members

N27b Comments noted.

## COMMENT(S)

## RESPONSE(S)

**N28** **Renewable Northwest**

**comment@boardmantohemingway.com**

**From:** Megan Decker <megan@renewablenw.org>
**Sent:** Thursday, March 19, 2015 4:19 PM
**To:** comment@boardmantohemingway.com
**Cc:** Megan Walseth Decker; Cameron Yourkowski
**Subject:** Renewable NW Comment - B2H DEIS
**Attachments:** B2H DEIS - Renewable NW Comment Letter.pdf; Untitled attachment 17462.htm

Attached please find Renewable Northwest's comment on the Bureau of Land Management's (BLM's) Draft Environmental Impact Statement (DEIS) for the Boardman to Hemingway Transmission Line Project (B2H).

1

## COMMENT(S)

## RESPONSE(S)

**N28** **Renewable Northwest (cont.)**

*Renewable Northwest Members*

3Degrees
American Wind Energy Association
Atkins
Blattner Energy
Bonneville Environmental Foundation
Center for Energy Efficiency & Renewable Technologies
Christenson Electric
Citizens' Utility Board of Oregon
Climate Solutions
Columbia Gorge Community College
Community Renewable Energy Association
DNV GL
EDF Renewable Energy
EDP Renewables
Environment Oregon
Environment Washington
Eurus Energy America
EverPower
FirstWind
GE Energy
Geothermal Resources Council
Green Mountain Energy
HDR Engineering, Inc.
Iberdrola Renewables
Idaho Conservation League
K&L Gates
Kapla Law PLLC
MAP
Montana Environmental Information Center
MontPIRG
Natural Capital Partners
Natural Resources Defense Council
NextEra Energy Resources
Northwest Environmental Business Council
Northwest SEED
NW Energy Coalition
OneEnergy Renewables
Oregon Solar Energy Industries Association
Orion Renewable Energy Group LLC
OSPIRG
Oregon Tech
Portland Energy Conservation, Inc.
Principle Power
REC Silicon
RES America Developments
Solar Oregon
Stoel Rives, LLP
SunPower Corporation
SWCA Environmental Consultants
Tonkon Torp LLP
Vestas Americas
Warm Springs Power & Water Enterprises
Washington Environmental Council
WashPIRG
Western Resource Advocates

Renewable Northwest

B2H Project
P.O. Box 655
Vale, OR 97918

By email to: comment@boardmantohemingway.com

To Whom It May Concern:

Renewable Northwest appreciates the opportunity to comment on the Bureau of Land Management's (BLM's) Draft Environmental Impact Statement (DEIS) for the Boardman to Hemingway Transmission Line Project (B2H). Renewable NW is a diverse coalition of public interest and business groups that promotes the expansion of environmentally responsible renewable energy resources in the Pacific Northwest.

Renewable Northwest appreciates the efforts of BLM, Idaho Power Company (IDP) and countless other stakeholders to work through the challenges of the siting process to produce an alternative that minimizes the social and environmental costs of the project. Although we have no comment on the details of the preferred alternative, Renewable Northwest comments in support of B2H's benefits in driving the region toward a reliable, clean energy future. B2H could play an important part in accessing renewable energy resources and helping to limit the environmental impacts of climate change.

N28a First, B2H will provide strong reliability benefits. B2H provides redundancy, giving utilities another choice for supply in the event of a transmission outage. The path proposed for B2H presently lacks a 500 kV transmission line, making it a significant weak point in the Northwest transmission system. B2H can serve as an important link to creating a full 500 kV loop around the four Northwest states. This loop would allow transmission system operators to access every load and generator with bulk power even while suffering a major line outage. Connection to a robust, reliable Northwest grid will bring improved energy security to customers of IDP and around the region.

Second, B2H reaches renewable energy resource zones in the Northwest that would otherwise be inaccessible, possibly allowing for the future development of renewable energy resources that can serve the region. Depending on how the available capacity of B2H is allocated by Idaho Power and its project partners, significant amounts of transmission capacity could be made available to renewable resources. We expect that the entire region may benefit from the improved transmission access for wind, solar, and other renewable resources. Expanded transmission across the region will give utilities access to geographically diverse wind and solar resources, which can improve variable resources' contribution to meeting utility peak load needs and

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phone: 503-223-4544 • fax: 503-223-4554 • www.RenewableNW.org

N28a Comments noted.

## COMMENT(S)

## RESPONSE(S)

**N28** **Renewable Northwest (cont.)**

Page 2
Renewable NW
B2H DEIS Comment Letter

reduce the need for balancing reserves.[1]

N28a Finally, B2H provides utilities with transmission access to a liquid market that provides optionality and keeps the market's lowest cost resources available to the utilities. B2H can help utilities lower the cost of integrating variable renewable energy resources by improving access to maturing markets for within-hour flexibility. Those maturing markets include within-hour scheduling with other balancing authorities, the energy imbalance market, and other opportunities to secure low-cost balancing services from third parties.

In sum, B2H will improve reliability and regional access to markets and renewable resources, and by doing so could help mitigate the environmental impacts of climate change. Renewable Northwest encourages BLM to approve the final EIS.

Sincerely,

Megan Decker
Chief Counsel

Cameron Yourkowski
Senior Policy Manager

[1] For more information on diversity benefits, see the National Renewable Energy Laboratory's *Western Wind and Solar Integration Study*, available at http://www.nrel.gov/wind/systemsintegration/wwsis.html.

## COMMENT(S)

## RESPONSE(S)

**N29** **Rocky Mountain Elk Foundation**

**comment@boardmantohemingway.com**

**From:** Bill Richardson <brichardson@RMEF.ORG>
**Sent:** Wednesday, March 18, 2015 5:49 PM
**To:** comment@boardmantohemingway.com
**Cc:** Dave Wiley (davewiley@wvi.com)
**Subject:** RMEF Comments: Boardman to Hemingway Transmission Line Project DEIS
**Attachments:** RMEF Comments B2H DEIS.pdf

Please find attached the RMEF comments on the Boardman to Hemingway Transmission Line Project DEIS. Please let me know if you have any questions or if you need additional information.

Thank you,
Bill

Bill Richardson | Oregon and Washington Senior Lands Program Manager
Rocky Mountain Elk Foundation
541.929.3011 office | 541.760.5083 cell
866.399.6089 toll free
24550 Ervin Road, Philomath OR 97370
brichardson@rmef.org | www.rmef.org

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1

## COMMENT(S)

**N29** **Rocky Mountain Elk Foundation (cont.)**

ROCKY MOUNTAIN ELK FOUNDATION

March 18, 2015

Boardman to Hemingway Transmission Line Project
P.O. Box 655
Vale, OR 97918

E-mail: comment@boardmantohemingway.com

Subject: Comments - Draft Environmental Impact Statement (DEIS) and Land Use Plan Amendments (LUPAs) for the Boardman to Hemingway Transmission Line Project (Project)

The purpose of this letter is to provide the Rocky Mountain Elk Foundation's (RMEF) comments regarding the DEIS and LUPAs for the Boardman to Hemingway Transmission Line Project.

After careful review of the DEIS, RMEF continues to be very concerned about negative impacts to elk, other wildlife, and their habitat from construction and operation of the proposed Boardman to Hemingway Transmission Line Project.

N29a, N29b

The several proposed routes for the transmission line traverse hundreds of miles of wildlife habitat. Construction and maintenance of the transmission line will have adverse impacts on the habitat and displace wildlife both temporarily and long term. Habitat fragmentation and potential for spread of invasive vegetation species carry more long term, lasting effects. The builders and operators of the transmission line must be required to take specific actions to avoid adverse impacts whenever possible and to mitigate impacts when they cannot be avoided. The route of the line includes critical habitat for sage grouse, a species being considered for listing under the Endangered Species Act, and critical elk and deer range.

RMEF is pleased to note the majority of our concerns and recommendations submitted at scoping are adequately addressed in Appendix C –Design Criteria.

N29c

The Rocky Mountain Elk Foundation suggests the following design criteria be made a condition of the construction and operation licensing of Boardman to Hemingway Transmission Line for the life of the facility:

1. Continue to consult and collaborate with state and federal wildlife agencies and agency biologists at every opportunity in order to minimize and avoid negative impacts to wildlife.

Bill Richardson | Oregon & Washington Sr. Lands Program Manager
24550 Ervin Road | Philomath, OR 97370 | (541) 929-3011 | brichardson@rmef.org
5705 Grant Creek Rd. | Missoula, MT 59808-8249 | (800) CALL ELK | WWW.RMEF.ORG

## RESPONSE(S)

N29a — Comment noted. The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to big game and other wildlife, such as seasonal and spatial restrictions, creation of a Plan of Development that includes a Biological Resources Conservation Plan, and limiting new or improved accessibility to sensitive habitat.

N29b — The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to sensitive species and big game, such as preconstruction surveys for sensitive species, seasonal and spatial restrictions, limiting new or improved accessibility to sensitive habitat, and creation of a Plan of Development that includes a Biological Resources Conservation Plan. Refer to Section 3.2.4.3 in the Final EIS.

N29c — Comment noted. The project is being developed with continued consultation and collaboration with state and federal wildlife agencies and agency biologists.

## COMMENT(S)

## RESPONSE(S)

**N29** **Rocky Mountain Elk Foundation (cont.)**

ROCKY MOUNTAIN ELK FOUNDATION

N29d

2. Mitigate habitat loss and fragmentation caused by construction of the transmission line through acquisition and permanent protection of suitable wildlife habitat.

N29e

3. The Design Criteria related to noxious weeds control, Appendix C page C-5 and C-17 should be strengthened. RMEF recommends during construction where noxious weeds are present, control or eliminate infestations, and re-seed and/or plant disturbed areas with native vegetation to help prevent re- establishment of noxious weeds. During operation of the project, annually survey for noxious weeds and control any noxious weeds found.
4. RMEF recommends adding Design Criteria which would require within state or federal designated elk and deer range, particularly critical winter range, creation and maintenance of big game forage meadows within the transmission line right of way. These linear habitat plots have been very effective on other transmission corridors. Collaborate and cooperate with state and federal wildlife biologists in selection of forage meadow sites and selection of forage vegetation species.
5. Please consider adding design criteria for creating a "U" shaped transmission line corridor, feathering the edges with shrubs and low growing trees to provide increased security for wildlife, where vegetation types permit. The design criteria should include leaving or developing "shrub islands" to provide increased forage and security in the transmission line right of way.
6. A Design Criteria is needed to provide for development and maintenance of springs and seeps along the right of way to provide water for wildlife while reducing or eliminating harmful soil erosion.
7. RMEF is pleased to find Design Criteria OM-5 providing for control of public vehicular access to service roads within the transmission line right of way to limit disturbance of wildlife, reduce soil erosion and limit spread of invasive vegetation. (Appendix C, page 16) On these roads closed to the public, there is still a need to monitor for noxious weeds as vehicles are one of the primary mechanisms of weed dispersal as the company and land management agency personnel will continue to use these roads administratively.
8. Establish a wildlife habitat mitigation trust fund to be used for acquisition of habitat to mitigate effects of transmission line construction, maintenance and operation over the life of the project.

RMEF stands ready to collaborate and assist with efforts to minimize harmful effects to wildlife. We offer our assistance and expertise on wildlife habitat restoration and enhancement, mitigation and permanent land protection. The Elk Foundation participates in numerous energy-related settlement agreement negotiations and habitat acquisition projects to mitigate impacts of energy development on wildlife with a wide variety of energy providers across the west.

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N29d

Comments noted. As explained in Section 2.5.1 of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate). That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required, to be developed in coordination with cooperating agencies for the selected route.

N29e

Based on comments received on the Draft EIS requesting clarity of impacts, measures to reduce impacts, and the effectiveness of these measures, the design criteria and environmental protection measures described in Appendix C of the Draft EIS have been included as design features of the B2H Project for environmental protection and selective mitigation measures in the Final EIS (Table 2-7 and Table 2-13 in sections 2.3.4 and 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the Draft EIS. Appendix C as it was in the Draft EIS has been removed and is no longer included in the Final EIS.

**COMMENT(S)**

**N29** **Rocky Mountain Elk Foundation (cont.)**

ROCKY MOUNTAIN ELK FOUNDATION

RMEF is a non-profit conservation organization whose mission is to ensure the future of elk, other wildlife, their habitat, and our hunting heritage. The Elk Foundation also works to open, secure and improve public access for hunting, fishing and other recreation.

Thank you for the opportunity to comment on this project.

Sincerely,

Bill Richardson
Oregon & Washington Sr. Lands Program Manager
Rocky Mountain Elk Foundation

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**RESPONSE(S)**

## COMMENT(S)

## RESPONSE(S)

**N30** **Snake River Alliance**

**comment@boardmantohemingway.com**

**From:** Ken Miller <kmiller@snakeriveralliance.org>
**Sent:** Wednesday, March 18, 2015 4:49 PM
**To:** comment@boardmantohemingway.com
**Cc:** Ken Miller
**Subject:** Boardman to Hemingway comments
**Attachments:** March 2015 B2H DEIS Comments-final.doc; Untitled attachment 02289.htm

To: Bureau of Land Management
From: Snake River Alliance
Re: Boardman to Hemingway Transmission Line

Please accept the attached comments from the Snake River Alliance regarding the B2H DEIS. If you have any questions or if there are issues opening the file, please let us know.

Respectfully,

Ken Miller
Snake River Alliance

Ken Miller
Energy Program Director
Snake River Alliance
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Boise, ID 83701
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kmiller@snakeriveralliance.org
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1

## COMMENT(S)

## RESPONSE(S)

**N30** **Snake River Alliance (cont.)**

**Comments of the Snake River Alliance**
**On the Draft Environmental Impact Statement**
**Boardman to Hemingway Transmission Line Project**

**Submitted by**
**Ken Miller, Clean Energy Program Director, Snake River Alliance**

**March 19, 2015**

**Electronically Submitted to:**
**Boardman to Hemingway Transmission Line Project**
**Bureau of Land Management**
**100 Oregon Street**
**Vale, OR 97918**

The Snake River Alliance appreciates this opportunity to comment on the Bureau of Land Management's Draft Environmental Impact Statement (DEIS) for the Boardman to Hemingway Transmission Line Project (B2H Project) proposed by Idaho Power Co. and its anticipated development partners PacifiCorp and Bonneville Power Administration (BPA). The Alliance has participated in proceedings in this proposal for several years, including at public open house meetings and through the scoping processes.

The Snake River Alliance is an Idaho-based non-profit (501(c)(3)) organization, established in 1979 to address Idahoans' concerns about nuclear safety issues. In 2007, the Alliance expanded the scope of its mission by launching its Clean Energy Program. The Alliance's clean energy initiative includes advocacy for renewable energy resources in Idaho; expanded conservation and demand-side management programs offered by Idaho's regulated electric utilities and the Bonneville Power Administration; and development of local, state, regional, and national initiatives to advance sustainable supply-side and transmission policies. The Alliance pursues these programs on behalf of its members, many of whom are customers of Idaho Power, Avista Corp., and PacifiCorp, which does business in Idaho as Rocky Mountain Power and of Idaho's many cooperative and municipal utilities that acquire their electricity from the Bonneville Power Administration.

Alliance Clean Energy Program Director Ken Miller has participated in B2H informational meetings and other events since this project was first proposed in 2007 and is also a member of Idaho Power's Integrated Resource Plan Advisory Council (IRPAC). The Alliance has also participated in meetings and submitted comments regarding the proposed Gateway West transmission line project in Wyoming and Idaho, particularly those parts of the project that, if developed, would connect to Idaho Power's Hemingway substation, which is at issue in both the Gateway West and B2H proposed transmission projects. The Alliance appreciates the patience and dedication of all parties, including BLM, the Proponents, property owners and all other stakeholders as this proposal has undergone prolonged but important public review and amendments.

**COMMENT(S)**

**RESPONSE(S)**

**N30** **Snake River Alliance (cont.)**

**The Proposal**

According to the DEIS, The proposed Boardman to Hemingway project would consist of a 305-mile, 500-kV transmission line and ancillary facilities within a 250-foot right of way, running from near a proposed substation near Boardman, OR, to an Idaho Power substation in Owyhee County, ID, near Melba. The majority of the proposed line would be located in multiple private and state and local government ownership categories, and to a limited degree (fewer than 100 miles of the proposed line's total length) federal lands managed by the U.S. Forest Service, Bureau of Reclamation, and Bureau of Land Management. Due in part to the involvement of federal lands, the project was first subject to a National Environmental Policy Act (NEPA) scoping review conducted in 2008 and again in 2010, since flaws were identified in the initial scoping process.

As proposed and according to the proposed action identified in the DEIS, B2H would traverse federal, state, and private lands in five counties in Oregon and one county in Idaho. (Chapter 2, p. 2-1, lines 17-20). The proposal has encountered varying degrees of support and opposition, particularly regarding land use issues in areas that would be most affected by the alternatives examined in this DEIS.

Oregon conducts an extensive siting review of transmission and generation projects such as B2H. Idaho has no such regulatory mechanism.

**Introduction**

With reservations explained in more detail below, the Alliance supports BLM approval of the preferred alternative contained in the DEIS. Alliance policies generally support "non-wires" responses to accommodate new electric utility load growth, and we rarely support construction of new, and in cases such as B2H very expensive, transmission infrastructure. The Alliance also supported – again with reservations – Idaho Power's 2013 IRP, which identified B2H as the preferred alternative in how Idaho Power would satisfy its delivery obligations to serve load going forward. Idaho Power's leading alternatives to B2H, as identified in the 2013 IRP, would develop new natural gas-fired combustion turbines, which the Alliance would have opposed.

In our Nov. 6, 2013, comments to the Idaho Public Utilities Commission supporting Idaho Power's 2013 IRP, the Alliance stated, in part:

> The Alliance has recognized the potential value of the Boardman-Hemingway transmission proposal for several years and our position continues to evolve along with the electricity landscape and infrastructure in the Pacific Northwest. We believe the project has the potential to allow for a greater flow of renewable energy between markets in the Pacific Northwest, particularly with Idaho Power being summer peaking utility and utilities West of the Cascades generally experiencing their peak demands

## COMMENT(S)

**N30** **Snake River Alliance (cont.)**

during the winter. Idaho Power's 2013 IRP assumes Boardman-Hemingway may be energized in 2018.

The Alliance was concerned after reading on P. 58 of IDACORP's 3rd Quarter Form 10-Q filed with the U.S. Securities and Exchange Commission that:

> The permitting-related delays and changing environmental requirements will result in increased project costs, with the magnitude of the increase depending largely on the length of the delay and the line route ultimately approved. The regulatory outcomes associated with the siting process can also affect the ultimate feasibility and cost effectiveness of the project.

And on P. 42 of the same Form 10-Q that:

> As it relates to the Boardman-to-Hemingway project, of which Idaho Power is the project manager, the environmental requirements for, and application of environmental regulations (particularly relating to sage grouse) to, the siting process have [sic] changed significantly since commencement of the project, increasing permitting costs. In light of the delays and siting impediments that have occurred and are expected to continue, Idaho Power estimates that the in-service date for the Boardman-to-Hemingway line would be in 2020 or beyond. The Boardman-to-Hemingway line remains Idaho Power's preferred resource alternative. Given project delays, however, Idaho Power is conducting an enhanced review of other power supply resource options as it continues progress on the Boardman-to-Hemingway line.

N30a As the Alliance commented to the Idaho PUC in 2013, there remain uncertainties regarding the future of the Boardman-Hemmingway project. With regard to the Gateway West transmission line – or at least Idaho Power's anticipated share of it, other utilities (PacifiCorp and Bonneville) have expressed a need for additional transmission capacity, but Idaho Power has not yet demonstrated a compelling reason why its customers should participate in the venture. Gateway West has been fraught with regulatory and other problems since its inception and continues to be. Unless its proposed developers can demonstrate a need for Gateway West that directly benefits Idaho Power customers, and unless siting and similar issues are resolved by the state of Oregon, we recommend that the Commission continue to treat it as an uncommitted resource.

The Boardman to Hemingway transmission project is one of seven transmission "priority projects" across 12 states that were identified by the Obama Administration's Interagency Rapid Response Team for Transmission as priorities in a federal "streamlining" pilot project to advance permitting and construction of high-priority transmission projects.

**Chapter 1: Purpose and Need**



## RESPONSE(S)

N30a It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS.

## COMMENT(S)

**N30** **Snake River Alliance (cont.)**

The Purpose and Need section of the DEIS is at the heart of the Alliance's comments and the Alliance recommends further elaboration in the final EIS.

The Alliance agrees with BLM's analysis summary (Chapter 1, p. 1-1) that, "The project's goal is to provide additional electrical load capacity between the Pacific Northwest region and the Intermountain region of southwestern Idaho. The B2H Project would alleviate existing transmission constraints and ensure sufficient capacity to meet present and forecasted load requirements."

We agree that the existing Idaho-Northwest transmission path has transmission constraints during certain times of the year, as do other existing transmission paths. One of the primary reasons the Alliance supported the B2H portfolio in Idaho Power's 2013 IRP was due to its ability to connect Idaho to other Northwest markets, which among other things would augment Idaho Power's ability to meet its peak demand challenges, which in turn are far greater than its average energy needs. We also believe B2H has the potential to ease renewable energy integration concerns, especially in an era of fast-growing regional Energy Imbalance Markets (EIMs) in our region but also in the California-Nevada markets that are currently being launched.

In addition, Bonneville considered six potential service options in "finding a replacement method of serving BPA's preference customers in southeastern Idaho post-2016. From among the six potential service options BPA is currently considering, BPA has identified the option of Boardman-to-Hemingway with Transmission Asset Swap as its top priority for pursuit in fiscal year 2013 and beyond. This option has the potential to keep BPA costs low relative to the other options considered, to increase reliability of the Northwest transmission system, and was supported by many of the comments received during the August public review of this issue." (Notice to regional customers, stakeholders, and other interested parties, Department of Energy, Bonneville Power Administration, Oct. 2, 2012).

N30b We believe Chapter 1 (Purpose and Need) should be expanded in the final EIS. The crux of this chapter ("Idaho Power Company's Objectives for the Project") (Chapter 1, p. 1-9, lines 12-37 and p. 1-10, lines 1-31) requires a more precise justification for this proposal. This section is also sparse on specifics supporting the sweeping and general statements contained within. Our suggestions for consideration in the final EIS, including what we view as important power planning proposals and related issues, follow.

**Existing Idaho Power Supply Side Resources**

As mentioned above, we agree that Idaho Power has transmission capacity issues between its balancing authority and the Pacific Northwest region, and we also point out that Idaho Power is not resource-constrained to serve load and barring a dramatic change in circumstances will not be for several years.

Snake River Alliance – Comments on B2H DEIS 4

## RESPONSE(S)

N30b Comment noted. The Applicant's 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant's customers in southern Idaho and eastern Oregon. The B2H Project also will interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move throughout the Pacific Northwest. This helps meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project allows the Applicant to serve its growing load without building carbon-emitting resource.

## COMMENT(S)

**N30** **Snake River Alliance (cont.)**

N30c However, it is important to recognize that Idaho Power currently has about 1,100 megawatts of coal-fired generation that it co-owns at Boardman, OR (10 percent); Jim Bridger, WY (33 percent); and North Valmy, NV (50 percent), with other utilities partners. While Idaho Power is not currently constrained regarding supply side resources due in large part to its considerable hydropower and fossil fuel assets, including coal and natural gas, we envision that its coal-fired generation assets will become less economic to dispatch as existing and proposed health and environmental regulations affecting its coal generation operations begin to take hold.

N30d While we acknowledge that the outcome of the pending EPA Clean Air Act Rule 111(d), affecting greenhouse gas emissions from existing coal plants, may not be known this year or next, we believe it is inevitable that required controls of greenhouse gas and other emissions from existing coal plants will have a significant impact on Idaho Power's resource stack and the costs and timing of dispatching resources currently in its fuel mix. To its credit, Idaho Power has acknowledged as much and we believe is positioning itself to respond to a changing regulatory environment that will likely require early retirement of some thermal generation, most likely the more than 260 megawatts from the North Valmy station in Nevada – making development of B2H at least one viable replacement option inasmuch as it will allow import of additional hydropower or wind generation from points Northwest.

**Idaho Power's 2013 Integrated Resource Plan**

Idaho's regulated electric utilities are required to prepare IRPs every two years. These plans, while not binding, are reviewed by state utility regulators and serve as a roadmap of how each utility plans to meet its electricity demand for rolling 20-year planning periods. (Chapter 1, P. 1-11, Lines 1-15)

As referenced above, Idaho Power's most recent IRP, filed with the PUC in 2013, identifies B2H as its "preferred alternative" for meeting demand in the 20-year planning period. The 2013 IRP notes the importance of construction of the Boardman to Hemingway project:

- "The Boardman to Hemingway transmission line with associated market purchases is the major resource addition identified in the preferred resource portfolio. A new transmission line connecting Idaho Power to the Pacific Northwest was first mentioned in the 2000 IRP, and the upgrade was specifically identified in the 2006 Idaho Power Resource Plan." (2013 IRP, p. 8-9)

- "Idaho Power's regional transmission interconnections improve reliability by providing the flexibility to move electricity between utilities and also provide economic benefits based on the ability to share operating reserves. Historically, Idaho Power has been a summer peaking utility, while most other utilities in the Pacific Northwest experience system peak loads during the winter. Because of the difference in peak seasons, Idaho Power purchases energy from the Mid-Columbia energy trading market to meet peak summer load, and Idaho Power sells excess energy to Pacific Northwest utilities during the winter and spring… In general, regional transmission allows the region to share

Snake River Alliance – Comments on B2H DEIS 5

## RESPONSE(S)

N30c Comment noted. See response to Comment N30a.

N30d Comment noted. Please refer to the Applicant's IRP, which is updated every two years.

## COMMENT(S)

**N30** **Snake River Alliance (cont.)**

regulation and provides capacity to help integrate intermittent resources, such as wind and solar." (IRP, p. 71)

- "In January 2012, Idaho Power entered into a joint funding agreement with PacifiCorp and BPA to pursue permitting of the project… Additionally a Memorandum of Understanding (MOU) was executed between Idaho Power, BPA, and PacifiCorp to explore opportunities for BPA to establish eastern Idaho load service from the Hemingway Substation. BPA identified six solutions – including two Boardman to Hemingway options – to meet its load-service obligations in southeast Idaho. On October 2, 2012, BPA publically announced the preferred solution to be the Boardman to Hemingway project." (IRP, p. 77)

- "Northwest transmission was the lowest-cost resource alternative in all scenarios, and the ranking of the resource alternatives did not change in any scenario… Based on the suggestions of the IRP Advisory Council and the results of the resource alternatives analysis, Idaho Power designed resource portfolios using the lowest-cost resource alternatives – Northwest transmission and generation fired by natural gas." (IRP, p. 87)

- "The Boardman to Hemingway transmission line with associated market purchases is the major resource addition identified in the preferred resource portfolio." (IRP, p. 113)

- "The Boardman to Hemingway transmission project has outperformed the other resource portfolios in the 2013 IRP. Idaho Power is currently acquiring the necessary regulatory approvals and permits to begin construction… The 2013 IRP confirms that the Boardman to Hemingway transmission line is a very cost-effective resource. The Resource Alternatives Analysis section of the 2013 IRP indicates that the Boardman to Hemingway line is more cost effective than the other supply-side resources studies." (IRP, p. 114)

**Conclusion**

N30e As stated above, the Snake River Alliance would prefer that a project of this magnitude would not be necessary. But given the current state of the transmission infrastructure in the Pacific Northwest and Intermountain West, we believe alternatives to B2H are limited. That is all the more relevant given the likelihood that Idaho Power is on what it describes as a "glide path" toward reduced coal plant operations and the resulting need to meet future power demand operations with non-coal generation resources. Regardless, we believe Chapter 1 (Purpose and Need) requires a more detailed explanation of the need for this proposal, and we propose that the proponents explain in more detail how distributed generation and other load reduction measures might ease pressures on existing and proposed transmission infrastructure.

Again, the Alliance appreciates the hard work and contributions of all parties in this case. We also appreciate the efforts of the utility, governmental, and other stakeholders as all parties work toward resolution.

Snake River Alliance – Comments on B2H DEIS 6

## RESPONSE(S)

N30e It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers.

## COMMENT(S)

## RESPONSE(S)

**N30** **Snake River Alliance (cont.)**

Respectfully submitted,

Ken Miller
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## COMMENT(S)

**N31** | **Stop Idaho Power**

B2H Transmission Line Project
Boardman to Hemingway

COMMENT FORM

Date: 1/22/2015
First Name: Jean Last Name: Findley
Organization or Affiliation (if any): Stop Idaho Power
Address: 3535 Butte Dr.
City: Ontario State: OR Zip: 97914
E-mail address: rogerfindley@q.com Phone: 541 889-5908

**Privacy Statement:** *Before including your address, phone number, e-mail address or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold identifying information, we cannot guarantee that we will be able to do so.*

☐ Please check here if you wish your personal information to remain confidential.

**Comments must be submitted by March 19, 2015.**

My comments on the Boardman to Hemingway Transmission Line Project are:

N31a 1) The MA2-MA3 segment needs to be moved to MA3-MA1 → MA2 to avoid private land and keep the line on as much federal land as possible (Double with alternative MA2-MA7-MA3). This land may meet a strict definition of 'land with wilderness characteristics' but it is so close to inhabited areas and is so generally modified by human activity that the Adverline would be an appropriate use of the BLM land here.

N31b 2) The ~~[illegible]~~ route should have missed all EFU land in Malheur Co. but still crosses such land near Willow-Creek.

Boardman to Hemingway Transmission Line Project | P.O. Box 655, Vale, OR 97918

## RESPONSE(S)

N31a Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N31b Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2.

## COMMENT(S)

**N31** **Stop Idaho Power (cont.)**

B2H Transmission Line Project
Boardman to Hemingway

COMMENT FORM

Date: 1/12/2015
First Name: Roger Last Name: Findley
Organization or Affiliation (if any): Stop Idaho Power (SIP)
Address: 3535 Butte Drive
City: Ontario State: OR Zip: 97914
E-mail address: rogerfindley@g.com Phone: 541-889-5908

**Privacy Statement:** *Before including your address, phone number, e-mail address or other personal identifying information in your comment, be advised that your entire comment – including your personal identifying information – may be made publicly available at any time. While you can ask us in your comment to withhold identifying information, we cannot guarantee that we will be able to do so.*

☐ Please check here if you wish your personal information to remain confidential.

**Comments must be submitted by March 19, 2015.**

My comments on the Boardman to Hemingway Transmission Line Project are:

N31c 1). It still goes across EFU land Mal. Co. (both willowcreek & Tub mt alternates). The orginial proposed line (west of Brogan) Can be moved much farther west to avoid sage grouse habitat. It can also be "snaked" around leks in the Brogan area (see attached map) to avoid known leks. Land west of Brogan has recently burned and is currently not sage grouse habitat. Until the grouse is listed (not likely for ~~now~~ until the next general election, if then) we should continue with what ~~we~~ rules are in affect now, not what might come in the future. Build the line around the 2 mile leks now.

N31d 2). The Tub mt alternative goes across the Oregon Trail in 2 places (I know BLM put the line where they did so it crosses the trail on private land). ~~This~~ It's still not the Oregon Trail regardless if it is on private or public land? It should have the same "importance" in either case. I feel it should be moved off the Oregon Trail.

Boardman to Hemingway Transmission Line Project | P.O. Box 655, Vale, OR 97918

## RESPONSE(S)

N31c

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project.

The Applicant has committed to design features and site-specific mitigation measures to minimize impacts to sensitive wildlife, including preconstruction surveys, seasonal and spatial restrictions for sensitive periods and habitats, minimization of timber and other vegetation clearing, spanning/avoiding sensitive features (e.g., water bodies), and a Plan of Development that includes a Biological Resources Conservation Plan. Refer to Section 3.2.4.3 in the Final EIS.

The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS to provide additional information about BLM's requirements and recommendations for compensatory mitigation. The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

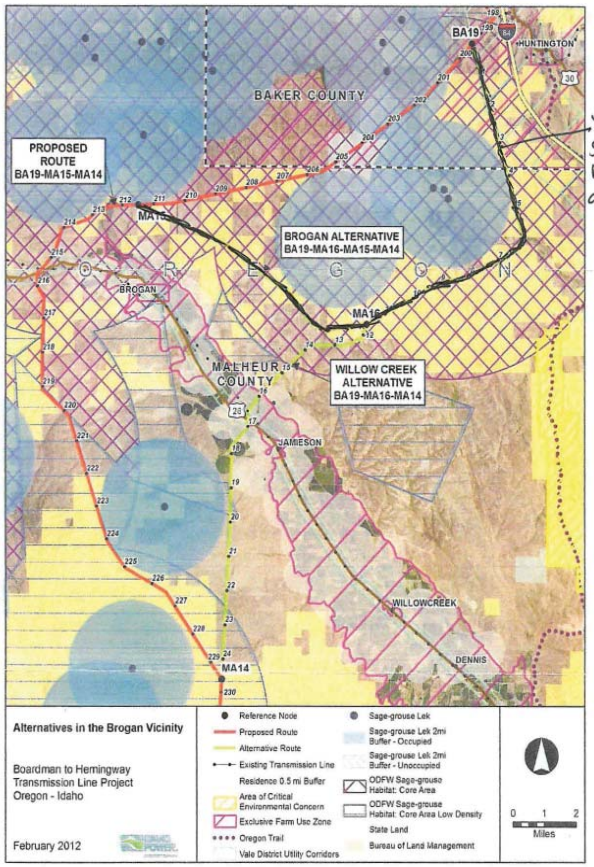
Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

N31d

Impacts on the Oregon NHT in the Final EIS are assessed regardless of land jurisdiction and are based on the presence of contributing cultural resource elements and the ability to vicariously experience the trail.

## ATTACHMENT

| N31 | Stop Idaho Power (cont.) |
|---|---|




this should have been analyzed and was not

**Figure 1** Alternatives in the vicinity of Brogan

Brogan Area Alternatives Page 3

## COMMENT(S)

## RESPONSE(S)

**N32** **The Nature Conservancy**

**comment@boardmantohemingway.com**

**From:** Ken Popper <kpopper@TNC.ORG>
**Sent:** Thursday, March 19, 2015 6:26 PM
**To:** comment@boardmantohemingway.com
**Cc:** Garth Fuller
**Subject:** Boardman to Hemmingway DEIS comment letter
**Attachments:** B2H_March2015_DEIS_TNC_comments_3_19_15final.pdf

Greetings,
Attached are The Nature Conservancy in Oregon's comments on the Draft Federal Environmental Impact Statement (DEIS) for the proposed Boardman to Hemingway 500 Kilovolt Transmission Line Project.
Please contact Garth Fuller (gfuller@tnc.org) or myself with any questions.

Thank you,

Ken Popper
Senior Conservation Planner
The Nature Conservancy
821 SE 14th Ave., Portland OR 97214
503-802-8100 ext. 116
kpopper@tnc.org
**http://nature.ly/OR_Science**

1

## COMMENT(S)

## RESPONSE(S)

**N32** **The Nature Conservancy (cont.)**

The Nature Conservancy
Protecting nature. Preserving life.™

The Nature Conservancy in Oregon
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nature.org/oregon

March 19, 2015

Sent via email: comment@boardmantohemingway.com

Project Managers
Bureau of Land Management
US Forest Service

Boardman to Hemingway
Transmission Line Project
PO Box 655
Vale, OR 97918

RE: Comments on the Draft Federal Environmental Impact Statement (DEIS) for the proposed Boardman to Hemingway 500 Kilovolt Transmission Line Project

Dear Boardman to Hemingway Transmission Line Project Managers:

The Nature Conservancy is a leading nonprofit organization dedicated to protecting the lands and waters on which all life depends. The Conservancy has an organization-wide commitment to working with partners to accomplish this mission in
a science-based, collaborative manner.

We appreciate the work that Idaho Power Company (IPC), the Bureau of Land Management (BLM), and US Forest Service (USFS) have done to prepare the Draft EIS for the Boardman to Hemmingway Transmission Line Project (B2H Project). Similar to our earlier comments, we applaud the work that has been done to engage local communities in the evaluation of alternative routes for the transmission line. We continue to support the proposed routing along existing transmission routes, rights-of-way and Interstate 84. Siting near existing development will avoid impacts to more intact habitats elsewhere.

We have the general comments to offer, summarized and expanded below:

1. The Mitigation hierarchy provides a sound framework for analyzing the Project.
2. Sections of the DEIS appear to contain incomplete or outdated information.
3. Analysis of potential impacts to shrub steppe habitats and Washington Ground Squirrels appear incomplete.
4. Opportunities should be provided for additional public comment on the mitigation measures, and specifically the compensatory mitigation elements, prior to the preparation of a final EIS.
5. Collaboration: The BLM NEPA process provides an important opportunity for public engagement, but should be developed and conducted in a coordinated and consistent fashion with the Oregon Energy Facility Siting Council process.

## COMMENT(S)

**N32** **The Nature Conservancy (cont.)**

1. Mitigation Framework

We are pleased that the DEIS appears to use a common framework for the development of Compensatory Mitigation Plans. The Mitigation Hierarchy, (avoid, minimize, rectify, reduce or eliminate over time, compensate), as identified by the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20) and the BLM Draft - Regional Mitigation Manual Section (MS) -1794 provides sound guidance and a framework with principles and standards that we strongly support. In particular the stated goal of achieving a net benefit approach (Appendix D) is essential in meeting those principles.

In addition the use of the "Greater Sage-Grouse Mitigation Blueprint" (Appendix E) is an excellent framework to guide the development of impact assessment and mitigation packages for sage-grouse and their habitats.

N32a However, without details it is not possible to evaluate if those principles will be applied and standards will be met. Issues such as Timeliness, Durability, Ratios, and Reversals are critical to address in order to reach the goal of net benefit. While these issues are identified in the DEIS, they are not addressed in the document to date. We encourage planners to directly address these issues in detailed mitigation plans – both for sage-grouse and for plans developed under the Draft Framework for Development of Compensatory Mitigation Plans for Biological Resources described in Appendix D. Currently there is a lack of detail both in how the plans will be applied across species, habitats, and ownerships (public and private) as well as the lack of an actual impacts analyses and calculation of offset benefits - either quantitative estimates or explanation of spatial considerations. Without having these details in the Draft EIS, it is impossible to fully evaluate the effects of the proposed action.

N32b Durability on public lands should be addressed before the Records of Decision (ROD). If not done prior to the ROD it is impossible to assess if this issue has been adequately addressed. Appendix D of the DEIS states it will be done in the ROD, but then also states that "compensatory mitigation programs" will define how additionally and durability are addressed. Therefore we ask that those programs be described in detail in the planning documents made available in the FEIS or other public review process.

2. Need for updated information.

N32c Due to the great deal of recent data gathering, monitoring and assessment associated with greater sage-grouse populations and habitats there is likely to be updated information available. While focused on sage-grouse, these planning efforts have produced a variety of information resources across a large portion of the project area. We encourage the planning team to seek out these data in order to utilize the best available information. An example of this information is the creation of a geodatabase that supports a Decision Support System (DSS) for sage-grouse conservation that is under construction for the state of Oregon. An intended use of the DSS is to inform siting of developments such as transmission projects to Avoid, Minimize and Offset impacts to important habitats. Use of this tool demonstrates that the proposed action (route) shows a greater level of impact to sage-grouse habitat than alternatives described in the DEIS. Segment 4 in Malheur and Baker Counties particularly demonstrates this situation.

N32d More detailed information is also needed for development of infrastructure such as roads, both for purposes of routing and determining best alternatives, but also for calculating compensatory mitigation. A third example of a need for updated information is what appears to be an outdated assumption about co-location of transmission lines, which may change assessments of feasibility near pre-existing lines. Relatively new direction from the Western Electricity Coordinating Council (WECC) has recently "relaxed its definition of a common corridor from the greater span or 500 feet from an existing line to a minimum of 250 feet from an

## RESPONSE(S)

N32a Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS in Appendix C to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts to Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

N32b See next page for response to N32b.

N32c See next page for response to N32c.

N32d Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes. Colocation with existing utilities is given preference where feasible.

**COMMENT(S)** | **RESPONSE(S) - CONTINUED**

**N32** **The Nature Conservancy (cont.)**

N32b

As explained in Section 2.5.1.1 of the Final EIS, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate). That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required, to be developed in coordination with cooperating agencies for the selected route.

When applying mitigation at any level of the mitigation hierarchy, there would be requirements for monitoring the effectiveness of the mitigation as well as the durability of the mitigation. This monitoring is necessary, especially in relation to durability for compensatory mitigation to identify when it may be appropriate to consider applying adaptive management concepts to ensure continued durability for the life of the B2H Project.

A framework for identifying the appropriate compensation to mitigate residual effects warranting compensatory mitigation under the Agency Preferred Alternative is presented in Appendix C of the Final EIS. The required compensatory mitigation will be detailed in the BLM Record of Decision.

Ultimately, the additional mitigation measures identified in the EIS and Record of Decision for the selected route would be incorporated into the Applicant's final POD. In turn, the final POD would become a condition of the BLM Record of Decision and an enforceable stipulation of the BLM right-of-way grants and potentially other permits.

N32c

The Greater Sage-Grouse analysis has been updated to use the most recent data from the BLM, Oregon Department of Fish and Wildlife, and Idaho Department of Fish and Game.

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project.

The Applicant has committed to design features and site-specific mitigation measures to minimize impacts to sensitive wildlife, including preconstruction surveys, seasonal and spatial restrictions for sensitive periods and habitats, minimization of timber and other vegetation clearing, spanning/avoiding sensitive features (e.g., water bodies), and a Plan of Development that includes a Biological Resources Conservation Plan. Refer to Section 3.2.4.3 in the Final EIS.

The B2H Project will be sited, designed, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage Grouse.

## COMMENT(S)

## RESPONSE(S)

**N32** **The Nature Conservancy (cont.)**

N32d

existing line."[1] This is a reduction from the 500 feet cited in the DEIS,[2] and this recommendation is consistent with objectives outlined in the FWS Conservation Objectives Team (COT) report[3].

N32e

3. Washington Ground Squirrels / Boardman area

As we have commented previously in the scoping process, collectively the Boardman Conservation Area managed by The Nature Conservancy, as well as the Naval Weapons Systems Training Facility (NWSTF) at Boardman, and the Bureau of Land Management's Curlew Area of Critical Environmental Concern at Horn Butte form the largest and highest quality remaining block of native shrub-steppe and grassland habitat in the Oregon portion of the Columbia Basin Section of the Columbia Plateau Ecoregion. As recognized in the DEIS the area provides critical habitat for a number of species including the Washington ground squirrel, ferruginous hawks, sage sparrow, grasshopper sparrow, loggerhead shrike, long-billed curlews, burrowing owls, sagebrush lizards, and other species of conservation concern. We recognize that it may be difficult to relocate the sub-station and transmission lines in this segment to sufficiently avoid all impacts. As such, these protected areas and the species and habitats they support should receive special attention in the development of strategies for minimizing impacts.

N32f

The Nature Conservancy has had a strong interest and commitment to protection of the globally significant biological diversity found on the NWSTF at Boardman since 1977, when we helped the Department of the Navy to establish the first Research Natural Areas on Department of Defense lands in the nation. We understand that additional alternative routes in this area may be considered and we urge the planning team to address the existence of these critical habitats and the Research Natural Areas on the NWSTF when applying the full mitigation framework described in the DEIS.

N32g

We encourage the creation of a complete and robust compensatory mitigation plan addressing all direct and indirect impacts, developed collaboratively with agencies and stakeholders active in conservation in the project area. In addition, if the Washington Ground Squirrel should be proposed for federal listing under the ESA, construction of the Project should not begin until any necessary ESA section 7 conferencing or consultation with the FWS is completed.

N32h

4. Completeness of DEIS

Compensatory mitigation is an integral part of the NEPA process for the B2H Project and should not be withheld from public review until after decisions are made and set forth in the FEIS. While we understand the challenges associated with such a complex planning effort, it is imperative that detailed mitigation planning information is shared, including where and why avoidance was not successful.

NEPA requires that an EIS must "provide full and fair discussion of significant environment impacts of the proposed actions and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment".[4] NEPA's public involvement "guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision".[5] These

[1] U.S. Dep't of Interior Bureau of Land Management, *Final Environmental Impact Statement for the Gateway West Transmission Line Project Wyoming and Idaho*, 1-22 (2013); Western Electricity Coordinating Council, *WECC Glossary for Terms Developed Using the WECC Reliability Standards Development Procedures , 6* (2014) (*available at* https://www.wecc.biz/Reliability/WECC%20Glossary%20and%20Naming%20Conventions%20Updated%208-11-2014.pdf) (defining "Adjacent Transmission Circuits" as any parallel circuits with less than a 250' separation.)
[2] Boardman to Hemingway 2015 Draft EIS, DOI-BLM-OR-V000-2012-016-EIS, Chapter 2, page 10.
[3] U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (Centrocercus urophasianus) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013.
[4] 40 C.F.R § 1502.1.
[5] Oregon Natural Desert Ass'n v. BLM, 625 F.3d 1092, 1099 (9th Cir. 2010).

N32e

Comment noted. The EIS has been revised to include additional analysis of potential impacts on sensitive plant communities and wildlife habitats on the NWSTF Boardman. The Horn Butte Alternative was not carried forward for the Final EIS.

If an alternative route is selected, the Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to sensitive wildlife, such as preconstruction surveys for sensitive species, seasonal and spatial restrictions, creation of a Plan of Development that includes a Biological Resources Conservation Plan, and limiting new or improved accessibility to sensitive habitat. Refer to Section 3.2.4.3 in the Final EIS.

N32f

Comment noted: Critical habitats and research natural areas are considered in the comparison of alternatives/variations in the Final EIS. Based on comments received by the BLM on the Draft EIS, collaboration with the counties and their constituents occurred, resulting in a number of recommended routing variations/options, which were incorporated into the network of alternative routes analyzed for the Final EIS. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

N32g

As explained in Section 2.5.1, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House Council on Environmental Quality (40 Code of Federal Regulations 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

N32h

See response to Comment N32g.

## COMMENT(S)

**N32** **The Nature Conservancy (cont.)**

N32h

procedures ensure that "environmental information is available to public officials and citizens before decisions are made".[6]

In this instance, compensatory mitigation is central – not merely incidental – to the evaluation of environmental impacts of and alternatives to the project in the EIS. The DEIS acknowledges that, without compensatory mitigation, the project is unlikely to comply with BLM's own policy regarding management of sage-grouse.[7] On this record, compensatory mitigation constitutes a vital factor in the decision before the agency.

N32i

This does not necessarily mean that BLM needs to present the public with a full mitigation plan before it can issue a permit for the project. Rather, BLM's obligation is to disclose key technical analyses used for scaling compensatory mitigation, explain the role of mitigation in offsetting project impacts and evaluate mitigation effectiveness. In short, the EIS must allow the public and agency decision makers to understand the role that compensatory mitigation plays in the decision. Therefore we again ask that those programs be described in detail in the planning documents made available in the FEIS or other public review process.

N32j

5. Collaboration

We recommend that Agencies and IPC continue to work with Cooperating Agencies, Oregon Department of Fish and Wildlife and other stakeholders to conduct and complete a more comprehensive impacts analysis and mitigation program that is consistent with both Federal and State policies and practices.

N32k

Ongoing efforts by the BLM and the Forest Service to update Resource Management Plans and Land Use Plans are nearing completion and have addressed many of the issues faced in this DEIS. In addition the state of Oregon has convened the Sage-grouse Conservation Partnership (SageCon) to amend the Oregon Sage-grouse Plan and develop a Mitigation Framework and set of Mitigation Protocols to address development impacts to sage-grouse habitats. We strongly encourage project planners to collaborate with all parties to assure compatibility with those plans.

Additional organizations and partners (including The Nature Conservancy) have made progress on the Decision Support Systems mentioned earlier which can inform mitigation and management in sage-grouse habitats. . We have expressed our willingness, as have many partners, to assist with these tools and analyses if requested. We would support a work group approach to help explore issues, opportunities and solutions related to the challenges of this Project.

Thank you for the opportunity to submit comments on this Draft EIS. We look forward to continuing to work with the BLM and Idaho Power Corporation on the Boardman to Hemingway Project.

Sincerely,

Garth Fuller
Eastern Oregon Conservation Director
The Nature Conservancy in Oregon

[6] 40 C.F.R. §1502.1(b).
[7] DEIS at 3-11-72

## RESPONSE(S)

N32i

See response to Comment N32g.

N32j

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

N32k

Comment noted. Please refer to Section 4.3 for a discussion of the public participation process. Also, cooperating agencies have been participating in preparation of the EIS under the provisions of Sections 40 CFR 1501.6 and 40 CFR 1508.5.

## COMMENT(S)

## RESPONSE(S)

**N33** **Theodore Rooevelt Conservation Partnership**

**comment@boardmantohemingway.com**

**From:** Mia Sheppard <MSheppard@trcp.org>
**Sent:** Thursday, March 19, 2015 6:18 PM
**To:** comment@boardmantohemingway.com; Gonzalez, Donald
**Subject:** B2H comment
**Attachments:** TRCP letter on B2H Transmission.docx

Please accept the attached comment regarding the proposed transmission line that PacifiCorp, Bonneville Power Administration (BPA), and Idaho Power jointly are proposing from a proposed substation near Boardman, Oregon to the Hemingway Substation in Idaho. The Theodore Roosevelt Conservation Partnership is a national conservation organization dedicated to providing all Americans quality places to hunt and fish.

Best Regards,

Mia Sheppard
Theodore Roosevelt Conservation Partnership
PO Box 343
Maupin, OR 97037
541-419-2105 cell
541-395-2460 home
http://www.trcp.org/

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## COMMENT(S)

## N33 Theodore Rooevelt Conservation Partnership (cont.)

Theodore Roosevelt Conservation Partnership

*His Vision ~ Our Mission*

March 19, 2015

Boardman to Hemingway Transmission Line Project
P.O. Box 655
Vale, OR 97918

**RE: B2H Transmission Project**

We are writing to submit comments on the proposed transmission line that PacifiCorp, Bonneville Power Administration (BPA), and Idaho Power jointly are proposing from a proposed substation near Boardman, Oregon to the Hemingway Substation in Idaho. This project is also known as the Boardman to Hemingway (B2H) Transmission Project.

The Theodore Roosevelt Conservation Partnership is a national conservation organization dedicated to providing all Americans quality places to hunt and fish. We are actively involved with the management of public lands in Oregon and support responsible energy development. We work with our partners to ensure development proceeds in a way that conserves and sustains fish and wildlife populations and sustainable opportunities for hunting and fishing for future generations.

N33a

We understand that The B2H Transmission Project will provide additional capacity for exchanging energy between the Pacific Northwest and the Intermountain West. However, transmission lines and associated infrastructure can have negative impacts on wildlife and sportsmen's access and quality of experience. Consequently, we believe the needs of fish, wildlife and sportsmen must be incorporated into state and local process for permitting lines.

N33b

Hunting and fishing are major contributors to Oregon's rural economies and are traditional activities important to Oregon's western lifestyle. The proposed route travels through wildlife management units such as the Starkey Unit (Oregon Department of Fish and Wildlife Elk Hunt Unit2 52), that is prized by many hunters and one of the toughest trophy elk tags to draw in the state. In 2013 there were 1,878 tags and 8,096 hunter days with 290 bulls harvested. Because the Starkey Unit is 67% public land – mostly national forest – and receives a tremendous amount of recreational pressure, private lands like the Elk Song Ranch serve as secure refuges from the stressors that hunting can bring.

N33c

N33d

We recommend the following:

1. Use existing disturbed corridors to prevent unnecessary negative impacts to wildlife and well-managed habitat – public or private. The best mitigation is avoidance of impacts; therefore, existing disturbed areas or corridors should be used to the maximum extent possible.
2. If new routes or corridors are needed, fish, wildlife and sporting values must be adequately assessed to provide a baseline for mitigation actions and sustain these values during development and operation.

1660 L ST NW
SUITE 208
WASHINGTON, DC 20036
202-639-8727
WWW.TRCP.ORG

## RESPONSE(S)

N33a Comment noted. The Applicant has committed to updated design features and selective mitigation measures designed to minimize anticipated potential B2H Project impacts on fish, big game, and other wildlife and from new access roads and sediment transport to streams from upland locations. B2H Project design features and selective mitigation measures that would minimize impacts on fish and wildlife resources include seasonal and spatial restrictions, spanning of riparian communities and water courses, using existing access roads, selective removal of vegetation, creation of a Plan of Development that includes a Biological Resources Conservation Plan, and limiting new or improved accessibility to sensitive habitat. Refer to Sections 3.2.4 and 3.2.5 of the Final EIS for analysis of impacts.

N33b Comment noted. Potential impacts of the B2H Project on WMUs are addressed in Section 3.2.4.5.

The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to big game, such as seasonal and spatial restrictions, creation of a Plan of Development that includes a Biological Resources Conservation Plan, and limiting new or improved accessibility to sensitive habitat. Refer to Section 3.2.4.3 in the Final EIS.

N33c The alternatives analysis for the Proposed Action has been revised to reflect comments on the DEIS. Consideration for colocation has been incorporated in to the revised analysis of alternatives.

N33d Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

**N33 Theodore Rooevelt Conservation Partnership (cont.)**

N33e
N33f
N33g
N33h
N33i

3. Avoid or minimize fish, wildlife and recreational impacts during and after the siting process.
4. Provide incentives for landowner cooperation and adequate compensation should be provided for habitats and properties negatively affected.
5. Representation by sportsmen and affected landowners should be required on advisory or stakeholder committees. Conservation stewardship should be considered regardless of property ownership.
6. It is widely known that elk can be negatively impacted by certain types of roads and levels of traffic and there is a strong body of scientific literature on the subject that we recommend is used to address impacts of roads and mitigation of those impacts. We suggest B2H a) conduct an assessment of roads and their potential effects on elk and other wildlife; and b) close roads, or at least restrict travel access to maintenance needs only, once they are no longer needed to reduce disturbance.
7. All mitigation for direct impact of roads and disruption of category 2 habitat for big game should result at minimum in no net loss of habitat.

We appreciate the opportunity to comment on this important project and strongly encourage you to consider our recommendations. Please contact us if you have any questions or would like to further discuss our concerns and recommendations.

Respectfully,

Mia Sheppard
Oregon Field Representative
Theodore Roosevelt Conservation Partnership
msheppard@trcp.org

## RESPONSE(S)

N33e See response to Comment N33d.

N33f Comment noted. Analysis has been expanded to include alternative route variations with careful consideration of private lands. Input from the landowner and the impact on property will be carefully considered by Idaho Power during final design and engineering, which could include micro-siting of the transmission line along the selected route. Idaho Power will negotiate with the owners of real property interests to ensure that, if any private property interests are impaired by the final location, they are appropriately compensated.

N33g Comment noted. Please refer to Section 4.3 for a discussion of the public participation process.

Cooperating agencies work with the BLM under the provisions of Sections 40 CFR 1501.6 and 40 CFR 1508.5.

N33h The analysis of big game and special status wildlife has been updated to include additional analyses of the impact of roads. The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to big game, including limiting new or improved accessibility to sensitive habitat through access road closure or rehabilitation. Refer to Section 3.2.4.3 in the Final EIS.

N33i See response to comment N33h.

## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians**

**comment@boardmantohemingway.com**

**From:** Erik Molvar <emolvar@wildearthguardians.org>
**Sent:** Friday, March 13, 2015 1:03 PM
**To:** comment@boardmantohemingway.com
**Subject:** B2H DEIS comments of WildEarth Guardians
**Attachments:** B2H comments.pdf; Untitled attachment 01542.htm

Folks,

Attached please find the comments of WildEarth Guardians on the Boardman to Hemingway transmission project.

Attachments to follow in separate emails.

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

March 13, 2015

Boardman to Hemingway Transmission Line Project
P.O. Box 655
Vale, OR 97918

Via email to comment@boardmantohemingway.com

To Whom It May Concern:

The following are the scoping comments of WildEarth Guardians on the Boardman to Hemingway ("B2H") transmission line Draft Environmental Assessment ("DEIS").

As a general principle, transmission lines (when necessary) should be sited to the greatest extent possible across already-degraded lands (such as agricultural cropland) to minimize impacts to wildlife, habitats, scenery, and other environmental assets. Avoidance of sage grouse habitats should be a primary criterion for siting decisions, and transmission lines should be buried underground for stretches where placing lines within 4 miles of Priority Habitat cannot be avoided.

**LEGAL STANDARDS**

The following is a brief synopsis of the legal standards that apply to BLM and Forest Service as they work their way through the planning process. Our comments address these legal standards as they apply to the Wyoming Resource Management Plan amendment.

**National Environmental Policy Act**

The National Environmental Policy Act ("NEPA") requires agencies to conduct environmental analysis of the direct and cumulative impacts of proposed projects, consider a range of reasonable alternatives (including an alternative that minimizes environmental impacts), solicit and respond to public comments.

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

***Range of Alternatives Requirements***

The range of alternatives is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA requires BLM to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. See 40 C.F.R. §§ 1502.14(a) and 1508.25(c). Formulation of alternatives during the NEPA disclosure and study process is at the heart of Congress' choice of NEPA as the procedural method that guides federal agencies' management of the public lands. *See Natural Resources Defense Council v. Hodel*, 865 F.2d 288, 299 (D.C. Cir. 1988) (citing *Kleppe v. Sierra Club*, 427 U.S. 390, 410 (1976)). In fact, NEPA requirements state that while plans are under revision, "no action concerning the proposal should be taken which would: (1) Have an adverse environmental impact; or (2) Limit the choice of reasonable alternatives." 40 C.F.R. § 1506.1(a). *Catron County v. U.S Fish and Wildlife Service*, 75 F.2d 1429 (10th Cir. 1996)(partial NEPA compliance is not enough.) NEPA regulations also require agencies to address appropriate alternatives in Environmental Assessments. 40 C.F.R. § 1508.9, with specific reference to section 102(2)E of NEPA. In addition, the law requires consideration of a range of mitigation measures. *See Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094,1122-1123 (9th Cir. 2002) (and cases cited therein) (stating that agencies must develop and analyze environmentally protective alternatives in order to comply with NEPA).

Section 102(2)(C) of NEPA requires an agency to present alternatives to the proposed action, and Section 102(2)(E) requires the agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(C) and (E) (1994); *see* 40 C.F.R. § 1501.2(c); *Biodiversity Associates*, IBLA 2001-166 at 6; *Wyoming Outdoor Council*, 151 IBLA 260, 272 (1999); *Howard B. Keck, Jr.*, 124 IBLA 44, 53 (1982); *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228-29 (9th Cir. 1988), cert. Denied, 489 U.S. 1066 (1989).

The fact that this basic, fundamental requirement that is the touchstone of *every* NEPA document has not gone unnoticed on the federal judiciary in sending back environmental studies that fail to meet this requirement, is noteworthy. *See e.g., Calvert Cliffs Coordinating Comm., Inc. v. United States Atomic Energy Comm'n*, 449 F.2d 1109, 1114 (D.C. Cir. 1971) (detailed EIS required to ensure that each agency decision maker has before him and takes into account all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance); *Natural Resource Defense Council v. Callaway*, 524 F.2d 79, 93 (2d Cir. 1975); ("The duty to consider reasonable alternatives is independent from and of wider scope than the duty to file an environmental statement."); *Simmons v. United States Army Corps of Engineers*, 120 F.3d 664, 660 (7th Cir. 1997) ("The highly restricted range of alternatives evaluated and considered violates the very purpose of NEPA's alternative analysis requirement: to foster informed decision making and full public involvement."); *Alaska Wilderness Recreation & Tourism v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995) ("The existence of a viable but unexamined alternative renders an environmental impact statement inadequate."); *Dubois v. U.S. Dept. of Agric.*, 102 F.3d 1273, 1288 (1st Cir. 1996) (EIS invalid because agency did not consider alternative of using artificial water storage units instead of a natural pond as a source of snowmaking for a ski resort); *Libby Rod & Gun Club v. Poteat*, 457 F. Supp. 1177, 1187-88 (D.

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

Mont. 1978), *rev'd in part on other grounds*, 594 F.2d 742 (9th Cir. 1979) (Army Corps of Engineers violated NEPA in an EIS for a hydroelectric dam by only cursorily addressing the alternatives of meeting the Northwest's energy needs through other sources or conservation.); *Northwest Envt'l Defense Center v. Bonneville Power Admin.*, 117 F.3d 1520, 1538 (9th Cir. 1997) ("An agency must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action.")

The failure to look at the full range of reasonable alternatives is related to BLM's duty in any environmental analysis to develop, study, analyze and adopt mitigation measures to protect other resources. The ability to adopt post-leasing mitigation measures – see 43 C.F.R. § 3101.1-2 – is quite broad, as all reasonable measures not inconsistent with a given lease may be imposed by BLM. This is particularly true given that BLM, pursuant to FLPMA, must manage public lands in a manner that does not cause either "undue" or "unnecessary" degradation. 43 U.S.C. § 1732(b). Put simply, the failure of BLM to study and adopt these types of mitigation measures – especially when feasible and economic – means that the agency is proposing to allow this project to go forward with unnecessary and/or undue impacts to public lands, in violation of FLPMA.

The Tenth Circuit examined NEPA's alternatives requirement and agreed with other courts that "have interpreted NEPA to preclude agencies from defining the objectives of their actions in terms so unreasonably narrow that they can be accomplished be only one alternative (i.e. the applicant's proposed project)." *Colorado Environmental Coalition v. Dombeck*, 185 F.3d 1162, 1165 (10th Cir. 1999), at 1174 (*citing Simmons v. United States Corps of Eng'rs*, 120 F.3d 664, 669 (7th Cir. 1997)). At the same time, an agency may not completely ignore an applicant's objectives. *See id*. at 1174-75. Taken together, these directives "instruct agencies to take responsibility for defining the objectives of an action and then provide legitimate consideration to alternatives that fall between the obvious extremes." *Id.* at 1175. *See All Indian Pueblo Council v. United States*, 975 F.2d 1437, 1444 (10th Cir. 1992) (a thorough discussion of alternatives is "imperative"). Accordingly:

> In short, the mitigation measures relied upon by the Corps, while mandatory, are not supported by a single scientific study, paper, or even a comment. This Court does not expect the Corps to conduct extensive research on the efficacy of wetland replacement. Neither can the Court defer to the Corps' bald assertions that mitigation will be successful. … As such, the Corps was arbitrary and capricious in relying on mitigation to conclude that there would be no significant impact to wetlands. The Court remands to the Corps to support its reliance on mitigation.

351 F.Supp.2d 1232, 1252, footnote omitted. The court concluded, "This Court will not rubberstamp an agency determination that … relies on unsupported, unmonitored mitigation measures. NEPA and the CWA require more." 351 F.Supp. 2d 1232, 1252. In particular, federal agencies must explore alternatives to proposed actions that will avoid or minimize adverse effects on the environment, 40 C.F.R § 1500.2(3), alternative kinds of mitigation measures, 40 C.F.R. § 1508.25(c)(3), alternatives that would help address unresolved conflicts over the use of available resources (e.g. roadless areas and/or potential wilderness), 40 C.F.R. § 1501.2(c), and other reasonable courses of action, 40 C.F.R. § 1508.25(c)(2). The requirement to consider such

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

less damaging alternatives helps agencies meet NEPA's primary purpose of promoting "efforts which will prevent or eliminate damage to the environment and biosphere..." 42 U.S.C. § 4321. These requirements are affirmed in BLM policy: "BLM officials may not so narrow the scope of a planning/NEPA document as to exclude a reasonable range of alternatives to the proposed action..." USDI Instruction Memorandum No. 2001-075. The IBLA has established that the elimination of reasonable alternatives without sufficient analysis does not satisfy NEPA, and noted that "While we could speculate about the BLM's rationale for dismissing…alternatives, we should not be required to fill in the blanks for BLM. The record should speak for itself." *Biodiversity Associates*, IBLA 2001-166, at 7 (2001). Such objective evaluation is gravely compromised when agency officials bind themselves to a particular outcome or foreclose certain alternatives at the outset. Importantly, BLM's decision to allow high-impact projects in sensitive and undeveloped lands when lower-impact alternatives and mitigation measures are readily available has resulted in a Preferred Alternative that results in unnecessary impacts on the public lands.

BLM must consider implementing key sage grouse protections recommended by USFWS and the BLM's own National Technical Team (e.g., excluding transmission lines from Priority Habitats and avoiding General Habitats).

***Hard Look Requirements***

NEPA's purpose is to maintain a national "look before you leap" policy in regard to all major federal actions. Congress' intent in establishing this objective was to avoid uninformed agency decisions that could have serious environmental consequences. Thus, NEPA's mandate is that all federal agencies analyze the likely effects of their actions, as well as address the potential alternatives. "Agencies are to perform this hard look *before* committing themselves irretrievably to a given course of action so that the action can be shaped to account for environmental values. NEPA § 102(2)(c) requires the agency to consider numerous factors [including] irreversible commitments of resources called for by the proposal." *Sierra Club v. Hodel*, 848 F.2d 1068 (10th Cir. 1988) (rev'd on other grounds)(emphasis added). NEPA provides procedural protections for resources at risk by requiring analysis of impacts *before* substantial decisions are made that set development in motion. *See Conservation Law Foundation v. Watt*, 560 F. Supp. 561, 581 (D. Mass. 1983), *aff'd by Massachusetts v. Watt*, 716 F. 2d 946 (1st Cir. 1983).

Section 102(2)(C) of NEPA requires that the responsible federal agency prepare a detailed statement on the environmental impacts of the proposed action and any adverse environmental effects which cannot be avoided should the proposal be implemented. The regulations implementing NEPA provide that "[t]o determine the scope of environmental impact statements, agencies shall consider . . . (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. . . . (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

therefore be discussed in the same impact statement. . . . [and] (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography." 40 C.F.R. § 1508.25. A cumulative impact is defined as "the impact on the environment which results from the incremental impact of the actions when added to other past, present, and foreseeable future actions regardless of what agency ...or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. Because of the importance of cumulative impacts, "the consistent position of the case law is that … the agency's EA must give a realistic evaluation of the total impacts and cannot isolate a proposed project, viewing it in a vacuum." *Grand Canyon Trust*, 290 F.3d 339, 342 (citations omitted). To satisfy NEPA's hard look requirement, the cumulative impacts assessment must do two things. First, BLM must catalogue the past, present and reasonably foreseeable projects in the area that might impact the environment. *Muckleshoot Indian Tribe v. USFS*, 177 F.3d 800, 809-810 (9th Cir. 1999). Second, BLM must analyze these impacts in light of the proposed action. *Id.* If BLM determines that certain actions are not relevant to the cumulative impacts analysis, it must "demonstrat[e] the scientific basis for this assertion." *Sierra Club v. Bosworth*, 199 F.Supp.2d 971, 983 (N.D. Ca. 2002). In *Wyoming Outdoor Council v. U.S. Army Corps of Engineers*, the court ruled,

> The Court cannot defer to an EA/FONSI which has neglected, by its own terms, to even attempt to assess the extent of cumulative impacts that might be attributed to the agency action….The Corps must assess cumulative impacts to such a degree as to assure this Court that its issuance of a FONSI was not arbitrary and capricious.

351 F.Supp.2d 1232, 1243 (D. Wyoming 2005). The standard for an Environmental Impact Statement is even higher.

BLM must evaluate the effectiveness of the conservation measures used to minimize adverse impacts to wildlife and sensitive species with the best available science. "The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." 40 C.F.R. § 1500.1(b) (2009). "For this reason, agencies are under an affirmative mandate to 'insure the professional integrity**,** including scientific integrity**,** of the discussions and analyses in environmental impact statements[,] identify any methodologies used and . . . make explicit reference by footnote to the scientific and other sources relied upon for conclusions[.]'" *Envtl. Def. v. U.S. Army Corps of Eng'rs*, 515 F. Supp. 2d 69, 78 (D.D.C. 2007) (citing 40 C.F.R. § 1502.24 (2009)).

***Baseline Information Requirements***

Importantly, 40 C.F.R. §1502.15 requires agencies to "describe the environment of the areas to be affected or created by the alternatives under consideration." Establishment of baseline conditions is a requirement of NEPA. In *Half Moon Bay Fisherman's Marketing Ass'n v.*

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

*Carlucci*, 857 F.2d 505, 510 (9th Cir. 1988), the Ninth Circuit states that "without establishing . . . baseline conditions . . . there is simply no way to determine what effect [an action] will have on the environment, and consequently, no way to comply with NEPA." The court further held that, "The concept of a baseline against which to compare predictions of the effects of the proposed action and reasonable alternatives is critical to the NEPA process." Text on Affected Environment with regard to sage grouse habitat failed to discuss the winter habitat needs of the birds, in spite of clear scientific evidence that impacts to sage grouse by development on winter ranges can have profound effects on the birds (Doherty et al. 2008).

BLM Sensitive Species policy imposes additional requirements to provide baseline information. For BLM Sensitive Species, the agency is responsible for "Determining, to the extent practicable, the distribution, abundance, population condition, current threats, and habitat needs for sensitive species, and evaluating the significance of BLM-administered lands and actions undertaken by the BLM in conserving those species." BLM Manual 6840.2(C)(1). Furthermore, the agency is responsible for "Monitoring populations and habitats of Bureau sensitive species to determine whether species management objectives are being met." BLM Manual 6840.2(C)(3). The BLM must make up for the absence of population status and trend data for BLM Sensitive Species (i.e., greater sage grouse) by generating these data of its own accord where they are unavailable through Wyoming state agencies or other external sources.

***Response to Public Comment Requirements***

Under the National Environmental Policy Act, agencies have a responsibility to respond to comments submitted by the public or cooperating agencies:

> An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:
>
> 1. Modify alternatives including the proposed action.
> 2. Develop and evaluate alternatives not previously given serious consideration by the agency.
> 3. Supplement, improve, or modify its analyses.
> 4. Make factual corrections.
> 5. Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

40 C.F.R. § 1503.4(a). Importantly, while agencies must attach comments considered "substantive" to the EIS (40 C.F.R. § 1503.4(b)), a comment need not be substantive to trigger the agency's response requirement. We expect BLM to respond substantively to each issue raised in these comments pursuant to the requirements of NEPA.

**FLPMA Unnecessary or Undue Degradation Requirements**

By law, the BLM must "take any action necessary to prevent unnecessary or undue degradation of the lands." 43 U.S.C. § 1732(b). BLM's Unnecessary or Undue Degradation ("UUD") responsibilities are intertwined with the agency's NEPA duties. Under NEPA, BLM must identify impacts a proposed action will have to the environment; married to this obligation are the duties imposed by FLPMA to identify the thresholds of acceptable impact and then determine whether the impacts are unnecessary or undue. If the impacts are determined to be necessary and unavoidable, BLM must then analyze whether the impacts are undue. NEPA then reasserts itself in the process by mandating that alternatives be considered to ensure that unnecessary or undue actions are not undertaken and to ensure that methodologies used to prevent UUD are supported and verified. *Ecology Center, Inc. v. Austin*, 430 F.3d 1057, 1065 (9th Cir. 2005).

In the context of hard-rock mining, "[a] reasonable interpretation of the word 'unnecessary' is that which is not necessary for mining. 'Undue' is that which is excessive, improper, immoderate, or unwarranted." *Utah v. Andrus*, 486 F.Supp.995, 1005 n.13 (Dist. Utah 1979). FLPMA requires that,

> the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; . . . that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

43 U.S.C. § 1701(a)(8). At the same time, FLPMA directs that these uses be balanced with mineral extraction by requiring that,

> the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals . . . from the public lands including implementation of the Mining and Minerals Policy Act of 1970 . . .

43 U.S.C. § 1701(a)(12). The key here is for BLM to balance these opposing needs.

According to the original mining regulations, "Unnecessary or undue degradation means impacts greater than those that would normally be expected from an activity being accomplished in compliance with current standards and regulations and based on sound practices, ***including use of the best reasonably available technology***." 43 C.F.R. § 3802.0-5(l) (emphasis added). In the Wyoming Amendment EIS, BLM has failed to apply in its preferred Alternative E the

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

recommended sage grouse protections presented to it by its own experts (the BLM National Technical Team), and as a result development approved under several of the alternatives analyzed will result in both unnecessary and undue degradation of sage grouse Priority and General Habitats and result in sage grouse population declines in these areas, undermining the effectiveness of the BLM sage grouse planning efforts to impose adequate regulatory mechanisms in the context of the decision.

**BLM Sensitive Species Policy and Sage Grouse**
According to Manier et al. (2013), a variety of threats, such as urbanization, intensive energy development in and extensive infrastructure, including power lines, fences, and roads, which contribute to disturbance, increased predation, and habitat fragmentation and degradation, and livestock grazing contributes a further threat. These threats need to be managed through the B2H project in order to create conservation measures of sufficient reliability that they will prevent further declines of sage grouse and indeed foster the recovery of populations across the planning area.

The Objectives of BLM's sensitive species policy includes the following: "To initiate proactive conservation measures that reduce or eliminate threats to Bureau sensitive species to minimize the likelihood of and need for listing of these species under the ESA." BLM Manual 6840.02. Under this policy, District Managers and Field Managers are tasked with "Ensuring that land use and implementation plans fully address appropriate conservation of BLM special status species." BLM Manual 6840.04(E)(6). This is defined as follows: "as applied to Bureau sensitive species, the use of programs, plans, and management practices to reduce or eliminate threats affecting the status of the species, or improve the condition of the species' habitat on BLM-administered lands." BLM Manual 6840, Glossary 2. Importantly,

> When appropriate, land use plans shall be sufficiently detailed to identify and resolve significant land use conflicts with Bureau sensitive species without deferring conflict resolution to implementation-level planning. Implementation-level planning should consider all site-specific methods and procedures needed to bring species and their habitats to the condition under which management under the Bureau sensitive species policies would no longer be necessary.

BLM Handbook 6840.2(B). Under this policy, "Bureau sensitive species will be managed consistent with species and habitat management objectives in land use and implementation plans to promote their conservation and **to minimize the likelihood and need for listing** under the ESA." BLM Manual 6840.06, emphasis added.

In implementing this policy, "the BLM shall manage Bureau sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat." BLM Manual 6840.2(C).

The BLM is responsible for "Ensuring that BLM activities affecting Bureau sensitive species are carried out in a way that is consistent with its objectives for managing those species and their habitats at the appropriate spatial scale." BLM Manual 6840.2(C)(2).

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## COMMENT(S)

**N34** **WildEarth Guardians (cont.)**

N34a The BLM itself has been forced to admit that "New information from monitoring and studies indicate that current RMP decisions/actions may move the species toward listing…conflicts with current BLM decision to implement BLM's sensitive species policy" and "New information and science indicate 1985 RMP Decisions, as amended, may not be adequate for sage grouse."[1] Continued application of stipulations known to be ineffective in the face of strong evidence that they do not work, and continuing to drive the sage grouse toward ESA listing in violation of BLM Sensitive Species policy, is arbitrary and capricious and an abuse of discretion under the Administrative Procedures Act. The agency, through the B2H project, needs to provide management that will prevent this decline of sage grouse across the planning area.

**BLM Sage Grouse Strategy**

In 2004, BLM published its National Sage-Grouse Habitat Conservation Strategy ("Strategy").[2] According to this policy,

> "The Federal Land Policy and Management Act (1976) (FLPMA) provides the basic authority for BLM's multiple use management of all resources on the public lands. One of the BLM's many responsibilities under FLPMA is to manage public lands for the benefit of wildlife species and the ecosystems upon which they depend. … Consistency and coordination in identifying and addressing threats to sage-grouse and sagebrush habitat in context of the multitude of programs that BLM manages is required. Addressing these threats throughout the range of the sage-grouse is critical to achieving the mandate of FLPMA and threat reduction, mitigation, and elimination to sage-grouse and sagebrush habitats."

Strategy at 4. Among other commitments, this policy binds the BLM to "use the best available science and other relevant information to develop conservation efforts for sage-grouse and sagebrush habitats." Strategy at 7. With this in mind, we ask the BLM to gather each of the scientific articles referenced in the Literature Cited section of these comments, review them thoroughly and incorporate their findings into the EIS, and add them to the administrative record for this RMP revision. N34b

The National Sage-grouse Habitat Conservation Strategy was followed in 2011 by the same agency's National Greater Sage-grouse Planning Strategy ("Planning Strategy"). This strategy recognizes that inadequacy of regulatory mechanisms (including BLM's regulatory mechanisms) contributed to the USFWS finding that the greater sage grouse warranted ESA listing, and that Resource Management Plans were the BLM's principal regulatory mechanism. According to this policy,

[1] Sage grouse plan amendment land user information meeting PowerPoint, available online at http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA/bfodocs/sagegrouse.Par.94571.File.dat/May28_InfoMtg.pdf. Site last visited 7/16/2008.
[2] Available online at http://www.blm.gov/pgdata/etc/medialib/blm/wo/Planning_and_Renewable_Resources/fish__wildlife_and.Par.9151.File.dat/Sage-Grouse_Strategy.pdf; site last visited 3/13/13.

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## RESPONSE(S)

N34a In October 2015, the U.S. Fish and Wildlife Service announced that the listing the Greater Sage-Grouse was not warranted. Potential effects of the B2H Project on Greater Sage-Grouse are discussed in Section 3.2.4.5.

The Applicant has committed to design features and site-specific selective mitigation measures designed to minimize anticipated B2H Project effects to Greater Sage-Grouse, including preconstruction surveys for sensitive species, seasonal and spatial restrictions, and avian-safe design standards that are consistent with BLM's Greater Sage-Grouse ARMPAs for Oregon and Idaho. The B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

N34b Comment noted.

## COMMENT(S)

**N34** **WildEarth Guardians (cont.)**

> Based on the identified threats to the greater sage-grouse and the USFWS's timeline for making a listing decision on this species, the BLM needs to incorporate explicit objectives and adequate conservation measures into RMPs within the next three years in order to conserve greater sage-grouse and avoid a potential listing under the Endangered Species Act.

Planning Strategy at 1. The crux of these comments is the need for BLM to adopt adequate conservation measures under the B2H project.

N34c According to BLM IM 2012-44, "The conservation measures developed by the NTT and contained in Attachment 3 must be considered and analyzed, as appropriate, through the land use planning process by all BLM State and Field Offices that contain occupied Greater Sage-Grouse habitat." This must be done fully in the B2H DEIS. IM 2012-44 does not provide an option not to analyze these measures in at least one alternative unless a clear finding is provided that the measure is not appropriate, and BLM has provided no such findings in the B2H DEIS.

For example, the NTT Report recommends that all electrical distribution lines be buried within Core Areas, period. Manier et al. (2013) has pointed out increases in predator concentration within 4.3 miles of powerlines. Power lines may also cause changes in lek dynamics, with lower growth rates observed on leks within 0.25 miles of new power lines in the Powder River Basin of Wyoming as compared with those further from the lines, a difference attributed to increased raptor predation (Braun et al. 2002). Powerlines should be excluded entirely from Priority Habitats.

**BLM Sensitive Species Requirements**

Instruction Memorandum (IM) 97-118 governs BLM Special Status Species management and requires that actions authorized, funded, or carried out by the BLM do not contribute to the need for any species to become listed as a candidate, or for any candidate species to become listed as threatened or endangered.

This IM recognizes that early identification of BLM sensitive species is advised in efforts to prevent species endangerment, and encourages state directors to collect information on species of concern to determine if BLM sensitive species designation and special management are needed. In addition, for special status species, including Sensitive Species, BLM must:

> Identify strategies and decisions to conserve and recover special status species. Given the legal mandate to conserve threatened or endangered species and BLM's policy to conserve all Special Status Species, land use planning strategies and decisions should result in a reasonable conservation strategy for these species. Land use plan decisions should be clear and sufficiently detailed to enhance habitat or prevent avoidable loss of habitat pending the development and

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## RESPONSE(S)

N34c Comment noted. See response to Comment N34a.

## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

> implementation of implementation-level plans. This may include identifying stipulations or criteria that would be applied to implementation actions.

BLM Land Use Planning Handbook H-1601-1, Appendix C at 5. Additionally, if Sensitive Species are designated by a State Director, the protection provided by the policy for candidate species shall be used as the minimum level of protection. BLM Manual 6840.06. The policy for candidate species states that the "BLM shall carry out management, consistent with the principles of multiple use, for the conservation of candidate species and their habitats and shall ensure that actions authorized, funded, or carried out do not contribute to the need to list any of these species as threatened/endangered." BLM Manual 6840.06.

In the context of the land use planning process, each State Director is responsible for "[e]nsuring that when BLM engages in the planning process, land use plans and subsequent implementation-level plans identify appropriate outcomes, strategies, restoration opportunities, use restrictions, and management actions necessary to conserve and/or recover listed species, as well as provisions for the conservation of Bureau sensitive species." BLM Manual 6840.04(D)(5).

Under BLM Sensitive Species policy, the agency is charged with "Ensuring that BLM actions are not likely to jeopardize the continued existence of any endangered species or threatened species or destroy or adversely modify designated critical habitat." BLM Manual 6840.1(E)(3). BLM must further "Developing and implementing agency land use plans, implementation plans, and actions in a manner consistent with conservation and/or recovery of listed species." BLM Manual 6840.1(E)(5).

The greater sage grouse is listed as a BLM Sensitive Species and is also a Candidate Species under the Endangered Species Act. BLM has the following responsibility with regard to sage grouse: "As a federal agency, the BLM is obligated to develop and implement a strategy to avoid having its management activities contribute to the need to list greater sage grouse under the ESA." Lander RMP FEIS at 1282. According to BLM,

> Adverse impacts to special status species and their habitats are usually of more concern than impacts to general wildlife because of the limited nature of their numbers, habitat, or unique threats. Special status wildlife species mortality, habitat loss, fragmentation, or modification, and/or population declines can contribute to BLM sensitive species becoming listed under the ESA, and ESA-listed species becoming more imperiled.

Lander RMP FEIS at 925.

According to BLM policy, "It is in the interest of the BLM to undertake conservation actions for such species before listing is warranted." BLM Manual 6840.2. There could no more obvious example of this than the sage grouse, which is slated for a listing decision in 2015, and for which BLM has been seeking to prepare conservation measures in its RMPs range-wide that are adequate to avoid the need to list the species. The sage grouse is already well along the road to

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

Endangered or Threatened Species listing, as the USFWS has issued in 2010 a ruling that the species is "warranted," but its listing is precluded by other priorities. Importantly, the USFWS sage grouse "not warranted" findings have been litigated and overturned in the past by the court system, and there is every expectation that a "not warranted" finding would similarly be litigated if one were to be issued in 2015. It is in the BLM's strong interest to build a record that it is implementing the strongest conservation measures feasible within Priority Habitats/Core Areas. Failure to do so builds a record that BLM is needlessly exposing the sage grouse to threats to its viability, even within Priority Habitats, and is continuing along the path of inadequate regulatory mechanisms, which would strengthen the likelihood that the USFWS deems BLM conservation measures inadequate at the administrative stage or that a court would subsequently rule them inadequate and use this as the basis for the overturn or remand of a "not warranted" finding by the USFWS.

For Sensitive Species, "On BLM-administered lands, the BLM shall manage Bureau sensitive species and their habitats to minimize or eliminate threats affecting the status of the species or to improve the condition of the species habitat," by implementing a number of measures. BLM Manual 6840.2(C). These include: "Prioritizing Bureau sensitive species and their habitats for conservation action based on considerations such as human and financial resource availability, immediacy of threats, and relationship to other BLM priority programs and activities." BLM Manual 6840.2(C)(5). For BLM Sensitive Species, BLM Field Managers are charged with furthering the conservation and/or recovery of sensitive species (BLM Manual 6840.06), which is defined "as applied to Bureau sensitive species, the use of programs, plans, and management practices to reduce or eliminate threats affecting the status of the species, or improve the condition of the species' habitat on BLM-administered lands." BLM Manual 6840, Glossary.

N34d We are concerned that none of the B2H alternatives will uphold BLM's obligation to manage Sensitive Species to "minimize or eliminate threats," either within or outside of Core Area habitats. As detailed elsewhere in these comments, mitigation measures applied off-site cannot compensate for serious impacts to sage grouse populations within Priority Habitats. This result represents an unnecessary and undue degradation of key sage grouse habitats.

**Transmission Lines have heavy impacts on sage grouse**

Transmission lines have major impacts on sag grouse based on the birds' innate avoidance of tall structures, and on the potential for transmission towers to provide perches for raptors and corvids that prey on sage grouse and their nests. Steenhof et al. (1993) documented both raven and raptor use of transmission towers as nest substrate. Wisdom et al. (2011) found that lands within 3.1 miles of transmission lines and highways had an elevated rate of lek abandonment. Nonne et al. (2011) found that raven abundance increased along the Falcon-Gondor powerline corridor in Nevada both during the construction period, and long-term after powerline construction activities had ceased. Coates et al. (2014) found the greatest concentration of ravens within 2.2 km of the transmission corridor. Howe et al. (2014) found that raven nesting concentrates along powerlines, and that probability of raven nests decreases with each kilometer away from transmission lines, and based on their findings an elevated probability of raven nesting occurs up

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N34d Comment noted. See response to Comment N34a.

## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

to 5 miles away. DeGregorio et al. (2014) found that predation levels increase near powerlines, and for some species of birds, increases in predation can be significant at the population level. Braun et al. (2002) reported that 40 leks with a power line within 0.25 mile of the lek site had significantly slower population growth rates than unaffected leks, which was attributed to increased raptor predation. Dinkins (2013) documented sage grouse avoidance of powerlines not just during the nesting period but also during early and late brood-rearing.

The National Technical Team (NTT 2011) recommended that Priority Habitats be exclusion areas for overhead powerlines, and that General Habitats should be avoidance areas for overheads lines. And according to BLM's own NEPA analysis,

> Impacts on GRSG accrue over varying distances from origin depending on the type of development:
>
> ● Tall structures such as power lines, wind turbines, communication towers, agricultural, and urban development based on an avian predator foraging distance of 4.3 miles (6.9 kilometers; Boarman and Heinrich 1999; Leu et al. 2008)

Nevada – Northeastern California Greater Sage-grouse RMP Amendment DEIS at 605.

The National Technical Team (2011) also recommended that overhead powerlines and other infrastructure that have fallen out of use should be removed, when they occur in Priority Habitats.

BLM cannot rely on perch inhibitors to reduce impacts to sage grouse, as these do not address the behavioral avoidance of sage grouse of tall structures, and don't even completely prevent raptor perching. Prather (2010) provided an empirical test of the effectiveness of perch inhibitors on smaller distribution lines in Utah, and found that they had no significant effect in terms of reducing raptor perching activity. Lammers and Collopy (2007) found similar results for larger transmission lines in Nevada.

**The transmission line would need to comport with Sage-grouse RMP amendments**

The greater sage grouse is a Candidate Species under the Endangered Species Act, with a final listing determination pending. In its 2010 "warranted, but precluded" finding, the U.S. Fish and Wildlife Service ("Service") found that "inadequacy of regulatory mechanisms" was a contributing threat to this species, and that BLM Resource Management Plans (RMPs) were a significant expression of these inadequate regulatory mechanisms. The Service also found that transmission lines posed a significant threat in their own right to sage grouse and their habitats.

The Bureau of Land Management is currently in the process of implementing a series of Resource Management Plan Amendments across the range of the greater sage grouse in order to implement "adequate regulatory mechanisms" to protect sage grouse and their habitats in the interest of obviating the need for an Endangered Species Act listing. Pursuant to FLPMA, the Boardman to Hemingway project will need to comply with the final RMP amendments. One alternative that is being considered in the RMP amendments is to manage sage grouse Priority

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## COMMENT(S)

## N34 WildEarth Guardians (cont.)

Habitats as "exclusion areas" for transmission lines, which means that under no circumstances would transmission lines be permitted to be sited in these areas. Another alternative under consideration would be to manage Priority Habitats as "avoidance areas," which means that transmission lines would be excluded except in cases where there is no other alternative. It is notable that the National Technical Team (2011), BLM's own experts, recommended that Priority Habitats be managed as exclusion zones and General Habitats be managed as avoidance areas for transmission lines.

**Action alternative alignments that minimize impacts to sage grouse habitats**

N34e

None of the action alternatives as currently proposed will completely avoid impacts to sage grouse habitats. While it is possible to piece together an alternative that excludes siting within Priority Habitat, even under this scenario many miles of line would be constructed immediately adjacent to Priority Habitat, meaning that large acreages of Priority Habitat would be subjected to behavioral avoidance by sage grouse and increased predation by raptors and corvids associated with the transmission line. A new alternative should be developed that keeps the transmission line outside Priority Habitat and does not cross General Habitat at any point.

Based on the alternatives mapped in Figure 3-15, the following alignment poses the least impact to sage grouse habitats of any action alternative. In Segment 3, only the Timber Canyon Alternative avoids Priority Habitat (although with additional siting adjustments and incorporation of the Flagstaff Alternative, the western alight also could completely avoid Priority Habitat and do substantially less damage to General Habitat). In Segment 4, only the Tub Mountain South alternative avoids Priority Habitat. A new line segment running from Tub Mountain South to join the Proposed Action near the eastern terminus of the Double Mountain Alternative would seem to be more direct and would avoid General Habitat entirely, which the Tub Mountain South alternative does not presently achieve. In Segment 5, the Proposed Action appears to pose the least threat to sage grouse habitat.

**BLM has not taken the required 'hard look' at impacts of transmission to sage grouse**

N34f

In the Affected Environment and Environmental Consequences section, discussion of threats to greater sage grouse is limited to "energy development," with no specific discussion of the various threats posed by transmission lines to sage grouse and their habitats. DEIS at 3-219. Specific impacts analysis of varying line alternatives by section are limited to descriptions of how much overlap each line segment has with Priority Habitats and General Habitats. There is no discussion of the relative acreage of sage grouse habitat that would be affected by behavioral avoidance due to tall structures, or acreage of habitat likely to experience increased predation rates as a result of predator concentration along the transmission line. There is no estimate of population changes of sage grouse by alternative resulting from this habitat abandonment or resulting increase in predation on nests, chicks, and/or adults. There is also no discussion of the potential impact of lines proposed for erection immediately beside or within 4 miles of Priority or General Habitat. Based on the best available science, these impacts are well-understood. The BLM has the responsibility under NEPA to take the legally required 'hard look' at them so that the agency can make an informed choice among alternatives.

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## RESPONSE(S)

N34e

See response to Comment N34a.

The EIS analyzed alternative routes that avoided Greater Sage-Grouse habitat to the extent possible while still meeting the Applicant's purpose and need to review the application before us and analyze a reasonable range of alternatives.

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project, including analysis of increased predation, behavioral avoidance of tall structures, mortality, and habitat loss.

The Applicant has committed to design features and site-specific mitigation measures to minimize impacts to sensitive wildlife, including preconstruction surveys, seasonal and spatial restrictions for sensitive periods and habitats, minimization of timber and other vegetation clearing, spanning/avoiding sensitive features (e.g., water bodies), and a Plan of Development that includes a Biological Resources Conservation Plan. Refer to Section 3.2.4.3.

The B2H Project will be sited, designed, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage Grouse and the Mitigation Framework for addressing residual impacts is included in Appendix C.

N34f

The analysis of Greater Sage-Grouse has been revised for the Final EIS to include additional information on the direct and indirect effects from the B2H Project, including analysis of increased predation, behavioral avoidance of tall structures, mortality, and habitat loss.

## COMMENT(S)

**N34** **WildEarth Guardians (cont.)**

Documents cited in the DEIS contain specific descriptions of the threats posed by transmission lines to sage grouse and their habitats. The National Technical Team report (NTT 2011) lists transmission lines as "Large Scale Anthropogenic Disturbances" (at 34) and recommends that Priority Habitats be "exclusion areas" for rights of way (at 12) and recommends that Genral Habitats be "avoidance areas" for rights of way (at 13). The Conservation Objectives Team report (COT 2013: 51) found, "Development of infrastructure for any purpose (e.g., roads, pipelines, powerlines, and cellular towers) results in habitat loss, fragmentation, and may cause sage-grouse habitat avoidance." According to COT (2013: 51), "Designated, but not yet developed infrastructure corridors should be re-located outside of PACs unless it can be demonstrated that these corridors will have no impacts on the maintenance of neutral or positive sage-grouse population trends and habitats. For the B2H project region in particular, COT (2013: 80) states, "Other threats in this region include mining development, renewable energy development, transmission, and juniper encroachment at higher elevations." The Baseline Environmental Report (Manier et al. 2013) states that indirect impacts of existing transmission lines using the 4.3-mile foraging radius of raptors already span 44 percent of Priority and General Habitats throughout the species' range. At page 50, Manier et al. (2013) undertake a detailed review of the literature regarding impacts of transmission lines on sage grouse. The 2010 U.S. Fish and Wildlife Service Final Rule designating the greater sage grouse as a Candidate Species identifies transmission lines as a significant and ongoing threat to sage grouse and provides a literature review of studies detailing the impacts of projects like B2H. 75 Fed. Reg. 13928. Given the abundance of scientific resources regarding the direct and indirect impacts of transmission lines on sage grouse, it is inexcusable that the B2H DEIS does not detail these potential impacts and provide direct comparisons of impact magnitude among alternatives. The B2H analysis of impacts to sage grouse is really more of a "no look" than a "hard look."

N34g In addition, the B2H DEIS appears to ignore the BLM's own Northern Basin and Range Rapid Ecological Assessment,[3] which covers the geography of the project area. This document provides valuable information on habitat quality and degradation, important for an informed cumulative impacts analysis for the project. It, too, notes that powerlines contribute to sage grouse habitat fragmentation and degradation.

N34h The cumulative impacts analysis for each section of the project on sage grouse is grossly inadequate. For each segment, the DEIS explicitly assumes that the impacts of the transmission line will be compensated by off-site mitigation, despite "high" cumulative impacts. See e.g., DEIS at 3-1052. If BLM can back up its "assumptions" with credible scientific references demonstrating success, please do so. As discussed in the section preceding section on off-site mitigation, BLM cannot substantiate this assumption based on the best available science. Failure to document that "assumptions" that off-site mitigation will compensate for population and habitat losses constitutes a NEPA 'hard look' violation that completely undermines the agency's cumulative effects analysis. The result is both unnecessary and undue degradation of sage grouse habitats by the project.

[3] Online at http://www.blm.gov/style/medialib/blm/wo/Communications_Directorate/public_affairs/landscape_approach/documents1.Par.78731.File.dat/N%20Great%20Basin%20and%20Snake%20River%20Plains%20REA%20-%20FINAL.pdf, site last visited 3/13/15.

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## RESPONSE(S)

N34g Comment noted. The cumulative effects analysis has been updated to include additional information on the current habitat conditions in the analysis area.

N34h Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

## COMMENT(S)

**N34** **WildEarth Guardians (cont.)**

N34i

**BLM reliance on off-site mitigation is inappropriate**

Given the avoid-minimize-compensate hierarchy imposed by Secretarial Order, BLM must first avoid impacts of this project to sage grouse and their habitats before moving on to minimize (burial of powerlines), then compensate (off-site mitigation). Instead, BLM apparently proposes for the B2H project to skip the first two steps and jump ahead to alignments with "high" impacts to sage grouse coupled with off-site mitigation (*see, e.g.,* DEIS at 3-1052). We are unaware of any cases in which a compensatory mitigation program has resulted in a significant increase in sage grouse compared to an untreated landscape. The fact that "compensatory mitigation" funding frequently is used to purchase conservation easements is problematic, because this is a paper transaction with legal ramifications preventing future potential losses, but can never yield population gains to offset the very real and immediate losses of sage grouse habitats and populations incurred as a result of industrial development. Between BLM-sponsored mitigation funds associated with the Pinedale Anticline Project Area and Jonah Interagency Office in Wyoming, over $60 million has been spent on off-site mitigation projects to compensate for severe sage grouse population losses in the Pinedale Anticline and Jonah gas fields. Despite monitoring requirements, BLM has been unable to demonstrate that any of the mitigation projects so funded increased sage grouse populations versus untreated areas.

Haufler et al. (2007) created a framework for offsite mitigation that would actually require the immediate impacts of projects to be offset in real time, rather than having a system of tangible known impacts today with speculative promises of offsetting improvements to habitat in the future, which is the present model of offsite mitigation:

> "The fundamental concept underlying credit trading programs (indeed, underlying any mitigation effort) is that it is possible to compensate for lost "services" (or "values") at one site (the impact site) by replacing or increasing the same services at another site (the mitigation site) through purposeful management at the latter site. The challenge is to develop a consistent framework for quantifying the services lost or gained at each site, so that all parties can have confidence that the losses and gains are in fact commensurate…. It is recommended that credits accrue only when beneficial change is actually documented, rather than when a commitment to undertake conservation action is made. This recommendation addressed the risk component discussed above. More risky mitigation measures can be encouraged, but would not generate credits until they are shown to produce desired conditions…. To ensure that a temporary shortage of ecosystem services (i.e., habitat) is not created, credit units should not be released and exchanged for debit units before the actual improvements in the ecological integrity have occurred elsewhere on the landscape."

Such a system is diametrically opposed to today's model of offsite mitigation, in which impacts are immediate but offsetting habitat improvement projects offer benefits that are deferred, if they occur at all. The B2H project appears not to adopt the Haufler et al. model, instead relying (in the absence of any evidence) on "assumptions" that mitigation projects will compensate for grouse and habitat losses.

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## RESPONSE(S)

N34i

Comment noted. Residual impacts are not expected to exceed moderate level due to implementation of site-specific selective mitigation measures. The B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse per the BLM Greater Sage-Grouse Approved Resource Management Plan Amendments. See response to comments N34e.

As explained in Section 2.5.1, the sequence of mitigation action would be the mitigation hierarchy (avoid, minimize, rectify, reduce or eliminate over time, compensate) as identified by the White House Council on Environmental Quality (40 Code of Federal Regulations 1508.20) and BLM's Draft - Regional Mitigation Manual Section 1794. That is, the priority is to mitigate impacts at the site of the activity (in conformance with the land-use plan goals and objectives) through impact avoidance, minimization, rectification, and reduction over time of the impact, including those measures described in laws, regulations, policies, and land-use plans. When these types of mitigation measures are not sufficient to ameliorate anticipated direct, indirect, and cumulative impacts and substantial or significant residual impacts remain, additional measures to reduce these residual impacts to meet applicable land-use plan goals and objectives would be required (compensatory mitigation), developed in coordination with cooperating agencies for the selected route.

Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will update, as needed, the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

## COMMENT(S)

**N34** **WildEarth Guardians (cont.)**

**Other Alternatives that should be considered**

N34j

The purpose of this project is to supply electricity from Boardman, Oregon (where there is a large coal-fired power plant) to Boise, Idaho, where electricity demand is growing and there are concerns about possible brownouts. BLM should consider alternate means of supplying electricity to Boise that do not involve the environmental impacts of constructing a large-scale transmission line. Under NEPA, BLM must consider a range of reasonable alternatives to achieve the goals of the project.

The best possible solution to consider is to supply these electrical needs via distributed renewable generation right in Boise. This option could be implemented through the use of rooftop solar arrays, which could either be owned by a utility company (with space provided through lease agreements with home and business owners) or by using the funds otherwise dedicated to the B2H transmission project to simply purchase rooftop solar arrays and giving them to home and business owners. Because rooftop solar occupies already degraded wildlife habitats and poses negligible additional threats to wildlife, this oprion represents a major net benefit for wildlife. Because electricity generation from solar power (in contrast to coal-fired or gasp-fired electricity) contributes negligibly to carbon and methane emissions into the atmosphere that exacerbate climate change, replacing fossil fuel electricity with renewable electricity represents a net reduction in environmental impacts *vis a vis* climate change. What is the total cost of the B2H transmission project, and how many solar panels could be purchased and installed with this amount of money, and how much distributed electricity could be generated right in Boise as a result? It may be that generating the electricity locally in Boise through distributed generation is less costly than constructing the B2H powerline.

N34k

Another alternative, less attractive from a climate change perspective but still better than building the B2H transmission line from a wildlife and habitat impacts perspective, is to replace the B2H powerline with gas-fired electrical turbines sited in Boise. Gas-fired turbines would be fed by natural gas pipelines already serving the Boise area, and have the advantage over coal-fired plants of being able to be switched on and off to accommodate peak-load demands. By generating the power in Boise using natural gas (rather than in Boardman using coal), the agency could eliminate all the environmental impacts related to the transmission line, and if methane leaks throughout the natural gas production and distribution life-cycle can be brought under control, there is also the future possibility of having a slight reduction in carbon footprint for the electricity produced in comparison to the Boardman coal-fired plant.

In addition, transmission lines lose a small percentage of electricity transmitted over great distances, and this energy would not be wasted in transmission if the electricity was generated in Boise, either (preferably) by using distributed solar or (less advantageously) through gas-fired generation. These alternatives, at least one of which was raised during the scoping period, are reasonable and implementable, and should be given full consideration by BLM and the project proponent, and one of them should be implemented for this project.

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## RESPONSE(S)

N34j

It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized and approved as appropriate by the Public Utilities Commission in each state. The Applicant's goals and objectives for a project are outlined in their IRP, which is updated every two years and can be found at http://www.pacificorp.com/es/irp.html. The BLM's purpose and need is to respond to the application for right-of-way across lands it administers.

The BLM understands the Applicant considered a range of technologies for high-voltage transmission and considers the project description to reflect the best available technologies.

N34k

The BLM understands the Applicant considered a range of technologies and has addressed such in their 2015 Integrated Resource Plan at http://www.pacificorp.com/es/irp.html. The BLM considers the project description to reflect the best available technologies and project needs. Furthermore, considering alternative forms of energy would not respond to BLM's purpose and need to address the application in front of us for review. Moreover, analyzing such energy development as an alternative to the B2H Project would be remote and speculative.

## COMMENT(S)

**N34** **WildEarth Guardians (cont.)**

N34l

**The Social Cost of Carbon**

The high costs to society from the leasing and possible subsequent burning of public lands fossil fuels must be properly analyzed and presented to the public and agency decision makers. When BLM proposes the mining of coal or the drilling for oil and gas on public lands, or facilitating the use of these fuel sources through transmission projects, it generally touts the proposed project's economic benefits. Historically, however, BLM has ignored the costs of fossil fuel leasing on public lands, especially the costs to society that result from global warming. Proper consideration of these social costs of carbon is simply good governance and good stewardship of public resources, and such consideration is legally required. For the B2H project, BLM must analyze what proportion of electricity transported by B2H will be fossil fuels (and what types), and what the social cost of carbon might cumulatively result from the connected action of burning these fuels to produce electricity.

***Global warming is responsible for extreme costs to society already, and it will only get worse in the future.***

A recent consensus report, joined by more 190 countries, makes the basic science on global warming crystal clear. Global warming is unequivocal: since the 1950s the atmosphere and oceans have warmed, snow and ice have diminished, and seas have risen. Climate Change 2013 – The Physical Science Basis - Summary for Policymakers, United Nation Intergovernmental Panel on Climate change (2013) ("AR5 summary") at 4. There is little doubt that pollution from human activities is the cause of this warming. *Id.* at 17. The U.S. government's own more recent report concludes that global warming is now affecting our country in far-reaching ways. National Climate Assessment 2014 – Overview, at http://nca2014.globalchange.gov/highlights/overview/overview (last checked September 17, 2014) ("National Climate Assessment"). Climate pollution has warmed the U.S. almost 2°F, mostly since 1970, with another 2°F to 4°F expected in the next few decades. *Id.* Much greater warming in future decades is also possible, possibly up to an increase of 10°F above current temperatures by the end of the century. *Id.*

These are not the estimates of "environmentalists." This is the scientific consensus accepted both in the U.S. and around the world.

The burning of coal, oil, and gas are the principle sources of the largest contributor to global warming, carbon dioxide. *Id.*; see also AR5 summary at 13. At this time, approximately 25% of the carbon dioxide from fossil fuels produced in the U.S. comes from public lands leases. Greenhouse Gas Emissions from Fossil Energy Extracted from Federal Lands and Waters, Stratus Consulting (February 1, 2012) at 15; see also, Sales of Fossil Fuels Produced from Federal and Indian Lands – FY 2003 through FY 2013, U.S. Energy Information Administration (June 2014) at 2. Fossil fuels extracted from public lands release more than one and one-half billion metric tons of carbon dioxide equivalent per year. *Id.* at 12. That is the equivalent of more than 31 million passenger cars' annual climate pollution, just from producing and burning fossil fuels from our public lands alone. Greenhouse Gas Equivalencies Calculator, U.S. Environmental Protection Agency at http://www.epa.gov/cleanenergy/energy-resources/calculator.html - results (last checked September 17, 2014).

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## RESPONSE(S)

N34l

Existing generation sources will continue to operate regardless of the decision on the B2H Project. Demand for electricity will continue to increase with or without the B2H Project (refer to the Applicant's IRP).The Applicant's interests and objectives the B2H Project would allow the Applicant to serve its growing load without building carbon-emitting resources.

It is beyond the scope of existing science to relate a specific source of greenhouse gas emission with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or militate against climate change, cannot be determined, it is also not possible to determine whether any of these particular actions will lead to significant climate-related environmental effects. Finally, there are still not regulatory standards for climate change. Thus, the BLM believes the analysis in the EIS represents the best available science as required by the Council on Environmental Quality guidelines.

## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

BLM manages federal mineral rights, including the leasing and approval of extraction of public lands fossil fuels, on all federal lands. Therefore, BLM decision makers play a critical role in determining how much more climate pollution the U.S. will emit to the atmosphere, the extent that that pollution will exacerbate global warming, and the extent that society will have to bear the myriad related social costs of those decisions.

Global warming is exacting costs on society in numerous ways. Agricultural productivity, including crops, livestock, and fisheries have been negatively impacted by global warming. National Climate Assessment – Overview. This has resulted from extreme weather events, changes in temperature and precipitation, and increasing pressure from pests and pathogens. *Id.* Both water quality and water quantity are being affected by global warming. *Id.* The degradation has resulted from changes in snowpack, extreme weather events, coastal flooding affecting aquifers, and from changes in temperature and precipitation. *Id.* Heat-related deaths and illnesses have grown and are growing. *Id.* Impacts to forest resources from increased forest fires and the resulting impacts to air quality put additional costs on society. *Id.* A wide variety of ecosystem services are degraded by global warming, including habitat for fish and wildlife, drinking water storage, soils, and coastal barriers. *Id.* Carbon dioxide pollution is also responsible for increasing ocean acidification. This list represents only a subset of the social costs of carbon pollution from burning fossil fuels extracted from our public lands. Nonetheless, "[l]ower emissions of heat-trapping gases and particles mean less future warming and less-severe impacts; higher emissions mean more warming and more severe impacts." *Id.*

***BLM decision makers must consider the social cost of carbon from all proposed land management projects.***

The requirement to analyze the social cost of carbon is supported by the general requirements of the National Environmental Policy Act ("NEPA"), specifically supported in federal case law, and by a 2009 Executive Order.

NEPA requires agencies to take a "hard look" at the consequences of proposed agency actions. 42 U.S.C. § 4321 *et seq.*; *Morris v. U.S. Nuclear Regulatory Commission*, 598 F.3d 677, 681 (10th Cir. 2010). Consequences that must be considered include direct, indirect, and cumulative consequences. 40 C.F.R. §§ 1502.16, 1508.7, 1508.8. A cumulative impact is the "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7. Analysis of site-specific impacts must take place at the lease stage and cannot merely be deferred until after receiving applications to drill. *See New Mexico ex rel. Richardson v. Bureau of Land Management*, 565 F.3d 683, 717-18 (10th Cir. 2009); *Conner v. Burford*, 848 F.2d 1441 (9th Cir.1988); *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1227 (9th Cir.1988). Any NEPA analysis of a fossil fuel development project that fails to use the government-wide protocol for assessing the costs to society of carbon emissions from the proposed action has failed to take the legally required "hard look."

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

Courts have ordered agencies to assess the social cost of carbon pollution, even before a federal protocol for such analysis was adopted. In 2008, the Ninth Circuit Court of Appeals ordered the National Highway Traffic Safety Administration ("NHTSA") to include a monetized benefit for carbon emissions reductions in an EA prepared under NEPA. *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 538 F.3d 1172, 1203 (9th Cir. 2008). NHSTA had proposed a rule setting corporate average fuel economy standards for light trucks. A number of states and public interest groups challenged the rule for, among other things, failing to monetize the benefits that would accrue from a decision that led to lower carbon dioxide emissions. NHTSA's EA had monetized the employment and sales impacts of the proposed action. *Id.* at 1199. The agency argued, however, that valuing the costs of carbon emissions was too uncertain. *Id.* at 1200. The court found this argument to be arbitrary and capricious. *Id.* The court noted that while estimates of the value of carbon emissions reductions occupied a wide range of values, the correct value was certainly not zero. *Id.* It further noted that other benefits were monetized by the agency although also uncertain. *Id.* at 1202.

More recently, a federal court has done likewise for a proposed coal lease modification. That court began its analysis by recognizing that a monetary cost-benefit analysis is not universally required by NEPA. *High Country Conservation Advocates v. U.S. Forest Service*, 2014 WL 2922751 (D. Colo 2014), Slip Op. at 3, citing 40 C.F.R. § 1502.23. However, when an agency prepares a cost-benefit analysis, "it cannot be misleading." *Id.* at 3 (citations omitted). In this case, the NEPA analysis prepared by federal agencies, like the case above, included a quantification of benefits of the project. The quantification of the social cost of carbon, although included in earlier analyses, was omitted in the final NEPA analysis. *Id.* at 19. Those federal agencies then relied on the stated benefits of the project to justify project approval. This, the court explained, was arbitrary and capricious. *Id.* Such approval was based on a NEPA analysis with misleading economic assumptions, an approach long disallowed by courts throughout the country. *Id.* at 19-20. It should be noted that a general acknowledgement in the EA that the proposed action would release carbon pollution, which adds to the impacts of global warming was not enough; nor did an accurate accounting of the likely emission of those greenhouse gases suffice. The social cost of carbon had to be included.

In addition to case law, Executive Order 13514 makes the "reduction of greenhouse gas emissions a priority for federal agencies." E.O. 13514, Preamble. The reduction of emissions includes emissions from both direct and indirect activities. Section 1. This Executive Order requires that, "[i]n order to create a clean energy economy that will increase our Nation's prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment," it is the "policy of the United States" that agencies "shall prioritize actions based on a full accounting of both economic and social benefits and costs." Section 1. When quantifying greenhouse gas emissions, the Department of the Interior is specifically instructed to "accurately and consistently quantify and account for greenhouse gas emissions" from sources controlled by the Department, including "emissions of greenhouse gases resulting from Federal land management practices." Section 9(a). The results of quantifying emissions from proposed federal land management actions, of fully accounting for all economic and social costs and benefits of those proposed actions, and the resulting prioritization of actions based on this quantification and accounting must be fully disclosed on publically available websites. Section 1.

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

NEPA's hard-look doctrine and related court cases make clear that the social cost of carbon must be analyzed whenever an agency is analyzing other economic costs and benefits of a proposed public lands fossil fuel project. E.O. 13514 goes further however and requires the Department of the Interior to analyze the social cost of carbon for all federal land management decisions.

***The social cost of carbon will be significant whenever fossil fuels are used***

According to the U.S. Environmental Protection Agency ("EPA"), the social cost of carbon is "an estimate of the economic damages associated with a small increase" in emissions. The Social Cost of Carbon, U.S. Environmental Protection Agency at http://www.epa.gov/climatechange/EPAactivities/economics/scc.html, last checked 9/12/2014. "This dollar figure also represents the value of damages avoided for a small emission reduction." *Id.* Thus, it would be incorrect to assert that the social cost of carbon cannot be calculated for a project that represents a tiny fraction of global or even a tiny fraction of U.S. emissions. Estimates of the social cost of carbon are designed to do exactly that. In fact, the social cost of carbon is generally expressed in terms of the costs tolled by emitting or the benefits realized by avoiding a single ton of carbon dioxide emissions.

However, it is very likely that the social cost of carbon protocol underestimates the true damages exacted on society by carbon pollution. *Id.* citing the IPCC Fourth Assessment Report. In particular, damages related to social and political conflicts, weather variability, extreme weather, and declining growth rates are either ignored or underestimated. Omitted Damages: What's Missing from the Social Cost of Carbon, Peter Howard, the cost of Carbon Project (March 13, 2014). Thus, any application of the current social cost of carbon protocol is very likely a significant underestimate of the true cost of carbon pollution.

Acknowledging the known tendency to underestimate costs, the federal government has been using this cost-benefit assessment tool since February 2010. *See* Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866, Interagency Working Group on Social Cost of Carbon, United States Government (February 2010). In the last year alone, the Departments of Agriculture, Energy, Transportation, and Housing and urban Development and the Environmental Protection Agency and National Highway Traffic Safety Administration have all utilized the Social Cost of Carbon Protocol in public decision making documents. There is nothing special about the Department of the Interior or the Bureau of Land Management that makes this tool less useful, or exempts the Department or its agencies from requirements to utilize it where applicable.

In fact, the U.S. Government Accountability Office recently reviewed the process employed to develop the federal government's assessment of the social cost of carbon. The GAO found that the process employed to develop the 2013 social cost of carbon estimates "used consensus-based decision making," "relied on existing academic literature and models," and "took steps to disclose limitations and incorporate new information." *Id.* In short, while the social cost of carbon protocol, like other economic models, provides only estimates and is subject to further updates as new information becomes available, the federal government's social cost of carbon protocol is a legitimate tool for performing a thorough and honest assessment of both costs and benefits of proposed actions as required under NEPA and E.O. 13514.

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

EPA lists the current social costs of carbon in the following format.

**Social Cost of $CO_2$, 2015-2050 [a] (in 2011 Dollars)**

| | Discount Rate and Statistic | | | |
|---|---|---|---|---|
| **Year** | **5% Average** | **3% Average** | **2.5% Average** | **3% 95th percentile** |
| **2015** | $12 | $39 | $61 | $116 |
| **2020** | $13 | $46 | $68 | $137 |
| **2025** | $15 | $50 | $74 | $153 |
| **2030** | $17 | $55 | $80 | $170 |
| **2035** | $20 | $60 | $85 | $187 |
| **2040** | $22 | $65 | $92 | $204 |
| **2045** | $26 | $70 | $98 | $220 |
| **2050** | $28 | $76 | $104 | $235 |

[a] The SCC values are dollar-year and emissions-year specific.

The Social Cost of Carbon, U.S. environmental Protection Agency at http://www.epa.gov/climatechange/EPAactivities/economics/scc.html, last checked 9/12/2014.

As the table above makes clear, the social costs of carbon pollution are anything but trivial. For example, a project that released a mere 10,000 tons of carbon dioxide in 2025 would be responsible for costs to society, through global warming, of $150,000 to more than $1.5 million for that year's emission alone. And again, this is very likely an underestimate of true costs.

If the economy returns to fast paced growth and global warming impacts are currently foreseen and properly estimated, the higher discount rates, 5%, and the lower social cost of carbon estimates will be most appropriate. If the economy grows long-term at slower rates and global warming impacts are currently foreseen and properly estimated, the higher social cost of carbon figures, the 2.5 % column, will be better estimates. A middle discount rate value, 3%, for mid-range growth estimates is also available. If, on the other hand, global warming impacts are greater or more costly than current mid-range estimates, the social cost of carbon would be better estimated by the 95th percentile figures. That means that the lowest social cost of carbon numbers are best-case scenarios for both the economy and global warming impacts. The highest numbers are for mid-range economic projections and close to worst-case estimates for global warming impacts.

***BLM's B2H EIS violates NEPA and E.O. 13514***

N34m While BLM acknowledges some impacts of climate change, it fails to draw the necessary connection between this project and increased climate impacts and costs. BLM improperly

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N34m See response to Comment N34l.

## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

N34m

declines to assess the impacts of climate change, promising to assess them at some unknown time in the future. This violates NEPA's hard look doctrine. Court's have made clear that the leasing stage is an appropriate time to assess impacts that will not be mitigated by lease stipulations, as carbon emissions surely will not.

In addition, the project fails to take a hard look through a misleading economic analysis. On the one hand, BLM claims that the project will lead to economic benefits. But the costs to society of releasing hundreds of thousands of metric tons of carbon-dioxide equivalent is completely ignored or presumed to be zero. In fact, application of the Social Cost of Carbon Protocol could arrive at project costs to society of tens of millions of dollars. The economic benefits of this project may well pale in comparison to its costs. This is exactly the type of misleading NEPA economic analysis that courts have rejected previously and recently. The EA must be modified to analyze the social cost of carbon.

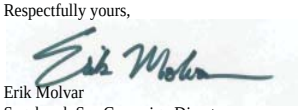
As discussed above, fossil fuels development on public lands results in more than one and on-half billion tons of carbon dioxide emissions per year. Using 2015 social cost of carbon values, the costs to society of the federal fossil fuel leasing program is between $18 and $177 billion per year. This same level of emissions in 20 years would incur costs from $20 to more than a quarter of a trillion dollars per year, depending on the growth of the economy and the intensity of global warming impacts at that time. These costs, of course, do not include costs from air quality issues like smog and mercury emissions, do not include lost opportunity costs from recreation, or costs from direct degradation of ecosystem services. Recall also, that it is very likely that these numbers even represent an underestimate of the true costs to society from global warming.

Of course numbers of such an alarming magnitude do not result from the approval of any single project. Instead, they represent the incessant accumulation of costs that result from BLM approving project after project while refusing to acknowledge that those projects have unspoken costs to society, both individually and in the aggregate, that will continue to plague our country for generations. BLM must address the social costs of carbon that are likely to result from this project.

**Conclusions**

Thank you for the opportunity to comment on this project. Please notify us in writing of all future opportunities to review and participate in the decisionmaking process for this transmission line.

Respectfully yours,



Erik Molvar
Sagebrush Sea Campaign Director

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

***[Note: All documents attached (totaling 783 pages) were added to the B2H Project decision file.]***

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## COMMENT(S)

## RESPONSE(S)

**N34** **WildEarth Guardians (cont.)**

(NTT) Sage-grouse National Technical Team. 2011. A Report on National Greater Sage-grouse Conservation Measures. Available at www.blm.gov/pgdata/etc/medialib/blm/co/programs/wildlife.Par.73607.File.dat/GrSG%20Tech%20Team%20Report.pdf.

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## COMMENT(S)

## RESPONSE(S)

### N35 WildLands Defense – March 19, 2015 [1]

**comment@boardmantohemingway.com**

**From:** Katie Fite <katiemesa@gmail.com>
**Sent:** Thursday, March 19, 2015 3:01 PM
**To:** comment@boardmantohemingway.com
**Cc:** Ryan, Thomas (Pat); Beck, Jonathan
**Subject:** B2H Comments Revised WildLands Defense Comments
**Attachments:** Boardman to Hemingway 3-19 to BLM.doc

Dear Agencies,

Here are slightly revised comments from WidlLands Defense. Please confirm that you have received these.

I have not received any notification that the comments we submitted earlier today were received.

Katie Fite
WildLands Defense
PO Box 125
Boise, ID 83701
208-871-5738

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## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

WILDLANDS DEFENSE

Katie Fite
PO Box 125
Boise, ID 83701
208.871.5738
katie@wildlandsdefense.org

March 17, 2015

comment@boardmantohemingway.com

B2H Project
P.O. Box 655
Vale, OR 97918

RE: Boardman to Hemingway High Voltage Transmission Line DEIS

Dear BLM and Forest Service,

N35a

Here are WildLands Defense comments on the Boardman to Hemingway (B2H) high voltage transmission line project. The DEIS analysis involves siting, construction and operation, and must address a full range of adverse direct, indirect and cumulative environmental effects of this undertaking.

There are dozens of loose ends, unfinished surveys, unfinished plans and incomplete mitigation measures. There remains major uncertainty surrounding nearly all aspects of this project. Thus, a Supplemental DEIS should be prepared for public review and comment before preparation of a FEIS.

The DEIS barely scratches the surface in revealing the array of harmful impacts this project and several very harmful segments will cause to the native vegetation, rare terrestrial and aquatic species including endangered and threatened fish, wild lands watersheds, viewsheds and important historical and cultural values, and recreational and other human uses across this landscape.

**Mammoth Project Supports Dirty Fuel Burning and Climate Change Gas Emissions**

N35b

The Project is supposed to bring power from the burning polluting coal in Wyoming westward. Thus, it entrenches a very harmful IPC carbon footprint. The project has significant global warming and climate change impacts that must be fully assessed.

All of the emissions associated with the generation of the energy the line will be used to transport, the project materials production and transportation, fuel involved in construction and operation, loss of vegetation and microbiotic crusts and their ability to absorb carbon dioxide and other climate change gases and loss of the lands' ability to buffer the adverse effects of climate change naturally, and any other emissions and/or

wildlandsdefense.org

*WildLands Defense is a 501(c)3 nonprofit corporation dedicated to protecting and improving the ecological and aesthetic qualities of wildlands and wildlife communities in the Western United States*

## RESPONSE(S)

N35a

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

Per 40 Code of Federal Regulations (CFR) 1502.9 and the Council on Environmental Quality guidelines, a supplemental EIS document should be prepared for the following circumstances: (1) substantial changes to the proposed action are made that are relevant to environmental concerns (40 CFR 1502.9c[1][i]); (2) a new alternative is added that is outside the spectrum of alternatives already analyzed; (3) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its effect (40 CFR 1502.9c[1][ii]). The BLM has reviewed the comments in response to the regulations and had determined a supplemental EIS is not required.

N35b

Section 3.2.16.6 discloses the expected change in carbon storage during construction. Maintaining the right-of-way under the transmission line will result in lower carbon storage where the line is located through forest. Carbon storage in grasslands and sagebrush-steppe is expected to recover to preconstruction levels. Existing generation sources will continue to operate regardless of the decision on the B2H Project. Demand for electricity will continue to increase with or without the B2H Project (refer to the Applicant's IRP).The Applicant's interests and objectives the B2H Project would allow the Applicant to serve its growing load without building carbon-emitting resources.

It is beyond the scope of existing science to relate a specific source of greenhouse gas emission with the creation (or mitigation) of any specific climate-related environmental effects. Further, since the specific effects of a particular action, which may contribute to or militate against climate change, cannot be determined, it is also not possible to determine whether any of these particular actions will lead to significant climate-related environmental effects. Finally, there are still not regulatory standards for climate change. Thus, the BLM believes the analysis in the EIS represents the best available science as required by the Council on Environmental Quality guidelines.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35b

losses of climate change gas absorption potential associated with the line must be accounted for and assessed.

This includes the loss of the ability of forested systems, for example, to sequester carbon where vegetation is cleared and maintained. BLM must consider the loss of natural carbon storage potential from the large-scale construction of roads, assembly sites/yards, etc. – along with the further spread of annual flammable invasive cheat and medusahead, that reduce the ability of the native vegetation systems to absorb and store CO2. Grazing also reduces soil carbon storage.

N35c

The Proposed action includes a 305 mile 500 kv transmission line, extensive road grading, clearing and road network expansion. It involves 114 miles of new roads and 165 miles of "improved' roads (DEIS Table 2.6), plus all manner of additional construction phase disturbance blading, blasting and other activity.

The route often diverges from existing corridors, disrupts wildlife habitats and aquatic species watersheds, and substantially mars scenic viewsheds and historic trails and cultural sites and WSAs and other wild lands.

N35d

This line will provide a lethal flight hazard all along its 305 mile length for migratory songbirds and other avian species, rare bats, and native insects. Each and every line length between each and every upright tower must be marked with avian flight diverters. There is no estimate of how many thousands – or more – birds this line may kill during migration periods, or throughout each year.

Any B2H facility lighting also must be shrouded to minimize effects on night migrants that are lured into lighting especially under poor weather conditions. See
http://www.abcbirds.org/abcprograms/policy/collisions/towers.html
http://www.abcbirds.org/newsandreports/special_reports/towerkillweb.PDF
http://www.abcbirds.org/newsandreports/special_reports/LPPtowerkill.pdf

Also http://www.fs.fed.us/psw/publications/documents/psw_gtr191/Asilomar/pdfs/1051-1064.pdf

*Migratory birds suffer considerable human-caused mortality from structures built to provide public services and amenities. Three such entities are increasing nationwide: communication towers, power lines, and wind turbines. Communication towers have been growing at an exponential rate …*

There appear to be no studies of bird migration patterns and predicted mortality and other harms that have been done for this mammoth project, and the development it is likely to spawn and be linked to.

## RESPONSE(S)

N35c

Comment noted. Analysis has been expanded to include alternative route variations with careful consideration of colocation with existing facilities (including transportation facilities). Colocation with existing utilities is given preference where feasible.

N35d

The EIS has been revised to include additional analyses and information on direct and indirect effects from the B2H Project on wildlife. The Applicant has committed to design features and site-specific mitigation measures to minimize or avoid impacts to sensitive wildlife, including preconstruction surveys, spatial and seasonal restrictions, limited B2H Project activities during migratory bird nesting season, flight diverters, and avian-safe design standards. Refer to Section 3.2.4.3 in the Final EIS.

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

### COMMENT(S)

N35e The line and welter of ancillary facilities also will provide all manner of elevated avian predator perches and potential nesting sites for sage-grouse nest predators and predators of other avian species as well as predators of rare small mammals like the pygmy rabbit.

N35f The visual footprint of this line will be immense – visible over several miles – with gleaming metallic structures especially visible as the sun is getting lower in the evening, or upright towers sticking out like sore thumbs on formerly scenic ridgelines. Fite field obs. High voltage line near Salmon Falls Reservoir – visible from China Mountain higher plateau areas, including reflections.

The visual impact must be measured from a very broad range of Key Points including sensitive wildlife habitats, and during all light conditions.

N35g Similarly, construction period noise studies (including potential motor vehicle routes and and helicopter access flight paths) must be conducted under a broad range of real world situations – including those of other lines in similar seasonal, moisture and other regimes.

N35h This line will also very significantly elevate the risk of human-caused fire, and raptor or other electrocutions causing fires as well. Thus, keeping the line right by the Interstate and/or by developed areas where access to control fire is easier is essential.

N35i Oregon and Idaho sage-grouse and other wildlife have recently experienced a large number of large fires, exacerbated by very hot, dry, windy weather conditions likely related to climate change. See for example, Comer et al. 2012 Great Basin REA on cd – which is also applicable to these arid sage and forested landscapes. There have been numerous raptor electrocution fires in Idaho and elsewhere over the years. There have been a large series of fires in eastern Oregon recently. Long Draw and Holloway to the south, the immense Mustang and other fires this summer – over 400,000 acres including crucial sage-grouse habitats. These fires occur amid a sagebrush landscape – especially in the Baker and Vale lands – that have been torn up by livestock forage seedings and exotic plantings during the heyday of the Vale Project, and continuing up to the present – using post- fire "rehab" as an excuse. The sagebrush sea of Oregon, and adjacent Idaho has become largely a mottled crested wheatgrass and weed wasteland in many places due to fires and human post-fire mis-management.

N35j Climate change will result in hotter temperatures that will also promote cheatgrass, medusahead and other flammable weeds. Ubiquitous livestock grazing impacts across public land and other segments of the route promotes these weeds, too. See Belsky and Gelbard 2000, Reisner Dissertation 2010, Reisner et al. 2013. Spring grazing and trampling dries out sites earlier. All of this combined – climate change, hotter temps and less precip failing as snow and earlier snowmelt, increased flammable annual grasses, increased drought and/or extreme weather events – and the chronic extensive disturbance – will exacerbate fire risk.

### RESPONSE(S)

N35e Idaho Power has committed to installing devices to deter raptors from perching on transmission line structures in habitat for high priority prey species. Refer to Selective Mitigation Measure 5 in Section 3.2.4.3.

N35f The project includes design features to minimize potential visual impacts, including use of dull-galvanized steel for lattice towers and non-specular conductors. Selective mitigation measures have also been considered and applied to areas of higher sensitivity. The analysis of impacts to scenic quality is an indicator of potential impacts to areas from general areas of use and dispersed users that aren't specifically included in the lists of sensitive viewing platforms.

N35g Noise is addressed in Section 3.2.18 of the EIS. Corona is a weak source of audible noise and the proposed line is designed to meet applicable noise limits. The levels of audible noise are further reduced with distance. In fair weather the noise may not be detectable at all and indoors the levels would be still lower. The Applicant will comply with established noise ordinances and suggested noise guidelines to reduce the potential for adverse noise impacts at noise-sensitive receptors.

N35h Section 3.2.6.4 discusses the ways in which transmission lines may increase fire risk, as well as mitigation for that risk through the application of design features.

N35i The Applicant has committed to design standards and selective mitigation measures to minimize impacts to birds and electrocution, including avian-safe design standards, flight diverters, and perch deterrents. Refer to Section 3.2.4.5 in the Final EIS. The effects of recent wildfires on Greater Sage-Grouse habitat is also addressed in this section and in the Cumulative Effects section (Section 3.3).

N35j The Final EIS has been updated to include evaluation of existing conditions and analysis of potential impacts associated with Fire Management. See Section 3.2.6.4 for further detail. In addition, impact analysis and mitigation measures have been more clearly identified and organized to address impacts and mitigation associated with revegetation.

## COMMENT(S)

## RESPONSE(S)

### N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35k

We stress that all sites must be revegetated with local native ecotypes. Forage kochia is a weed that escapes and invades native vegetation communities to their detriment. Using crested wheatgrass should not be allowed. In fact, mitigation for this project should include large-scale removal of cwg seedings in and near sage-grouse and other rare species habitats. CWG also is now known to spread and invade other areas– see INEL site long-term veg monitoring reports. Moreover, fire after fire after fire has burned right through the cwg seedings in Vale BLM lands, in the Jarbidge, areas all around the Snake River Plain – Shoshone, Idaho Falls BLM, Pocatello BLM, etc. Despite BLM Range staff claims to the contrary, crested wheatgrass is a fire hazard, where very frequent fires flash rapidly across very large acreages.

N35l

The line will emit electromagnetic radiation, which is harmful to humans and may also have significant effects on wildlife, domestic animals and other biota. Animals may sense the radiation and avoid it, and/or avoid the crackling/sizzling noise that is audible even to a human ear.
IPC has long known about public and biologist's concerns about electromagnetic radiation. See Gateway Transmission Line EIS documents, for example:

http://www.wy.blm.gov/nepa/cfodocs/gateway_west/sgrouse/DEIS-ReferenceMaterial.pdf
Gateway 3-11-63 states:

Greater Sage-Grouse (*Candidate; MIS; Forest Service Sensitive; BLM Sensitive*)

*The USFWS's 12-Month Findings for Petitions to List the Greater Sage-Grouse as Threatened or Endangered (2010e) listed the following as potential impacts to the greater sage-grouse resulting from powerlines: 1) collisions/electrocutions, 2) consolidation of predatory birds along powerlines, 3) lower recruitment rates near lines, 4) habitat fragmentation, 5) degradation of habitat due to spread of invasive plant species, 6) impacts resulting from the line's electromagnetic fields, and 7) direct loss of habitat. Additional impacts related to construction and operations of the line, as well as associated infrastructure, could include short-term disturbances due to construction and long-term disturbances during operations, increased road access allowing poaching in previously inaccessible locations, and changes to habitat structure resulting from altered fire regimes. Note that many of the general impacts that could occur to this species are addressed in the black-footed ferret section as "impacts that would occur to all species addressed" (e.g., the effects of fire, poaching, and invasive weeds).*

**Reasonable Alternatives Arbitrarily Shunted Aside - Failure to Consider Reasonable Range of Alternatives**

N35k See response to N35j.

N35l The EIS has been revised to include the additional information and analyses of impacts on wildlife from electromagnetic radiation from transmission lines. Refer to Section 3.2.4.5 and Section 3.2.18 in the Final EIS.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35m

Throughout this protracted process, BLM has failed to require that Idaho Power Company consider reasonable and valid alternatives that would significantly lessen the adverse disturbance and ecological impacts of this mammoth transmission line project.

Yet at the same time, BLM has now allowed the DEIS to include a series of even more harmful alternative route segments that would have an even more damaging footprint on public lands, watersheds, wildlife, recreational uses and enjoyment, and proliferation of irreversible exotic weedy species including flammable annual grasses.

IPC has refused to take a detailed and hard look at two very reasonable siting alternatives, and combinations of alternatives, that would greatly minimize the disturbance and degradation footprint of this line. BLM must push back harder against the political power of IPC and require that a series of reasonable alternatives that IPC brushed aside be considered.

These alternatives are:

- Co-locating this line with existing lines to the maximum extent possible combined with upgrading existing line segments to a Double Circuit new transmission.
- Locating this line along the I-84 corridor to the maximum extent possible.
- A combination of co-location and paralleling the I-84 corridor, and potentially some burying of portions of line segments.
- A combination f these with the line path proposed by Gene Bray and others in the eastern portion of the route.

These alternatives and variations on them – including combinations must be thoroughly analyzed in a Supplemental DEIS. This DEIS also makes it very difficult for the reader to understand where all existing larger transmission lines, utility corridors, major roads, etc. are located.

The DEIS makes vague, uncertain and unsupported references to “technical considerations” and other vague statements to avoid and deflect any analysis of these and other additional alternatives.

IPC also refers to costs as a reason for rejecting alternatives. Well, this project has long been delayed because the public overwhelmingly does not like the line and the routes, and does not believe the line is needed. Plus many folks do not want their rates to go up to pay for it. Certainly - if this project is really needed – then IPC must listen to concerns, and devise other alternatives than those of the EIS, rather than being bogged down for a protracted period wrangling over one bad route or the next.

## RESPONSE(S)

N35m

Based on comments received by the BLM on the Draft EIS, collaboration with the counties, and on further discussion between the Applicant and landowners, a number of recommended routing options were incorporated into the network of alternative routes analyzed for the Final EIS. Colocation with existing utilities is given preference where feasible. Refer to Sections 2.1.1.3 and 2.5.2. Analysis of the alternative routes is reported throughout Chapter 3.

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

In general, burying a transmission line would have greater environmental effects (e.g., impacts on Greater Sage-Grouse habitat; agriculture). The BLM understands the Applicant considered a range of technologies for high-voltage transmission and considers the project description to reflect the best available technologies. Undergrounding the transmission line was considered and eliminated, as explained in Section 2.5.4.1 of the Final EIS.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35n

IPC needs to re-assess if there really is any need for the line at all. Aren't there some relatively modest changes it can make in accepting more solar energy and conservation practices so as to eliminate the need for the project? The need for this line is simply not pressing – especially given the ever-evolving solar energy situation that could readily supplant dirty coal burning plants in Wyoming that this Boardman-Hemingway boondoggle of a line is tied to.

Just today, an article in the *Idaho Statesman* once again shows Idaho Power resisting solar development and components of viable alternative energy portfolios:

See http://www.idahostatesman.com/2015/03/18/3701077_developers-bet-on-solars-future.html?rh=1 . This states:

***"Idaho Power has not made it easy for developers".***

Idaho Power can simply stop fighting (in public and/or behind the scenes) renewable solar energy, and actively support and help solar sited in disturbed areas, rooftops, parking lots, etc. and save all the cost and antagonism the B2H line is generating. This too is an alternative that must be considered. What if even half the cost of this line was used to subsidize solar rooftop/parking lot/disturbed areas close to grids? Would there in reality be any need for B2H?

N35o

Several of the segments simply cannot be mitigated – Timber Canyon for example, impacts far too much USFS land and rugged terrain. Several other Alternative segments impact far too sage-grouse PPH, PGH, habitat important for restoration – and overall Occupied Habitat, and/or wintering habitat for big game and other important values. These segments should not have been considered as viable – due to too many unable to be mitigated impacts to sage-grouse and other native biota and public lands values. They should not have been considered "reasonable" alternatives.

N35p

See DEIS Section 2.5.2 and Table 2-12 Summary of Effects Table describes a host of very significant impacts that should have forced the BLM to scrap the Preferred Alternative and several alternative route segments as well. Plus the DEIS analysis barely scratches the surface in laying out all the ecological problems to sage-grouse, Colu,bia spotted frog, rare fish, rare plants, and other rare species that B2H would cause. Sage-grouse population, big game winter habitats, etc. are simply already in trouble across this landscape, and in very short supply. They are already so limited by human development that any additional intrusions into these areas must be considered unable to be mitigated by any means other than complete siting avoidance.

Table 2-12 Effects summary - which at times is confusing -shows very significant adverse impacts, even though BLM often under-estimates the magnitude of the impact, and/or fails to address how severe the effects will be other than in terms of low,

## RESPONSE(S)

N35n

It is not BLM's role or responsibility to verify an applicant's interests and objectives for a proposed project. As a regulated utility, the need for transmission projects proposed by the Applicant is scrutinized by the Public Utilities Commission. The responsibility of BLM and other land-management agencies is to respond to the application for right-of-way across lands it administers. The most readily available information was used during development of the Draft EIS.

The Applicant's 2015 Integrated Resource Plan (IRP), a long-term resource planning study, recently reaffirmed that the B2H Project is essential to serving future growth in customer demand. Previous IRPs also identified the need for this transmission line project, going back to the 2006 IRP. The 2015 IRP indicates the need of the B2H Project remains strong. When finished, the B2H Project would help provide low-cost energy to the Applicant's customers in southern Idaho and eastern Oregon. The B2H Project also will interconnect with existing transmission systems owned by B2H Project partners PacifiCorp and the Bonneville Power Administration, allowing greater amounts of electricity to move throughout the Pacific Northwest. This helps meet a regional need and provides benefits to the entire area, much of which is served, directly or indirectly, by those two providers. In addition, the B2H Project allows the Applicant to serve its growing load without building carbon-emitting resource.

N35o

Comments noted. The Timber Canyon Alternative was re-evaluated for the Final EIS to better identify potential impacts associated with this alternative. This route crosses mixed conifer forest, which is of particular concern for the Forest Service. The Forest Service expressed concern about loss of forested habitat (and associated effects on wildlife habitat and timber products). This route would require a forest plan amendment. In addition, this route is 19 miles longer than other routes in this segment. See Section 2.1.1.3 (Recommended Route-Variation Options) for further detail.

N35p

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35p moderate, high. What about a "severe" category? What about "will cause the local population to collapse"? Or "irreversible long-term impact"?

N35q There are serious adverse impacts to scenic quality, including High Quality areas and visual resources, and to National Historic Trails (a whopping 166 of 212 miles). These effects will be long-lasting and severe. Some like eroding road cuts, will be irreversible, as will ugly weed infestations. 79% of the Oregon Trail setting/viewshed will be marred, and 75% of the Goodale's Cutoff. There are cumulative adverse impacts to these trails- both across the B2H project areas as well as with Gateway segments. See Gateway EIS site:

It is also impossible to understand where all existing transmission lines are in relation to the route segments, road densities, etc.

N35r The EIS Table summarizing impacts drastically under-estimates the long-term impacts to vegetation – as the combined transmission line footprint disturbance effects plus grazing will cause serious irreversible alien species expansion and dominance- threatening native vegetation, rare plants, and the native animals and public uses and enjoyment that depend on them.

N35s The same greatly over-optimistic claims are made for rare fish. This cannot be the basis for acceptable ESA consultation and must be greatly revised. There will not be long-term "low" impacts – as road cuts will bleed sediment, upgraded roads will see increased traffic and sediment runoff, herbicide use associated with the line and facilities will be long-lasting. Weed invasions from the line will be spread crosscountry by grazing livestock, leading to much longer term significant herbicide and degradation impacts that will affect ESA-listed and other sensitive species habitats and expose native biota and human users of public lands and residents (including who may have immune systems that do not cope well with herbicides) to increased herbicide impacts.

N35t The Route tears across eight ACECs, with significant long-lasting effects on their Relevant and Important Values, including irreversible effects like weed invasions, erosion, etc. It impacts the wild lands values of 3 WSAs and a Lands with Wilderness Characteristics - marring solitude, primitive and unconfined recreation, natural and biological values, scenic beauty, sense of isolation, etc.

N35u In the Morrow-Umatilla length, both Horn Butte and Longhorn have significant unacceptable levels of impact. In the Blue Mountain length, both Glass Hill and Timber Canyon have long-term High adverse effects on GRSG (and should not have been considered reasonable alternatives). In the Baker Valley length, Timber Canyon, Flagstaff and Burnt Mountain have long-term High adverse effects on GRSG.
In the Brogan length, Willow Creek and Tub Mountain have High long-term adverse effects on GRSG and never should have been considered viable alternatives. In the

## RESPONSE(S)

N35q In order to reduce the effects on National Historic Trails and their associated setting, a comprehensive approach to mitigation was developed including reducing the effect of road cuts and vegetation removal. The Cumulative Effects section (Section 3.3) has been expanded to explain and assess the effects from other adjacent past, present, and reasonably foreseeable future actions.

N35r Comment noted. The impacts of noxious weeds on native vegetation communities has been expanded to include a discussion of known noxious weed infestations by segment and potential B2H Project effects on the native vegetation communities from the spread of noxious weeds.

N35s The Applicant has committed to updated design features and selective mitigation measures designed to minimize anticipated potential B2H Project impacts from sediment transport, weeds, and herbicide use on streams. Refer to Section 3.2.5 of the Final EIS. Noxious weed control would typically employ herbicide application and all noxious weed control activities would follow applicable BLM or USFS guidelines on federally managed lands. Additional measures to reduce the spread of noxious weeds including avoidance, topsoil separation, and vehicle washing would be followed as established in the Reclamation, Revegetation, and Monitoring Framework Plan. In areas where federally listed species are present, noxious weed control methods and buffers would be consistent with applicable species-specific conservation measures.

N35t Comment noted. The effects of the B2H Project on these resources are addressed in Sections 3.2 and 3.3 of the Final EIS.

N35u Comment noted. Potential impacts of all alternative routes on Greater Sage-Grouse are addressed in Section 3.2.4.5. If an alternative route is selected, design features and site-specific mitigation measures will minimize potential impacts on Greater Sage-Grouse, including preconstruction surveys, seasonal and spatial restrictions for sensitive periods and habitat, avian-safe design standards, perch deterrents, and a Plan of Development that includes a Biological Resources Conservation Plan. The B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35u Malheur length, Double Mountain and the Malheur paths have High GRSG impacts, and so does the Treasure Valley length.

N35v In every part of the project, reasonable alternatives are ignored. For example, there are no alternatives provided for construction under the Proposed Action – such as increasing use of helicopters to minimize the need for the plethora of new and expanded roading in many areas.

**Loose Ends and Large-Scale Uncertainty Abound**

N35w DEIS Chapter 2 references a whole series of "framework plans", yet much of the necessary specificity of actions for a valid hard look NEPA analysis and to determine compliance with Land Use Plans, the Clean Water Act, the NHPA, the MBTA and other environmental protections is still up in the air. The EIS punts to some future point – and describing that plans "would be developed". The existing information is mostly the minimal and uncertain info in the EIS Appendices. The stack of Appendices and aspirational lists of actions full of loose, uncertain and non-binding language where protection promises can be waived - are already several years old, and often are based on outdated scientific information and/or omit key environmental attributes. They often will have limited environmental benefit compared to the damage the construction and operation of the line and linked facilities will have. The hodgepodge of plans does not really chart an integrated and protective path forward. Conflicts between actions – say to protect watersheds from runoff, and rare species habitats, are not weighed and dealt with.

N35x DEIS at 3-7 to 3-8 references a habitat mitigation plan for sage-grouse and other biota is in preparation, but states that it has not been finalized. Thus, there can be no certainty of effective mitigation, and no full and open public comment prior to finalization. There is no way to understand the effectiveness and appropriateness of mitigation plan components, and the overall plan outcomes in the short, mid and long terms. There can also be no comprehensive integrated assessment of all direct, indirect and cumulative effects. A SEIS must be prepared with the Plan for public comment.

N35y The DEIS references the GRSG Blueprint, which is DEIS Appendix E. We are providing comments on the Blueprint below. We do not believe it sufficiently establishes a solid scientific baseline for understanding the plight of these already very highly fragmented and weed vulnerable sagebrush communities, the full array of current sage-grouse science, the full battery of cumulative threats the populations face already, and other vital information to ensure the continued sustainability of habitats and viability of populations.

N35z There are no clear criteria for mitigation by avoidance. For example, what level of anticipated population decline would trigger avoidance/rejection of a route or line segment? The Blueprint also does not provide effective actions to minimize project impacts, "rectify" impacts (whatever that means), and/or adequately reduce impacts.

## RESPONSE(S)

N35v CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.

N35w As the name suggests, the Mitigation Framework (Appendix C in the Final EIS) is intended to be a detailed framework, not a site-specific mitigation plan. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects. The BLM has established a mitigation standard, through application of the mitigation hierarchy, of a no net loss outcome for affected resources and their values, services, and functions, or, as required or appropriate, a net benefit (or gain, if appropriate) in outcomes where it has determined that compensatory mitigation is warranted.

As explained in Appendix C of the Final EIS, upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation options for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be reviewed by the cooperating agencies and a recommendation will be made to the Authorized Officer for approval prior to any issuance of Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

N35x See next page for response to N35x.

N35y See next page for response to N35y.

N35z See next page for response to N35z.

## COMMENT(S)

## RESPONSE(S) - CONTINUED

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35x

The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework is intended to be a detailed framework, not a site-specific mitigation plan. The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

**COMMENT(S)**

**RESPONSE(S) - CONTINUED**

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35y

Appendix E- Greater Sage-Grouse Mitigation Blueprint is not included in the Final EIS. This appendix was intended to be used as a placeholder while the BLM finalized its Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) for Oregon and Idaho. The Greater Sage-Grouse Mitigation Framework has been refined for the Final EIS to provide additional information about BLM's requirements and recommendations for compensatory mitigation.

The EIS has also been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs. The BLM will require a hierarchy for mitigation that will achieve a net conservation gain.

As the name suggests, the Mitigation Framework (Appendix C) is intended to be a detailed framework, not a site-specific mitigation plan The Mitigation Framework (1) establishes how avoidance and minimization have eliminated and/or reduced impacts; (2) identifies residual resource effects that meet criteria for warranting compensatory mitigation; and (3) provides a framework for how the appropriate level and type of compensatory mitigation will be determined for those resource effects.

Upon selection of the final route in the Record of Decision and following final engineering and design, the Compensatory Mitigation Plan will be prepared using the Mitigation Framework as a guide in assessing the direct and indirect impacts based on an engineered and designed alignment, and will identify a suite of site-specific compensatory mitigation projects for selection and implementation under the review and guidance of the cooperating agencies. The final detailed Compensatory Mitigation Plan must be accepted and approved by the cooperating agencies prior to the Notice to Proceed.

Any necessary modifications to the Mitigation Framework will be addressed in the Record of Decision.

N35z

See response to Comment N35x. Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

Of course, IPC will try to point to a strategy of compensatory mitigation. But when one is dealing with a landscape bird with specific seasonal habitat needs, and the bird also requires the ability to move between crucial seasonal habitats over the landscape, and the bird's population is already greatly reduced due to deleterious public lands and other livestock grazing, a large and harmful battery of livestock facilities and infrastructure, exotic crested wheat seedings, human development and agriculture on private lands in the heart of valleys, a high density of roads in many areas, serious flammable exotic grass infestations, existing powerlines, and overall habitat fragmentation – it becomes extremely difficult and frankly impossible to conjure up images of complete new landscapes where the species can survive. Or to believe that the ever-shrinking habitats for the other Oregon populations can be boosted enough to make the B2H losses be really mitigated.

N35aa What does "ecological durability" mean in terms of habitat quality and quantity and numbers of leks and birds for the affected GRSG populations? For the affected pygmy rabbit populations?

In reality, even other alternative segments that BLM claims are better still have serious adverse effects – such as the Tub Mtn. route that impacts far too much public land, and where BLM should be restoring habitat for sage-grouse and other wildlife rather than sacrificing it. After fires, BLM has promised the public it would restore habitats. Now, it abandons such promises in sacrificing habitats that should be restoration habitats.

N35ab There is greatly inadequate baseline information on the status (extent/acreage, ecological condition, serious weed problems, livestock grazing disturbance and facility burden, degree and severity of existing fragmentation, overall adverse human development footprint, cumulative threats, etc.) in the impacted local habitats and populations for a proper Mitigation plan or other plans - for a requisite EIS hard look analysis to be undertaken. This is due in part to inadequate thorough upfront baseline inventories, surveys, data review, data analysis (such as trends over time, fragmentation/connectivity analyses, viability analyses, etc). It is also due in part to the reluctance of agencies to want to reveal that populations are so low and/or habitats are so degraded – because this would reveal an urgent need for ESA listing. Yet all of this information is necessary to allow understanding of what level of mitigation is necessary, and the cumulative and additive harm the alternative segments would cause.

**Full Project Footprint Must Be Assessed and Mitigated**

The 305 mile line includes a 250 foot permanent right of way – which is a very wide swath of land, along with114 miles of new roads, 165 miles of drastically "improved" roads, large bared areas for assembly, helicopter landings concrete batch plants, etc. The direct, indirect and cumulative disturbance footprint would be immense. Visual scars from the largely de-vegetated right of way, gashes from roads cut blasted into steep hillsides, gleaming metal reflecting in the sunset – all will be a major visual intrusion and

## RESPONSE(S)

N35aa Ecological durability was discussed in the Framework for Development of Compensatory Mitigation Plans for Biological Resources (Framework) in the Draft EIS. The Framework has been updated for the Final EIS to include additional information and details on Compensatory Mitigation plans.

N35ab See response to Comment N35y.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35ac

mar scenery. The adverse impacts to wildlife will reverberate across thousands of miles – as migratory birds that winter in Central America and provide an ecosystem service there by consuming insect pests on crops will be killed by collisions with the immense wire and tower footprint of the line and facilities.

Plus, this project is likely to open up undeveloped lands in proximity to it to all manner of development – with further impacts to the ecosystem – ranging from increased demands on already greatly over-allocated water supply systems and aquifers to new additional direct loss of habitats for wildlife an even more habitat fragmentation.

N35ad

The EIS references an "aggressive construction schedule". This appears to us to mean that the minimal avoidance criteria for wildlife and other environmental constraints are likely to be waived and thrown by the wayside after the ROD is signed and pressure from the IPC's political allies starts to come down on federal agencies. Review of the language in Appendix E and other largely nebulous plans shows the promises are not mandatory, binding and certain. We are very concerned that the "aggressive schedule" would result in construction and other activity when soils are too muddy, activity on top of nesting migratory birds and wintering wildlife, and many conflicts with sage-grouse and raptors as well. This is also likely to increase pressure on agencies to waive compliance with conservation and mitigation measure promises of the EIS and its stacks of Appendices and Plans (many of which are not even finalized preventing proper analysis of their adverse impacts and certainty of mitigation measures). Given how long this has been proposed, there is no need to hurry up now and harm important resources. Waivers must not be allowed – yet the language is full of loopholes and "outs".

Will all activities on private and state lands (non-federal lands) be held to the same standards? Please also explain in much more detail how activities will be conducted on private and state lands, and if the same degree of avoidance and other mitigation will be required and mandatory there. If not, how will activity during construction and operation differ, and what will the adverse direct, indirect and cumulative environmental effects be?

Stream crossings, culverts, erosion in degraded drainage networks, etc. is a significant concern. The water quality in many of the springs, seeps, intermittent and perennial drainages is terrible and water quantity is also decreasing – especially sustainable perennial flows– due to impacts such as desertification and erosion from grazing-damaged public lands and lack of shading riparian vegetation on these lands. The BLM and Forest permits for grazing must undergo a hard and thorough look, to account for the level of grazing degradation and inadequate controls on herbivory and trampling by half ton cattle and/or herds of sheep, and similar inadequate controls on woody vegetation browse and breakage. Water quality is also highly compromised by ag field ad feedlot runoff, existing road network runoff (what exactly is the road footprint affecting watersheds, rare aquatic species habitats, sage-grouse habitats, big game habitats, etc.?), and a combination of all of these factors.

## RESPONSE(S)

N35ac

Comment noted. The analysis for migratory birds has been revised for the Final EIS to include additional analysis and discussion of the direct and indirect effects to migratory birds. In addition, the Applicant has committed to project-specific design features and mitigation measures, including preconstruction surveys, seasonal and spatial restrictions, limited B2H Project activities during nesting season, and avian-safe design standards. Compensatory mitigation required for Greater Sage-Grouse will provide further mitigation for impacts to shrub-steppe obligate migratory bird species, as described in Appendix C.

N35ad

While federal land-managing agencies do not have authority over nonfederal lands, federal agencies do have an obligation to disclose effects of its decisions on lands and resources affected by the decision. Therefore, the BLM uses the same systematic, defensible approach on all lands, regardless of jurisdiction, to analyze and compare the alternative routes, using consistent data and approach. In addition, as the lead federal agency for the EIS, the BLM is the federal steward for federally protected resources on all lands such as cultural resources (under Section 106 of the NHPA), biological resources (under Section 7 of the ESA), and paleontological resources (under the Paleontological Resources Protection Act). The BLM is addressing the protection and management of the federally protected resources (i.e., regardless of land jurisdiction) rather than management of the land. If, in negotiations with private landowners, a landowner's preference for mitigation measures differs, other than the federally protected resources, the BLM will respect that through its compliance inspection contractor and the landowner will negotiate its preferences with the Applicant. However, the BLM will ask for a signed statement to that effect to document the project record.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

**Grazing Disturbance Footprint Represents Significant Indirect and Cumulative Threat**

N35ae

A full accounting of the harmful impacts of grazing systems, grazing levels, stocking rates, actual use, etc. must be provided. So must monitoring data and a discussion of where, when and how monitoring is conducted. Full and detailed analysis of the very large and harmful livestock grazing disturbance footprint, facility and linked roading footprint must also be provided. How is grazing as being conducted harmful to sage-grouse? To Columbia spotted frog? To bull trout, salmon, steelhead?

Where and when have FRH processes been conducted across all allotments? What have the results been? How are grazing and degraded land and water conditions affecting local populations – for example, we remind Vale BLM of the Bully Creek LAMP, and BLM's whole series of broken promises there amid a tragically weed-infested landscapes – including a profusion of white top and annual grasses.

The EIS must provide a firm baseline of ecological impacts of grazing that is stressing and degrading habitats and other values of the public lands. See E ID-MT GRSG EIS Comments that I prepared last year on cd with these comments. See Manier et al. 2013 Baseline Ecological Report (BER), describing failures of grazing systems.

**Miscellaneous Chapter 3 Concerns**

The EIS states that project effects can be categorized as either direct or indirect. They can also be cumulative.

The DEIS also states:

- *Significance is defined by the Council on Environmental Quality regulations as a measure of the intensity and context of the effects of an action on, or the importance of that action to, the human environment (40 CFR 1508.27). Significance is a function of the beneficial and adverse effects of an action on the environment. The intensity of the environmental effect can also vary. Qualitative and quantitative variables of resource sensitivity, resource quality, and estimated ground disturbance were considered in estimating the intensity of effects.*

N35af

Full baseline studies on current conditions on the ground across the footprint of the landscape impacted by all segments has not been provided. This includes the actual vegetation on the ground - for example: Current presence of native vs. exotic vegetation and plant community composition that forms an underlying basis for GRSG and other wildlife habitat. What is the location and areal extent of relatively intact native veg communities – and their context in the landscape – i.e. will the project punch a new weed and disturbance corridor through the heart of a one of the only less weedy sites in a segment? Have areas been identified as important for restoration to re-connect and expand fragmented habitats? We remind BLM that the populations of GRSG and many

## RESPONSE(S)

N35ae

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project. Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach). Chapter 3 also provides more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment, including cumulative effects.

Because this is not a document determining whether grazing should be occurring, impacts of grazing on wildlife habitat and vegetation are not disclosed. Impacts of grazing on wildlife habitat would be addressed in the environmental assessment for each allotment when grazing permits expire and come up for renewal. No change has been made to the livestock grazing section (Section 3.2.7) in response to this comment.

N35af

See response to Comment N35ab. Full baseline studies to assess vegetation conditions are beyond the scope of this analysis, which is based on noxious weed data from several sources included in the BLM, US Forest Service, and the State of Oregon as well as vegetation cover data from the US Geologic Survey National GAP Analysis Program. These datasets were selected as the best available data comprehensive to all B2H Project alternatives. The baseline of vegetation resources potentially affected by the B2H Project has been revised to clarify the extent and effect of the B2H Project, and is presented in the Vegetation Resources section (Section 3.2.3) of the EIS.

The analysis of noxious weeds in the EIS has been expanded to include an identification of areas with low weed densities and increased risk of weed invasion to these areas.
The identification of areas for restoration and reclamation will follow methods described in the Reclamation, Revegetation, and Monitoring Framework Plan, which must be approved by BLM and cooperating agencies prior to issuance of the Record of Decision and right-of-way grant.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35af

other wildlife – as in the Baker and other areas cut through by the line are already very low, and in essence – threatened. See Knick and Connelly 2009/2011 Studies in Avian Biology Garton and other Chapters. What is the magnitude of existing threats to this population, and how will the project cumulatively add to these threats and lessen population viability? WHERE can a "replacement" population magically be created??? Of course, creating sufficient new habitat is extremely unlikely - so mitigation by AVOIDANCE of siting the line in the wrong place must be required and applied.

Full baseline studies of how species use the landscape are crucial prior to selection of alternatives.

DEIS at 3-6 also claims:

- Context means that the effect of an action must be analyzed within a framework or within physical or conceptual limits. Resource disciplines; location, type, or size of area affected (e.g., local, regional, national); and affected interests are all elements of context that ultimately determine significance. Both short- and long-term impacts are relevant.

N35ag

So what exactly IS the context of siting the lines in areas where sage-grouse still manage to persist, but the population and habitat is in a perilous state? See Knick and Connelly 2009/2011, Garton and other Chapters, see also USFW COT report 2013 population summary information. The context is a situation exists where punching this line through several of the route segments that never should have been considered as viable alternatives is likely to lead to the extirpation and extinction of the local population and a range contraction – from the direct, indirect and cumulative effects of the powerline – from fragmenting habitat to increasing predation to direct mortality, to promoting even more development and human disturbance across a broad area of the landscape.

All of this complex mitigation jargon and efforts to word-smith problems away is occurring because IPC refuses to back off its desire to export dirty coal energy from Wyoming, all the while fighting solar rooftop and small scale solar in Idaho and elsewhere.

N35ah

According to various reports on NRCS and other spending – federal agencies have already thrown tens of millions of dollars at landowners in the Baker region and other areas near the line -ostensibly in the name of saving sage-grouse (though many of the projects closely resemble livestock forage projects of years past). Was this all spent in vain – as the power line will be the final nail in the coffin -over the next couple of decades – of the Baker and other populations? How will the line affect the lack of certainty that the various landowner CCAAs and other myriad other schemes to avoid listing will be effective? If the line goes in, won't any rancher agreements FWS may endorse have to be much more protective of habitats –because the habitat will have become even more compromised by the impacts of the powerline?

## RESPONSE(S)

N35ag

See response to Comment N35u.

N35ah

In September 2015, BLM finalized Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) that have the purpose of conserving key sagebrush habitat, addressing identified threats to the Greater Sage-Grouse and promoting sustainable economic development on lands managed by the BLM. The plans were a critical component that helped the FWS to conclude that Greater Sage-Grouse no longer warrants protection under the Endangered Species Act. The B2H Project will be designed, sited, and implemented to adhere to mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse.

## COMMENT(S)

## RESPONSE(S)

### N35 WildLands Defense – March 19, 2015 [1] (cont.)

The crux of the matter is – there are no longer any "disposable" sagebrush and sage-grouse and pygmy rabbit habitats. Populations are already stressed to the point where very significant AND EFFECTIVE restoration of the EXISTING highly disturbed and fragmented habitats is required. New development of this magnitude cannot occur in Occupied habitats.

We also note that despite hundreds of millions of dollars being spent whacking junipers and building even more fences for flawed intensive "rotational" systems to subsidize ranchers in the name of sage-grouse, a commitment to removing exotic species in the understory and stemming the tide of invasive exotic species through REDUCING grazing and other disturbance – is lacking. See Manier et al. 2013 BER report on GRSG discussion of various grazing system failures, for example.

N35ai

**Geological Hazards**

With Gateway's eastern segment, all of the hazards had not been identified and re-routing was necessary after the ROD was signed (or so an appellant claimed when IPC at the very end of the process sited the route right by their property due to a previously unknown constraint). Much more comprehensive upfront information must be provided on the full extent of geological and all other environmental constraints.

There is a serious threat that fracking for potential Oil and Gas (as there is now an Oil and Gas boom near Payette and formations may extend into OR), as well as fracking for geothermal development – may result in de-stabilization of underground layers and produce seismic activity and geological instability. This line also runs through areas where aquifers may increasingly be depleted, including due to irrigation withdrawals.

BLM's various BMPs for Oil and Gas and other activity the DEIS vaguely refers to are greatly inadequate.

N35aj

**Soils/Reclamation – Native Vegetation and Local Ecotypes Must Be Mandatory**

Only local native ecotype plants should be used in all rehab, stabilization, and/or revegetation efforts throughout all phases of this project. All livestock use on public lands must be pulled back to existing pasture fences and adequate rest provided so that rehab efforts can be successful. BLM must require this. BLM cannot continue with the same that failed crested wheat and forage kochia weedlands course of its seriously flawed and failed fire "rehabs" to occur here. See USGS Arkle et al. 2014 describing the failure of rehabs for sage-grouse.

Evidence is mounting by the day on how bad for wildlife cwg and other exotics are. Examples: INEL work with long term veg plots showing crested wheat invading areas it was not seeded. New studies on ecological harms from cwg – Rottler et al. 2015, plus please review many of the areas with very frequent fires are often cwg seedings. Native plants can provide the very same benefits and "stabilization" as exotics – but sites MUST

N35ai Comments noted.

N35aj Comment noted. Seed mixes will be developed and coordinated with the appropriate land managing agency in accordance with current policy.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35aj

be protected from the bovine/ovine damage. Pulling livestock back to existing pastures and/or buying out the adjacent allotments and having this EIS amend the RMPs/Forest Plan to do so is a mitigation measure that must be fully assessed. It would also have tremendous value for watersheds, water quality and quantity, sage-grouse, and other wildlife.

The BMPs and appendix measures do not comply with even the RMP provisions cited, nor those of the Forest Plan. Further, recovery of microbiotic crusts must be assured. Crusts are a front-=line defense against invasive species.

The soils, crusts, native vegetation, wildlife communities, ad any rehab, recovery, restoration and mitigation actions are threatened by the impacts of livestock trampling in compacting and displacing soils, and in damage, depletion and destruction of microbiotic crusts, making sites much more vulnerable to annual invasive grasses and wed invasions. These effects are amplified by climate change. Beschta et al. 2012, 2014.

**Paleontological Values**

N35ak

The significance of the paleontological values and sites has not been adequately surveyed and assessed.

**Appendix E Concerns**

N35al

The Environmental Protection measures (BMPs SOPs, "mitigation" measures, etc.) in Appendix E (dated years ago in 2011) are greatly inadequate to protect: the soils, microbiotic crusts, native vegetation communities (which are highly vulnerable to flammable exotic invasive species spread across much of this region), viewsheds, historical and cultural sites and their integrity, viewsheds, recreational uses and enjoyment, and the health and viability of wildlife habitats and populations, watershed processes, sustainable water flows and water quality and quantity and aquatic species habitats, and a host of other very important values of these lands. They are inadequate to mitigate the cumulative adverse effects of climate change, too.

We are very concerned about the adverse effects on sage-grouse, pygmy rabbit, migratory songbirds, and the health of biota and humans affected by the line, electromagnetic fields, all manner of herbicide use, erosion of soils in wind and water likely contaminated with herbicides – with grazing in watersheds amplifying the adverse effects powerline disturbance in erosion and herbicide drift, and myriad other factors.

And of course, any promised rehab, revegetation and site stabilization is made even more uncertain by the serious adverse disturbance impacts of domestic livestock grazing and trampling disturbance inflicted annually across these watersheds. These effects are amplified by climate change.

## RESPONSE(S)

N35ak

Comment noted. The effects of the B2H Project on paleontological resources are addressed in Sections 3.2 and 3.3 of the Final EIS. Surveys would be completed prior construction on the selected route in areas with high potential for paleontological resources. A Paleontological Resources Treatment Plan, or PRTP, will be included in the Plan of Development.

N35al

The environmental protection measures have been updated for the Final EIS (Refer to Tables 2-7 and 2-13 Design Features and Selective Mitigation Measures. Idaho Power has committed to design features and site-specific mitigation measures in the Final EIS to minimize potential impacts to sensitive wildlife, including preconstruction surveys, seasonal and spatial restriction for sensitive periods and habitats, and a Plan of Development that includes a Biological Conservation Plan. All required weed control and reclamation and rehabilitation activities would be documented in the Plan of Development in the Noxious Weed Management and Reclamation, Revegetation, and Monitoring Framework plans. These plans will contain detailed information about herbicide application compliance with agency guidelines, as well as establish post-construction monitoring protocols to ensure success of reclamation efforts. The Plan of Development would be a condition of the Record of Decision and a stipulation of the right-of-way grant. Refer to Comment 939 for a response regarding fish and aquatic resources.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35am

All of these factors combined support the need to maximize avoidance of sage-grouse, pygmy rabbit, sage sparrow, Brewer's sparrow, sage thrasher, loggerhead shrike and other imperiled sagebrush species. BLM has considered a series of harmful alternatives that are not sufficiently protective of public lands, native biota, and fragile watersheds and wild land ecosystems.

The storm water pollution prevention measures will not be adequate in landscapes that are chronically grazed and disturbed. Powerline-disturbed areas will be constantly re-disturbed, trampled, likely to be overrun with shallow-rooted invasive species that are very poor watershed stabilizers in any higher energy precipitation events, etc. Cheatgrass , white top/perennial pepperweed, medusahead etc. are very poor soil stabilizers under severe thunderstorm and other runoff events, especially where any slopes are involved. White top will proliferate, and will require very heavy levels of herbicide.

Sediment, spills, contamination/environmental pollutants are all likely to runoff in storm events, as well as harmful substances contaminating soil erode in dust ad be deposited elsewhere. This will be aggravated by chronic gross overstocking and harmful livestock use levels and periods across the public lands portion of this line. And on private lands, there are at times even worse conditions in some areas. There will be significant adverse effects from private lands activities, as well – and the full spectrum of cumulative adverse impacts must be fully considered in a SEIS. An adequate alternative siting and alternative mitigation and BMP range must be fully considered – for example, resting any road areas, powerline ROWs, etc. pastures from grazing disturbance for a minimum of 10 years to stabilize soils. Then, after that, grazing if it resumes must be tightly controlled with mandatory conservative grazing and trampling use levels required and very conservative stocking and use levels applied.

**Reclamation Concerns**

All of the concerns about grazing disturbance, erosion, lack of site stability and recovery discussed by us under stabilization and storm runoff must be fully considered in "reclamation".

Only locally collected native ecotype plants must be used. Grazing must be removed from existing pastures and/or allotments for a minimum of 10 years. Grazing can resume only after a full candid science-based assessment of the capability and suitability of the lands to support continued grazing disturbance and provide the ecosystem services promised in the EIS from rehab/restoration is prepared. All timing conflicts – such as grazing conflicts with migratory bird nesting and sage-grouse breeding (lek, nesting, early brood rearing) must be eliminated if/when grazing resumes. Sage-grouse require large blocks of lands that are undisturbed by livestock throughout the breeding period. This need is made even greater by the predator-promoting presence of high voltage transmission lines and all the elevated perches and associated disturbance this entails. Any grazing, if it does resume, must be conducted under a "hold harmless" policy for

## RESPONSE(S)

N35am

The Applicant has committed to design features and site-specific mitigation measures designed to minimize anticipated B2H Project effects to sensitive wildlife, such as preconstruction surveys, seasonal and spatial restrictions, creation of a Plan of Development that includes a Biological Resources Conservation Plan, and limiting new or improved accessibility to sensitive habitat. Additionally, this Plan of Development will include a Noxious Weed Management Plan which will detail procedures for containing or controlling noxious weeds. Idaho Power has also committed to several mitigation measures reducing soil erosion and providing sediment control in areas of ground disturbance, including the preparation and incorporation of a Soil Erosion and Sediment Control Plan. As part of the B2H Project permitting process, a National Pollutant Discharge Elimination System Permit (NPDES) will be required prior to any construction activity. As part of the NPDES permit, mitigation measures to control soil erosion and spills/containment of hazardous materials are required.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

native predators. Agencies must require that grazers accept accountability for any livestock losses, and that permittees implement mandatory measures to limit nest and egg/young predation – carrion removal, no artificial upland water sources with water during the breeding period, no grazing during the breeding period to provide for undisturbed and secure habitats, and any corvid measures must be required to be non-lethal taste aversion, startling devices, etc. We refer you to the newly developing literature on corvid taste aversion control measures and marbled murrelets. Killing corvids or other predators because of abusive grazing and the impacts of this new powerline must be prohibited. Where, when and to what degree are livestock being imposed on livestock during the breeding season?

N35an

Herbicide Uncertainty. We are greatly concerned about the extensive use of herbicides Idaho Power may rely upon. Here we read about "pre-treatment herbicide use". This will do little to no good in lands chronically debilitated by livestock grazing. Following disturbance, especially in any grazed landscapes, we fear agencies will try to use herbicides in copious amounts. BLM cannot rely on its woefully flawed Seventeen States Vegetation Treatment EIS/Weed EIS, or the deficient Oregon Weed EIS for treatment here. BLM still has not completed its local EAs to our knowledge, and the scoping is already many years out-dated. There is ever-mounting evidence of the serious adverse effects of chemical herbicides and herbicide drift and contamination on terrestrial and aquatic biota and humans – ranging from children to amphibians to fish.

N35ao

How much of each type of herbicide will be used? When Where? How will grazing increase herbicide use? By how much? What happens once the medusahead and/or white top takes over? How EXACTLY will you prevent invasion and outward weed spread into sensitive remaining native vegetation communities – as cheat/medusahead is transported by livestock and vehicles, and takes root in more intensively disturbed areas emanating outward from the line disturbance – such as livestock water sites, along fence lines, in areas where very harmful supplement feeding may be occurring, etc.?

What is the current scientific uncertainty and concern about the effects of herbicides, carriers, breakdown products, adjuvants, etc.? Alone and in combination? New and current risk assessments must be conducted in an EIS.

The rehab info leaves far too much up in the air – for example, just how Idaho Power will effectively prevent lands from becoming choked with medusahead, skeletonweed, etc. once it bulldozes in new roads in sage-grouse habitats or aquatic species watersheds in the alternatives with ill-sited routes.

We believe agencies will be unable to control these impacts – and this will cause serious irreparable harm by promoting invasion into current sage-grouse habitats.

The impacts cannot be "mitigated" by whacking some western juniper somewhere – as seems to be the current agency "mitigation" solution for everything to do with sage-

## RESPONSE(S)

N35an

The issues raised about herbicide safety and the adequacy of both the Oregon Weed EIS and Vegetation Treatments on Bureau of Land Management Lands in 17 States EIS are beyond the scope of this analysis.

N35ao

The Applicant has committed to controlling noxious weeds through an adaptable plan where the results of preconstruction surveys will determine the types and extent of weed control methods. Post construction monitoring will determine the effectiveness of weed control measures and determine where additional control would be required. The exact methods, herbicides approved for use, buffers restricting herbicide application around sensitive resources, and control thresholds will be described in the Noxious Weed Management Plan. The Applicant has also committed to reclaiming and reestablishing native vegetation in disturbed areas through an adaptable plan similar to the Noxious Weed Management Plan where preconstruction where ongoing surveys will determine the application and success of reclamation efforts. The exact methods, thresholds, and reclamation extents will be described in the Reclamation, Revegetation, and Monitoring Plan. Both of these plans will be included in the Plan of Development and reviewed by the BLM and other cooperating agencies, such as the USFS, as part of the Record of Decision and the right-of-way grant.

The discussion of potential effects from herbicide applications on vegetation resources has been supplemented in the Final EIS, Section 3.2.3. Additionally, text has been revised to clarify the Applicant's commitment to not use herbicides to control native vegetation.

The issues raised concerning herbicide safety, persistence, and interactions are beyond the scope of this analysis. However, any weed control and prevention measure, including the use of herbicide, will adhere to all agency standards and guidelines.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

grouse. The current existing sagebrush habitats are vital for the species, and must be avoided.

BLM has not shown there is any certainty at all in rehabbing/restoring habitat. Hopes to "pioneer"/create new habitat sufficient to sustain viable populations by killing native junipers or other short-sighted deforestation or similar schemes in grazed landscapes are woefully inadequate. Plus the so-called "mitigation", i.e. for example deforestation, is also very likely to increase spread of aggressive invasive species. Removing trees creates a hotter, drier more weed prone site. This increases risk of flammable weed invasion.

Weed transport on vehicles is a serious concern – once vehicles enter a project area, they will pick up seeds and move them into uninfested sites. By creating new hotter, drier, windier, open areas where livestock congregate and flammable invasive annuals or rush skeletonweed thrive – the whole ecosystem is placed at risk. Just how severe is the current weed infestation problem across this landscape? How many acres of each weed – including the REAL problem species – cheat, medusahead, white top, bulbous bluegrass, etc.? A proper pre-project baseline must be provided in a SEIS.

N35ap

Thus, the BLM must require mitigation by AVOIDANCE of powerline disturbance intrusion into crucial native vegetation habitats – not mere "replacement" of habitat or other claimed habitat creation schemes, and not relying on highly risky rehab – which may fail.

We are very concerned that necessary intensive baseline surveys have not been conducted across the landscape affected by all alternatives so that the current status and condition of habitats and populations of sensitive and imperiled species can be understood. Where are all occupied habitats? What degree of habitat fragmentation exists? What is the total battery of threats facing each local and regional population? What is the viability of the population in the short, mid and long terms?

ALL of this is essential so that mitigation, including mitigation by avoidance of siting - can be developed in a suitable range of alternatives.

**Appendix E Must Be Modified to Adopt Actions that Really Do Minimize Disturbance**

It is hard to understand why the BLM is not requiring much more extensive use of large helicopters and other methods to greatly reduce the roading and disturbance footprint here.

This may also minimize the "yard" and other disturbance, weed infestations, the need for gravel, the bulldozing and destruction and fragmentation of wildlife habitat, sediment delivered into streams, many of which already suffer from significant livestock grazing, agency vegetation treatment, and road-caused erosion.

## RESPONSE(S)

N35ap

Idaho Power has committed to several mitigation measures designed to limit the effects of invasive weeds, among them Design Features 15 and 16 which require avoiding disturbance in sensitive vegetation communities, as well as the creation of a Noxious Weed Management and Reclamation, Revegetation and Monitoring plans which will be included in the revised Plan of Development. These plans will establish methods for weed control activities, guide reclamation efforts, and establish post-construction monitoring to ensure reclamation success. The analysis of sensitive species has been updated to incorporate the most recent available occurrence data, as well as relevant modeled habitat data and additional information on existing habitat disturbance.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

Other crucial information is left up in the air in Appendix E. Example:

N35aq

*Roads developed specifically for this project that are identified by the Proponents as no longer necessary will be reclaimed as specified in the Reclamation, Revegetation, and Weed Management Plan*. How will this determination be made?

Details of all of this must be provided in much greater detail with the EIS, not delayed until some later plan – otherwise the full battery of significant adverse effects can not be assessed, and the public can have no assurance of effective mitigation.

**Cultural Concerns**

N35ar

Significant cultural sites must be avoided and the Line re-routed. There are already many adverse effects to cultural resources from a welter of human development, and incessant livestock grazing and trampling disturbance on public lands – causing site erosion, churning of stratigraphy, exposure an potential breakage of artifacts, and fouling of areas of cultural significance with livestock waste, weeds, etc.

**Fire Concerns**

N35as

The fire prevention plan is minimal. BLM must fully assess how the construction and operation of the line will significantly increase fire risk- through spread of flammable annual grasses, through raptor electrocution, through increased motorized access and catalytic converter fires, etc.

This is yet another reason any segments of the route must avoid native vegetation communities to the maximum extent possible.

There is no valid analysis of how this project increases fire risk- including frequency of human-caused fires.

**Noise Concerns**

N35at

We are very concerned about significant unaddressed noise impacts to wildlife and humans. Construction must not occur during sensitive periods of the year for native wildlife – raptors, sage-grouse, big game – i.e. breeding, birthing, nesting, wintering periods. The constant noise from the high voltage line, linked facilities, vehicle noise, etc. during operation must all be assessed and minimized.

**Greatly Inadequate Native Animal Species Measures**

The Appendix states:

## RESPONSE(S)

N35aq

The specific location of access roads have not been identified for all alternative routes; rather, the specific locations of access routes and whether they will be temporary or permanent will be determined for the selected route during final design and engineering and documented in the Plan of Development, and the Reclamation, Revegetation, and Weed Management Plan will be finalized based on the information. Refer to Section 2.5.1.1 of the Final EIS for a description of how the effects associated with access roads are included in the analysis.

N35ar

Comment noted.

N35as

The Final EIS has been updated to include evaluation of existing conditions and analysis of potential impacts associated with Fire Management. See Section 3.2.6.4 for further detail. In addition, impact analysis and mitigation measures have been more clearly identified and organized to address impacts and mitigation associated with revegetation. The Final EIS has been updated to include evaluation of existing conditions and analysis of potential impacts associated with Fire Management.

N35at

Noise is addressed in the Public Health and Safety section of the EIS (Section 3.2.18) and in Section 3.2.4 for potential impacts specific to wildlife.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35au

Sensitive plant or wildlife populations that occur within or adjacent to the ROW and work areas will be marked on the ground, where practical, to ensure they are avoided. If species are discovered during work, IPC will establish a spatial buffer zone and immediately contact the appropriate land-managing agency. Unless IPC is informed otherwise, work outside the buffer area will continue. If IPC needs to work within the buffer area, it will work with the appropriate land-managing agency to develop a mutually acceptable solution that allows the work to be completed within the scheduled outage window and/or in a timely manner. After the project is complete or no longer poses a threat to the plant populations, any marking will be promptly removed to protect the site's significance and location from unwanted attention.

Here, as throughout the EIS and the paltry list of environmental measures, BLM is not even requiring that the measures are rock solid and binding. The entire Appendix E and other parts of the EIS are full of waivers, weasel words, and "outs". The desires of the power company trump other uses. Plus, there are no criteria for determining what is an appropriate buffer, and how the noise and other effects of work continuing may harm or interfere with species.

The buffer zones are much too small to reduce the tremendous disturbance footprint of the activities (both construction and operation). A mere 2 mile lek avoidance is completely inadequate – please review concerns of BLM and scientists related to the China Mountain Wind EIS -= a minimum of five miles or more must be required. IN this greatly fragmented landscape, avoidance of nearly all sagebrush by significant distances is required.

The avian protection plan is greatly inadequate to protect migratory and other avian species.

Every wire on the line must be marked with highly visible avian flight diverters. As technology changes, this must be routinely upgraded, and each year new measures to protect wildlife must be considered and implemented.

**Gateway EIS and Similar Mitigation Schemes Are Greatly Inadequate**

N35av

The Sage-grouse, migratory bird, and other Wildlife Habitat mitigation scheme used in the Gateway EIS is greatly deficient. I prepared comments for WWP on that IPC EIS, as well as an Appeal, and carry these forward by reference into the record for this Boardman-Hemingway EIS. See Comment Attachments.

**Appendix H Concerns**

## RESPONSE(S)

N35au

Based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.

N35av

Comment noted.

## COMMENT(S)

## RESPONSE(S)

### N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35aw

Many of our concerns with Appendix H measures are discussed in the Gateway EIS comments that I prepared that should be incorporated into this B2H record. Some have been discussed in the context comments on Appendix E, too.

The Plant and Animal Conservation Plan does NOT:

- *Provides consistency across jurisdictions*
- *Meet the intent of the current BLM and USFS management guidance for federal lands.*

The EIS has greatly failed to take a hard look at the Land Use Plan requirements for protection of sensitive and important species habitats and populations. It does not ensure viability of the local and regional populations, It does not adequately conserve, enhance and restore GRSG and other rare species habitats.

- *Balances cost, practicality, and feasibility of Project implementation with avoiding or minimizing environmental impacts*

It is not clear how this was done.

The EIS did not conduct vital detailed surveys across the landscape to determine upfront what following steps and actions would be needed:

The following steps were taken by IPC to determine which species and habitats to consider for avoidance, minimization, and conservation measures:

*Identified potential habitats and special-status species that may occur along the proposed corridor using available data from federal and state wildlife agencies, the BLM, and the USFS .. THIS is not the same as the intensive multi-year all season studies that are required to determine what species do occur, and the status/quality and quantity of their habitats, and how they use the landscape.*

The EIS further states:

1. *IPC reviewed maps of the area to identify significant constraints and opportunities for selecting*
2. *12 routes between the new Grassland Substation proposed for construction near Boardman,*
3. *13 Oregon, and the existing Hemingway Substation proposed for expansion near Murphy, Idaho.*
4. *14 Constraints included a wide array of natural resources and man-made features, such as the*
5. *15 Oregon Trail, sage-grouse ( ) leks, airports, urban areas, rural*

N35aw Comment is in reference to the Plan of Development and will be addressed by Idaho Power.

## COMMENT(S)

## RESPONSE(S)

### N35 WildLands Defense – March 19, 2015 [1] (cont.)

6. *16 residences, agricultural features (center pivot irrigation, feedlots, dairies), visual resource*
7. *17 management areas (VRM), areas of critical environmental concern (ACEC), and mountainous*
8. *18 terrain. In the study area, the most extensive opportunities are existing transportation corridors*
9. *19 (Interstate 84), electric transmission lines, and agency-designated energy corridors. The*
10. *20 proposed route parallels existing transmission lines where possible but, as required, maintains a*
11. *21 1,500-foot reliability separation. In evaluating alternatives, consideration was also given to*
12. *22 paralleling the Hemingway to Summer Lake 500-kV line and to the location of the West-wide*
13. *23 Energy Corridor and BLM- and USFS-designated utility corridors.*

The EIS continues:

1. Certain plant and wildlife resources were identified as constraints to be avoided, including the following:

N35ax

A 785-foot buffer around occupied Washington ground-squirrel ) burrows

A 2-mile buffer around occupied greater sage-grouse leks. This is greatly inadequate. A minimum 5 mile buffer must be used. Please Jarbidge BLM China Mountain Wind DEIS.

A 300-foot buffer around streams that contain bull trout (), cutthroat trout, redband trout, Chinook salmon, coho salmon, or steelhead.

This is greatly inadequate, and entire watersheds occupied by these ESA-listed and sensitive fish species should be avoided – due to intensive impacts of road cuts, increased road footprint and density, herbicide use and drift, de-vegetation and clearing by the line, and other effects. A detailed analysis of the whole array of serious adverse effects and threats to these watersheds must be provided. What is the water quality? Water quantity? Are there TMDLs? What have population surveys shown about stats and trends of populations? What are the Occupied vs. Unoccupied reaches?

BLM's ACECs and wilderness study areas must be protected. Yet BLM has actually considered Alt segments that impose significant harms.

N35ay

IDFG and ODFW bighorn sheep (*Ovis canadensis nelsoni* ) range is present. Segments of the line goes right by and/or through such range in ID and OR. Construction measures are not adequate to avoid harmful disturbance, and appear to be able to be waived. These

N35ax Comment is in reference to the Plan of Development and will be addressed by Idaho Power.

N35ay The Applicant has committed to design features and site-specific mitigation measures to reduce impacts on bighorn sheep from the B2H Project, including seasonal and spatial restrictions, limited improved or new access to sensitive habitat, and a Plan of Development that includes a Biological Resources Conservation Plan (refer to Section 3.2.4.3. in the Final EIS). Additionally, the bighorn sheep cumulative effects analysis has been updated with additional information on existing disturbances in the B2H Project area.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35ay

populations are also stressed by the proximity of diseased domestic sheep, other forms of human disturbance, grazing degradation of habitats, etc.

ODFW mule deer and elk, winter range IDFG big-game crucial winter range Pronghorn antelope, habitat in the Idaho, Boise BLM District. Same as with bighorns – these populations are stressed by livestock grazing and much other human disturbance and fire loss of habitats, and invasive species.

N35az

The EIS Plan states: *Other plant and wildlife resources (such as high-quality sagebrush habitats and big-game winter range and calving and fawning areas)* ***were not necessarily avoided during routing and siting but were considered a constraint and taken into consideration during design of the proposed Project.*** *Proximity of the corridor to urban areas, agricultural areas, and rural residences was taken into consideration during the routing and siting.*

This means IPC just went ahead and proposed to punch its route right through areas that must be avoided, and where effective mitigation will be impossible.

IPC refers to an August 2010 siting study. That study's data is 5 years old, and the siting study must be re-done - to fully address climate change, drought, large-scale fire loss of habitat, continued declines and imperilment of species, new science on invasive species, etc.

This document is written so loosely and nebulously that it is impossible for a reasonable person to understand the effects of the actions and alternatives.

N35ba

Based on the desktop analysis and through consultation, IPC will conduct surveys, **where necessary**, prior to construction and in the appropriate season to meet agency survey and timing requirements for several biological resources. These surveys will include he following:

Greater sage-grouse lek survey. There needs to be much more intensive upfront data collection over the course of at least 2-3 years of all seasonal habitat se throughout the landscapes affected by all potential routes and route segments. How much high quality habitat remains for the affected populations – the loss must be put in context.

Washington ground-squirrel burrow survey. Same as sage-grouse – a burrow survey is simply not sufficient. Where is all occupied habitat? Where have squirrels been eliminated? What restoration is necessary to restore and re-connect habitats?

## RESPONSE(S)

N35az

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

N35ba

Comment is in reference to the Plan of Development and will be addressed by Idaho Power.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35ba

Concurrent northern goshawk and three-toed woodpecker survey. WHERE is this data? Where are all occupied habitats, what is their condition, what is the status of the local and regional population?

Concurrent great gray owl and flammulated owl survey. WHERE is this data? Aren't there many other species of concern? What about burrowing owl, for example?

Project-wide raptor nest inventory. Again, the footprint of the project must be assessed in the context of the landscape affected. What is the status and trends of the local and regional populations?

N35bb

Pre-construction Columbia spotted frog surveys. As with all these species, delaying surveys until the bulldozers are revved up is a major concern. Frogs and toad species will be exposed to degraded water quality, increasingly fragmented habitat, potential herbicide drift, vehicle mortality, etc. Grazing and water developments and e-watering is already a very significant threat. Is chytrid fungus an identified problem in this area? How degraded, fragmented and reduced are habitats due to livestock grazing and trampling, and livestock water developments such as spring developments? Livestock water developments have serious adverse impacts to sage-grouse brood rearing habitats as well – fostering environments where West Nile mosquitoes breed, reducing and diminishing flows thus shrinking available habitat, etc.

What about long-billed curlew? Sage thrasher? Loggerhead shrike? Brewer's sparrow? Pygmy rabbit? Sage sparrow? California bighorn sheep? Do they just get bulldozed over?

The plan pats itself on the back about "the avoidance and minimization accomplished through routing" – long before there is any certainty that this has occurred, and in ignoring a series of viable alternatives that were not even analyzed, IPC has no basis for claiming it is minimizing anything. It refers to: conservation measures which are presented in Appendix E of the POD. The info throughout the POD is deficient and minimal, and cannot be considered sufficient since the data necessary to understand just where the route would be sited and just what it will impact has not been collected yet.

N35bc

The ***Construction Scheduling and Monitoring*** component is also woefully deficient.

*Avoidance can be spatial and/or temporal. Where disturbance during construction is of concern, construction is proposed to be limited to periods of species' absence or reduced presence. In addition to limited operating seasons, which categorically restrict construction, environmental monitoring is also proposed where construction may be permitted, but its conformance with minimization measures should be monitored and enforced. Environmental oversight will be conducted for construction activities. Monitoring entails being present during these activities, communicating with contractors,*

## RESPONSE(S)

N35bb Comment is in reference to the Plan of Development and will be addressed by Idaho Power.

N35bc Comment noted. The development of the POD will be a condition of the ROD. A POD will be developed to carry forward mitigation identified in the EIS and form the basis of what will be required for the ultimate development of the POD prior to commencement of construction.

## COMMENT(S)

## RESPONSE(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35bc

*taking daily notes, ensuring all impacts occur within the designated limits, ensuring the requirements of the Project environmental protection measures (EPM) that IPC has incorporated as part of the Project are being met, and using best professional judgment to ensure Project activities do not adversely affect special-status plant and wildlife species. A biological monitor has the authority to issue stop-work orders when agreed conditions protecting wildlife or plant species are being violated by the construction contractor. A biological monitor will work with the construction contractor, the regulatory agencies, and IPC to ensure EPMs are enforced and to resolve non-compliances.*

There is no certainty in any of this. It appears the Plan is to let "non compliances" happen, and when it is too late, give the contractors a reprimand, or something. The Plan also states: *The details of IPC's environmental compliance program, including roles and responsibilities, pre-construction surveys, monitoring, and reporting, will be detailed in the construction POD.*

This must be provided in a SEIS.

**Limited and Constrained Conservation Measures**

N35bd

The agency claims that to develop conservation measures, it:

*Identified and reviewed the BLM and USFS LMPs applicable to the Project area (Table H-2)*

*For each LMP, recorded the surface-use stipulations specific to each species of concern*

*Identified inconsistencies in requirements among jurisdictions*

*Determined exception or waiver criteria if applicable*

*Used FWS avoidance recommendations when applicable*

*Incorporated ODFW species-specific management recommendations*

*Evaluated the stipulations on a resource-by-resource basis and developed the proposed Project-wide temporal and spatial restrictions* ***and exception criteria*** *…*

In other words, there is a loophole and a way out if anything inconveniences IPC too much.

***Land-Management Plans***

N35bd Comment is in reference to the Plan of Development and will be addressed by Idaho Power.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35be

Again here the Plan just cherry-picks some provisions and does not provide the whole picture**.**

Pygmy rabbit, burrowing owl, and all other special-status species and habitats through a terrestrial visual encounter survey of the entire route and all associated features … WHERE is a study of the current habitat extent, quality, quantity, and population status now --- upfront?

The literature presented in the plan is also greatly inadequate and outdated. See Lit CD attached – with sagebrush species info, grazing effects info, development effects info, invasive species papers, microbiotic crust papers, etc.

The alternatives and mitigation must fully take into account the serious adverse indirect and cumulative impacts from the huge burden of livestock grazing occurring across the Owyhee, Malheur, Baker, Umatilla and Wallow-Whitman Plans

N35bf

A SEIS must be prepared on the basis of the gross omissions admitted here:

*Finally,* ***IPC did not include all measures found in all LMPs****. Measures not included are those which are not specific enough to define a measurable stipulation, measures that describe general goals for the federal lands but do not address new projects specifically, measures that address habitat management and treatment versus discrete temporal and spatial restrictions on project activities, cases in which the expectations of one LMP extend well beyond that of the other plans, and measures not practical from a project design and development perspective.*

Basically, BLM and USFS have allowed IPC to arbitrarily ignore a large body of very important environmental protections by pretending they were too general or otherwise unclear. What are these measures that are so unclear to IPC? Please provide a detailed rationale for exclusion. For example, if an RMP or Forest Plan states that there will be no significant adverse impacts to sensitive species – how is that addressed in this morass of an EIS with a whole series of minimally effective and uncertain Appendices, BMPs, and linked still-uncompleted plans and surveys?

The full intent of the LUPS regarding biota, water, watershed, soils, native vegetation, cultural and other concerns must be fully laid out and a good faith effort made to ensure compliance with these provisions. What has occurred is IPC has just picked the often minimal measurable protections, and ignored the substance of the LUPS, sensitive species policy, the National Technical Team Report and IMS, etc.

H**ighly Damaging Components "Poison Pills" Still Present in Preferred Alternative**

## RESPONSE(S)

N35be

Comment is in reference to the Plan of Development and will be addressed by Idaho Power.

N35bf

Comments on the Draft EIS expressed that not enough information was provided in the Draft EIS to enable the reviewers to understand where impacts would occur and where mitigation would be applied to reduce impacts. Chapter 2, Section 2.5.1 of the Final EIS presents an explanation of the study and analysis approach employed for the B2H Project, Chapter 3 has been expanded to provide more description of the methods for used for analyzing effects associated with each resource (tiered to the overall approach) and to provide more information about the resources, mitigation applied to reduce impacts, and residual impacts on resources along each alternative route by segment. In addition, a map volume of large-scale maps is provided to present resource data and to show the level of residual impact on the resources along all of the alternative routes.

Also, based on comments received on the Draft EIS, design features of the B2H Project for environmental protection and selective mitigation measures are included in the Final EIS (Section 2.5.1.1). These environmental protection and selective mitigation measures summarize what was contained in Appendix C of the DEIS. Appendix C as it was in the DEIS has been removed and is no longer included in the Final EIS.

## COMMENT(S)

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35bg

The Preferred Alternative remains very harmful for a wealth of wild land, watershed, and sensitive and important species habitats.

Some Alternative routes included in the Preferred Alternative map are often even worse – destroying sage-grouse habitat, big game habitat, migratory bird habitat, rare plant habitat, and areas of high importance for public recreational uses and enjoyment. Examples: Malheur Alt, Willow Creek Alt, Burnt River canyon Alt Timber Alt.

BLM has failed to include a very viable alternative for siting the project north of Ontario in Idaho that was recommended by Gene Bray and others in scoping on this project. XXX

**Sage-Grouse Mitigation "Blueprint" 2013**

N35bh

The mitigation "Blueprint" is greatly inadequate. The minimal measures will result in a permanent range contraction – in Oregon. It also will cement in permanent abandonment of sage-grouse recovery in the Idaho portion of the Preferred Alt route.

An overarching concern is that the strategy fails to recognize how depressed and low the populations of GRSG and other TES species really area; how fragmented the habitat already is; and the grace threats from continued irreversible weed expansion that truncated plant success and recovery of sagebrush ecosystems – particularly in grazed landscapes.

The elaborate mitigation scheme, full of economics jargon, is based on a fantasy, i.e. that IPC can build its new line in the midst of remaining vital occupied habitats, and somehow create a new habitat of equal or better attributes for sage-grouse population viability somewhere else. That is simply not the case. Sage-grouse populations will not be sustainable and will not be conserved, enhanced and restored by trying to "create" new habitat in steeper, rugged, forested terrain, and in areas that are pounded to death by livestock given the severity of the medusahead, cheatgrass, bulbous bluegrass and other weed threats, and the general loss of sagebrush in this region from past agency treatments, fires, and chronic abusive grazing that has prevented recovery following disturbance– no matter how many trees agencies spend tens of millions of dollars killing.

The Plan is full of unacceptable levels of uncertainty. It basically starts out by allowing waivers of unknown kind and manner, stating that "different approaches" may take place over time. Yet it fails to provide crucial sideboards that protect the ecosystem values.

Moreover, federal agencies are constantly shifting and shrinking sage-grouse habitat of high importance to placate industry. See WLD letter to Sec. Jewell and Director Kornze related to the series COT PAC and Super-PAC habitat cuts. Interior is buffeted by political winds and has failed to stand up to energy and livestock interests. See for example, recent Sage-grouse scientists letter.

## RESPONSE(S)

N35bg

CEQ does not require that all reasonable alternatives have to be considered; rather, a reasonable range of alternatives should be considered. The EIS identified and analyzed a reasonable range of alternatives.

N35bh

See response to Comment N35y.

## N35 WildLands Defense – March 19, 2015 [1] (cont.)

### Comment(s)

N35bi

All current occupied habitat and habitat identified for restoration must be considered of highest importance – in the context of these small and increasingly isolated populations that will be seriously impacted by the preferred alternative and lack of adequate certain and effective mitigation and conservation measures.

BLM, FWS and state game agencies are constantly shrinking back habitat of importance, and appear to have done so to accommodate this and other recent projects.

All Occupied habitat must be mitigated at the highest level – since the current agency mapping categories are so politicized (See WLD letter to Sec Jewell and BLM Director Kornze on Super PAcs, COT PACs, Core and state mapping segregation efforts to diminish habitats of importance for protection. The habitat is so highly degraded and populations at such low levels ALL Occupied habitat in the Baker, Brogan, Malheur, SW ID region must be considered highest priority.

What are the populations and what numbers of birds are present on all leks for all periods of time? How have all important seasonal habitats been identified for all periods of time? Where have leks blinked out? Where are numbers not viable any longer? What is the cause of the loss of leks, loss of viability etc.?

The analysis must also include the shameful abandonment of the Idaho Weiser population in the Otter state plan which was used to dumb down the BLM PPH and PGH even further. This will further isolate the very small Oregon population north of the Snake River, and decrease viability.

The Preferred Alternative fails to adequately **avoid** and prevent damage to "ecosystem services". The EIS and the mitigation plan treat low density PGH as a sacrifice habitat. The necessary risk of extirpation, range contraction, and/or perforation analysis has not been conducted for all alternatives. This must be done upfront, as a basis for determining the type and degree of mitigation to be applied, and if an alternative and/or segment is even a viable alternative.

N35bj

While the EIS and DEIS App. E loftily discuss "avoidance" the necessary baseline data and analysis to determine just how great an area must be AVOIDED if the population is to be sustained has not been conducted.

The minimization measures are themselves Minimum, and a pittance compared to what is actually needed. Moreover, these measures are primarily based on some reduction in impacts during construction and do little to address the serious adverse impacts of the powerline's presence over time. These include: Flammable exotic weeds emanating outward, a predator travel corridor, increased predation from elevated structures, increased human disturbance, increased livestock access and disturbance, permanently fragmented and reduced habitat quality over a broad area of the landscape, potential

### Response(s)

N35bi

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project.

The Applicant has committed to design features and site-specific mitigation measures to minimize impacts to sensitive wildlife, including preconstruction surveys, seasonal and spatial restrictions for sensitive periods and habitats, minimization of timber and other vegetation clearing, spanning/avoiding sensitive features (e.g., water bodies), and a Plan of Development that includes a Biological Resources Conservation Plan. Refer to Section 3.2.4.3 in the Final EIS.

The B2H Project will be sited, designed, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage Grouse.

N35bj

The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional information on the potential direct and indirect effects from the B2H Project. See response to Comment N35bi for a list of protective measures that will be applied to minimize impacts to Greater Sage-Grouse. The B2H Project will be sited, designed, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage Grouse.

See response to Comment N35y The Greater Sage-Grouse analysis has been revised for the Final EIS to include additional analysis of direct, indirect, and cumulative effects from the B2H Project.

All required weed control and reclamation and rehabilitation activities would be documented in the Plan of Development in the Noxious Weed Management and Reclamation, Revegetation, and Monitoring Framework plans. These plans will contain detailed information about herbicide application compliance with agency guidelines, provide a detailed description of the seeding mixes used for reclamation, and establish post-construction monitoring protocols to ensure success of reclamation efforts.

## COMMENT(S)

## RESPONSE(S)

### N35 WildLands Defense – March 19, 2015 [1] (cont.)

N35bj

grouse and other wildlife avoidance of electromagnetic energy and visual impacts of the line.

As BLM proposed with the abandoned China Mountain wind facility EIS, the full footprint of the line must be examined – and it must be considered to have a serious and significant adverse disturbance footprint across an area extending outward 4 or 5 miles or greater. THAT is the disturbance footprint that must be used in addressing mitigation and the type of mitigation to be applied. Moreover, the footprint and degree to which the line, roads, gravel pits, lay out yards, etc. in combination with the powerline and in combination with the cumulative threats will adversely affect the habitat and population viability must also be fully assessed.

The rehab measures are highly uncertain, will use large amounts of herbicides that may drift, harm non-target vegetation, and contaminate the environment. There is no assurance in the drought-plagued, livestock-desertified and livestock-grazed burgeoning weedlands of much of the route if the measures will do anything positive for wildlife. For example, if BLM insists on seeding created wheatgrass or coarse pseudo-native cultivars because the agency refuses to address grazing impacts in an integrated manner, then weeds are certain to ultimately proliferate in the landscape and habitats supposedly being "restored".

N35bk

Before BLM can determine any level of in kind, out of kind, in proximity, and off-site mitigation, it MUST take a hard landscape-level look to determine the crucial values (from nesting habitat to connectivity) that the full footprint of the line and all associated activities during construction and operation will have – direct indirect and cumulative impacts.

AND the hard question must be answered: Will the range be increasingly perforated, and contract due to the cumulative effects of this line?

Sage-grouse are already deserving of ESA listing. Yet the EIS and so-called "mitigation" Plan continue to treat much of their currently Occupied habitat as disposable - without ever taking a hard landscape-level look at the full complement of habitat needs and their dispersion in the landscape.

N35bl

**State Mitigation Schemes Are Highly Flawed and Overwhelmingly Favor Industry**

The DEIS's economics jargon-laced Plan states:

*ODFW's SGMF identifies habitat disturbance weightings that will be used for the purposes of calculating mitigation acres. To assess the likely contribution of mitigation actions towards "no-net-loss" the SGMF recommended that three key elements are considered: additionality, probability of success, and time lag to conservation maturity. Additionality is defined as a mitigation action's new contribution to conservation in*

N35bk See response to Comment N35bj.

N35bl See response to Comment N35y.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

*addition to existing values. Probability of success is defined as likelihood that a mitigation action will deliver expected conservation benefits. Time lag to conservation maturity is evaluated as the length of time for a mitigation action to deliver conservation at a maturity level (or ecological state) similar to that which was lost at the impact site. Per the guidance of Governor Otter's federal alternative in Idaho, sage-grouse populations and their habitats will also be assessed.*

N35bl Please review the ID E MT GRSG BLM DEIS comments submitted to BLM for the DEIS that I prepared when with WWP regarding how the ID plan (and the OR plan suffers from the same flaws) allows development to incrementally eat into and destroy GRSG habitats, as long as some effort is thrown at some form of mitigation somewhere. This explains how seriously flawed the ID state plan is, and the OR plan is little better. In fact Oregon habitat mapping is greatly deficient and enables writing off vast areas of the landscape and occupied habitat as being of lesser or no importance to GRSG. It is based to a great extent on the seriously flawed core Model, which does not work in a naturally fragmented habitat overlaid with a landscape as fragmented by human activity as this one is. In fact, both the ID and OR plans create large areas of sacrificed Occupied Habitat. These in reality are Plans for Extinction.

N35bm The Plan also states:

*Conservation actions should be located where efforts have the greatest likelihood of producing the required benefits. In Oregon, generally, such locations will include priority sage-grouse areas identified via SGCS planning efforts, areas that supplement or expand existing protected areas or that serve to increase the connectivity between such areas, designated Conservation Opportunity Areas, etc. In Idaho, priorities will focus within or near PPH, and in accordance with best science.*

What is in reality happening is that both plans allow entire populations to be wiped out, as long as some dollars are thrown at some kind of manipulation near one of the ever-dwindling remaining populations somewhere else.

Oregon experienced a very large wildfire in 2014 that further impacted and fragmented significant areas of habitat just to the southwest of this line. Given that, and the previous Long Draw and Holloway fires of 2012, and all the past agency vegetation treatments (like the immensely damaging Vale project that converted vast areas of sagebrush and sage-grouse habitat to livestock forage grasses and a high density of livestock facilities. These Vale areas have repeatedly burned and burned and burned again, this "carve up the habitat more, but throw mitigation dollars somewhere" approach is not acceptable.

We do support some parts of the mitigation:

*Mitigation actions are more likely to be meaningful to conservation of sage-grouse if they are aggregated; larger contiguous parcels are preferred and small isolated sites will*

## RESPONSE(S)

N35bm See response to Comment N35u. The Greater Sage-Grouse cumulative effects analysis has been revised to include additional information on fires and other past, existing, and expected future disturbances in the B2H Project area.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35bm

*rarely suffice. In all cases, the aggregated mitigation areas must be large enough so that they will, either in themselves or in conjunction with adjacent landscape conditions, provide the targeted biological benefits. Mitigation actions that are not readily measured in acres (e.g.,* ***fence removal*** *or marking) will be evaluated on a case by case basis.* We support large-scale fence removal!

N35bn

Mitigation should not be located in areas directly impacted by the Project or in areas where the success of the actions or maintenance of the required benefits are likely to be obviated over time by incompatible land-uses.

Actions proposed as mitigation must provide benefits beyond those that would already be achieved under other applicable regulations and/or land-use management plans.

But we do not understand, then, how the segments that impact the PPH and significant areas of PGH - essentially all Occupied habitat in these lands with small and greatly stressed populations, will be possible to mitigate in any effective way.

If there is to be "ecological uplift" there needs to be a tectonic shift in agency attitudes towards standing up for what the species need. HOW will the chronic and cumulatively harmful weed-producing, habitat degrading and impairing and rehab destroying, weed-promoting and landscape-destroying grazing footprint get dealt with?

There is also grazing down-warp/subsidence pressing hard and trampling down to keep any potential "uplift" of mitigation down.

What is the baseline of the current battery of often minimally effective and/or downright harmful so-called "restoration being conducted by NRCS? What actions – type, acres, etc. have occurred in all specific areas,and/or are foreseeable and planned?

The Plan states:

With respect to sage-grouse and their habitat, some impacts may persist beyond the operational life of the Project, or there is significant uncertainty as to the persistence of the impacts. Therefore:

- *It should be assumed that most Project impacts to sagebrush habitat are long-term or permanent in nature.*
- *The benefits derived from proposed mitigation actions must therefore also be long-term or permanent in nature.*

*Because most impacts typically begin to occur in the very early stages of a project (i.e. construction and initial operations), the benefits of the Project's proposed mitigation actions must also begin to accrue as early in the life of the Project as possible;*

## RESPONSE(S)

N35bn

See response to Comments N35y and N35bj.

Also, the Applicant has committed to several mitigation measures designed to limit the effects of invasive weeds, among them Design Features 15 and 16, which require avoiding disturbance in sensitive vegetation communities. Additionally, Noxious Weed Management and Reclamation, Revegetation and Monitoring plans will be created and included in the revised Plan of Development. These plans will establish methods for weed control activities, guide reclamation efforts, and establish post-construction monitoring to ensure reclamation success. Additionally, the Greater Sage-Grouse cumulative effects analysis has been revised to include additional information on past, existing, and expected future disturbances in the B2H Project area.

## COMMENT(S)

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

N35bn

*implementation of mitigation actions should be heavily "front-loaded" to facilitate this. Any time lags that will exist between the occurrence of impacts and attainment of benefits, either due to the nature or schedule of the mitigation actions, should be compensated for via additional mitigation.*

Then, agencies flailing about cutting trees in areas with the precip.,elevation and other site characteristics of western juniper will not be permanent – as re-establishment of the species which is the native climax species in many sites will occur. WLD stresses that the EIS cannot rely on the severely flawed NRCS Ecosite descriptions, as these are models often based on severely flawed fire return and disturbance intervals – and so end up with entirely inaccurate predictions/models of habitat type.

Continuing to graze and deplete areas where "mitigation" seedings/treatments have occurred will accelerate the deterioration and demise of the so-called "improvement" that is to be the mitigation.

The EIS states:

*The Project's HMP should include regulatory, financial, and legal mechanisms that assure that each mitigation action's target biological conditions, for a time period commensurate with impacts, for sage-grouse will be attained and maintained as necessary*.

N35bo

If the EIS is indeed going to be effective in providing mitigation, then it must amend the various Land Use Plans to allow for closure, and for permanent retirement of grazing allotments where mitigation is claimed to be taking place (habitat "improvement", land acquisition, etc.).

Please contact us if you need any clarifications of these comments. We request a meeting to discuss our concerns.

Sincerely,

Katie Fite
Wildlands Defense

## RESPONSE(S)

N35bo

Analysis has been expanded to include alternative route variations with careful consideration of private lands and existing land use planning guidance. The impact on property rights will be carefully considered by the Applicant. See Appendix C for further detail regarding mitigation measures proposed for the B2H Project.

**COMMENT(S)**

**RESPONSE(S)**

**N35** **WildLands Defense – March 19, 2015 [1] (cont.)**

PO Box 125
Boise, ID 83701
208-871-5738

Attachments: Scientific Literature CDs, comment letters, agency documents

**COMMENT(S)**

**N36** **Wildlands Defense – March 19, 2015 [2]**

300650

N36a DEAR B2H + BLM,
HERE IS A CD WITH SCIENTIFIC
LITERATURE TO ACCOMPANY WILDLANDS
DEFENSE COMMENTS ON THE
B2H TRANSMISSION LINE.
COMMENTS SUBMITTED BY E MAIL

THANK YOU,

Katie Fite

KATIE FITE
WILDLANDS
DEFENSE
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Page 1 of 3

**RESPONSE(S)**

N36a Thank you for the literature.

**COMMENT(S)** | **RESPONSE(S)**

**N37** | **WildLands Defense, Inc. – March 25, 2016**

W.DAVISON (1878-1964)
FRANK DAVISON (1907-1984)
R.H. COPPLE (1919-1995)

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*Of Counsel

March 25, 2016

***VIA US PRIORITY MAIL & ELECTRONIC MAIL***

RECEIVED
MAR 29 2016
B.L.M. VALE DISTRICT

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Tamara Gertsch & Renee Straub
PO Box 655
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Att'n: Jerome E. Perez, Oregon/Washington State Director
Tamara Gertsch, BLM National Project Manager,
Renee Straub, BLM Project Coordinator

**RE: Request for Boardman to Hemingway Supplemental Draft Environmental Impact Statement and Land Use Amendments**

Dear Ms. Gertsch, Ms. Straub, and Mr. Perez:

Our firm represents WildLands Defense, Inc. This letter is submitted in the context of your ongoing consideration of the Boardman to Hemingway Draft Environmental Impact Statement ("Draft EIS") and Land Use Amendments. Our client has expressed concern that the BLM intends to publish a Final Environmental Impact Statement ("Final EIS") for the Boardman to Hemingway Transmission Line Project (the "B2H Project") prior to and/or rather than conducting a Supplemental Draft Environmental Impact Statement ("Supplemental DEIS")[1]

[1] BLM Releases Preliminary Agency Preferred Alternative for the Boardman to Hemingway Transmission Line Project. March 22, 2016. http://www.blm.gov/or/news/files/OR_16__03__B2H_release_3-22-16.pdf

**COMMENT(S)**

**RESPONSE(S)**

**N37** **WildLands Defense, Inc. – March 25, 2016 (cont.)**

March 25, 2016
Page 2

despite the occurrence of significant new circumstances and information relevant to environmental concerns bearing on the proposed action following the publication of the Draft EIS. Our client appropriately requests the BLM initiate supplemental review, disclose its findings and analysis of the extent and degree of altered landscape and habitat conditions to the public, and that the BLM initiate a comment period in which the public may have the opportunity to comment and participate in the agency's development of alternatives, newly developed environmental concerns, potential plan use amendments and mitigation measures responsive to the new circumstance, and the BLM's development of an adequately informed preferred alternative pursuant to the National Environmental Policy Act ("NEPA") of 1969. 42 USC 4321-4347 et seq., as amended.

**Background**

The Draft EIS was prepared in response to an Application for the Transportation and Utility Systems and Facilities on Federal Lands (Standard Form 299; "Application") submitted by Idaho Power Company ("IPC") to the BLM, United States Forest Service ("USFS"), and the Bureau of Reclamation. The Application compels the BLM to respond to IPC's request for right-of-way access across federally managed lands. This application proposes to construct, operate, and maintain the B2H Project, a project that is approximately 305 miles long stretching from the city of Boardman, Morrow County, Oregon to Melba, Owyhee County, Idaho. BLM has approximated that the B2H Project would cross 93 miles (33 percent of the line) of lands administered by federal agencies including the BLM, USFWS, Bureau of Reclamation, and perhaps military Special Use Airspace administered by the U.S. Department of the Navy. Ultimate consideration and decision documents pertaining to the right-of-ways and permitting processes for each federal agency jurisdiction through which the B2H Project enters, as well as future federal actions directly and cumulatively affecting the protected values impacted by the project, will rely upon the environmental review conducted by the BLM in response to this Application.

As the lead federal agency responsible for preparing the Draft EIS, NEPA requires that the BLM take a "hard look" and consider the direct and cumulative impacts of the B2H Project on the human and natural environment before decisions are made, analyze the consistency of the B2H Project with the applicable BLM resource management plans ("RMP") and the USFS Land and Resource Management Plan ("LRMP") and determine the potential need for amendments to these plans in order to approve the proposed B2H Project. As part of its continuing evaluation of the adequacy of the Draft EIS, BLM must analyze new and additional information that becomes available after the Draft EIS was issued and make a determination that there were no significant new circumstances or information concerning the proposed Project or its potential impacts not already considered in the Draft EIS prior to issuing a Final EIS. 40 CFR 1502.9(a)("The draft statement must fulfill and satisfy to the *fullest extent possible* the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency *shall* prepare and circulate a revised draft of the appropriate portion." (emphasis added)). A supplemental EIS is required when an agency makes substantial changes in the proposed action relevant to environmental concerns, or when there are significant new circumstances or information relevant to environmental concerns bearing on the proposed action, and is optional when an agency otherwise determines to supplement an EIS. 40 CFR 1502.9(c).

**COMMENT(S)**

**N37** **WildLands Defense, Inc. – March 25, 2016 (cont.)**

March 25, 2016
Page 3

**Significant New Circumstances Render Draft EIS So Inadequate As to Preclude Meaningful Analysis**

The Draft EIS was published and made available for comment on December 5, 2014. The comment period closed on March 19, 2015. Our client timely submitted comment on March 19, 2015.[2] BLM's publicized schedule of this NEPA process purports that the BLM is at the stage where it determines if a Supplemental EIS is required.[3] Among our client's concerns include particularized identification of direct and cumulative impacts to wildlife habitat including Greater Sage-grouse (*Centrocercus urophasianus*; hereafter, "GRSG") habitat now profoundly impacted by the Soda Fire, the inadequacy of disclosure and consideration for viable mitigation measures and alternatives, and ultimately the need for the BLM to conduct a Supplemental DEIS. Since the close of public comment on March 19, 2015 several substantial events have occurred that so significantly change the circumstances of the environmental and regulatory landscape on which the B2H Project is to occur as to preclude the Draft EIS analysis from being meaningful and adequate in informing the publication of a Final EIS for the B2H Project.

***The Soda Fire Constitutes a Significant New Circumstance Relevant to Environmental Concerns***

*"The Soda Fire: Huge Flaming Deluge!"*[4]

> On August 10, 2015, the Soda Fire started 8 miles northeast of Jordan Valley, Oregon. The fire burned a total of 279,144 acres in Owyhee (Idaho) and Malheur (Oregon) counties. The Soda Fire was declared 100% contained on August 23, 2015. An Emergency Response Team was assembled on August 18, which included local resource specialists, to assess values affected by the fire. The team consisted of individuals representing Hydrology, Soils, Geology, Cultural Resources, Wildlife, Vegetation, Fisheries, Recreation, Rangeland Management, Engineering, Hazardous Materials, Noxious Weeds, Fuels, and Geographic Information Systems. Field reconnaissance occurred between August 19 and August 23, 2015. Data from the field missions were compiled, and added to existing, pre-burn information to create a list of values threatened by the fire or potential post-fire effects.

DOI-BLM-ID-B030-2015-0016-DNA – Soda Fire ESR Plan Page 1.

N37a The Soda Fire resulted in a loss of vegetation cover that increases both soil susceptibility to accelerated erosion and the opportunity for invasive and noxious weeds to establish. The proximity and magnitude of the Soda Fire to wildlife and protected habitat directly and cumulatively impacted by the proposed B2H Project is significant. Aside from the direct impacts of habitat fragmentation, the landscape upon which the line is proposed includes protected wildlife, including the GRSG, whose populations are particularly sensitive and rely on landscape

[2] http://www.boardmantohemingway.com/deiscomment_docs/6_ngo/FiteK_03192015.pdf
[3] 40 CFR1502.9(c); See "We are here … Analyze comments and determine if a Supplemental DEIS is required." http://www.boardmantohemingway.com/documents/2015_0424_B2H_NEPA_process.pdf
[4] Header on BLM Soda Fire webpage: http://www.blm.gov/id/st/en/Districts-Idaho/BDO/soda_fire_emergency.html

**RESPONSE(S)**

N37a Potential effects of the Soda Fire and other recent fires on vegetation and wildlife have been added to the analysis for both the affected environment and the cumulative effects sections of the Final EIS (refer to Sections 3.2.3.4, 3.3.3.4, 3.2.4.3, and 3.3.4).

While the Soda Fire was an extensive wildfire that is likely to have resulted in impacts on habitat for Greater Sage-Grouse and other species, B2H Project alternative routes cross through the outer northeast edge of the fire boundary along the outer edge of Greater Sage-Grouse general habitat in an area that was already disturbed. Due to the degree of disturbance already present in the portion of the B2H Project area burned by the Soda Fire, the BLM does not agree that the Soda Fire and the B2H Project will cumulatively impact habitat conditions to a significant degree not considered in the Draft EIS and that requires a Supplemental EIS.

Regarding comments referring to the Soda Fire Emergency Stabilization and Rehabilitation Plan refer to BLM's Record of Decision available on the BLM Idaho webpage.

## COMMENT(S)

**N37** **WildLands Defense, Inc. – March 25, 2016 (cont.)**

March 25, 2016
Page 4

N37a level habitat conditions that the Soda fire and the B2H Project will jointly and cumulatively impact to a significant degree not considered in the Draft EIS. Likewise, BLM's management response to the Soda Fire, i.e. October 19, 2015 publication of the Soda Fire Emergency Stabilization and Rehabilitation Plan - Boise and Vale District Offices ("Soda Fire ESRP"), failed to incorporate meaningful opportunity for public comment, instead relying on "agreements" among land-users that circumvented public participation and consideration of potential mitigation measures, and includes management actions that significantly depart from those actions anticipated and considered in the Draft EIS in ways that will directly and cumulatively impact the landscape in light of the B2H Project.

Given the magnitude of the fire, landscape conditions have so dramatically changed as to preclude the Draft EIS's analysis from being meaningful and adequate. A Supplemental DEIS is necessary to solicit public input, develop new alternatives, mitigation measures, land use plan amendments and ensure a meaningfully informed preferred alternative that is responsive to the new and unanticipated conditions and management actions on the landscape.

***Publication of the BLM Sage-grouse Land Use Plan Amendments Constitutes a Significant New Circumstance***

N37b The Bureau of Land Management published its Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana Nevada and Northeastern California Oregon Utah on September 18, 2015 ("Sage-grouse RMPA"), immediately following the cessation of public comment on the Draft EIS. BLM was well aware of the impending publication of the Sage-grouse RMPA, yet failed to meaningfully incorporate consideration of the significant and newly established protections and management prescriptions within the direct and cumulative impact footprint of the B2H Project area. BLM has been publicly celebrating the significance of these amendments for years, yet here the agency appears to have ignored them. The Soda Fire burned through valuable wildlife habitat as well as Priority, Important, and General Habitat Management Areas ("HMA") for GRSG designated by the Sage-grouse RMPA. The publication of the Sage-grouse RMPA constitutes a significant new circumstance necessitating BLM's development of a Supplemental DEIS for the B2H Project.

**Conclusion**

N37c Our client has a clear and legally compelling concern about the BLM's apparent intention to publish a preferred alternative in an FEIS for the B2H Project without a lawful and meaningful opportunity for open public participation and input into the development of alternatives and particularized mitigation measures that are immediately responsive to significant new circumstances or information relevant to environmental concerns bearing on the B2H Project.

N37d We are requesting the BLM prepare supplements to the Draft EIS in light of the recent Soda Fire that gave rise to the inevitability of significant cumulative impacts not considered in the Draft EIS. Likewise, a Supplemental DEIS is necessary given the resulting significant land-use changes prescribed by the Soda Fire ESRP. Additionally, preparation of a Supplemental DEIS is necessary to fulfill our client's statutory and regulatory right to public participation and input prior to publication of an FEIS given the September 2015 publication of the Sage-grouse RMPA, a development that the BLM undeniably anticipated but abstained from considering in its Draft EIS. The preparation of a Supplemental DEIS must consider and disclose analysis of:

N37e

## RESPONSE(S)

N37b The Final EIS was updated to include a description of the Greater Sage Grouse Approved Resource Plan Amendments (ARPMAs) for Oregon and Idaho (refer to Section 3.3.3.1). While the ARMPAs do not apply to the B2H Project, the EIS has been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts on Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs, including seasonal and noise restrictions. In addition, the B2H Project will be designed, sited, and implemented to adhere to a mitigation hierarchy that will result in a net conservation gain for Greater Sage-Grouse (refer to Appendix C).

Potential effects of the Soda Fire and other recent fires on Greater Sage-Grouse are addressed in the affected environment and the cumulative effects sections of the Final EIS (refer to Sections 3.2.3.4, 3.3.3.4, 3.2.4.3, and 3.3.4). While the Soda Fire was an extensive wildfire that is likely to have resulted in impacts on habitat for Greater Sage-Grouse, B2H Project alternative routes cross through the outer northeast edge of the fire boundary along the outer edge of Greater Sage-Grouse general habitat in an area that was already disturbed.

Publication of the ARMPA does not constitute a significant change in circumstances. Management direction outlined in the ARMPA was considered at the time of the Draft EIS.

See also the response to Comment N37a.

N37c The public participation process is outlined in Chapter 4, includes public scoping and opportunities for public comments. As the lead federal agency, the BLM is required to identify an agency-preferred alternative in the Final EIS. Also, refer to the alternatives development process described in Chapter 2.

N37d See the response to Comment N37a.

N37e Publication of the ARMPAs does not constitute a significant change in circumstances. Management direction outlined in the ARMPAs was considered at the time of the Draft EIS. While the ARMPAs do not apply to the B2H Project, the EIS has been revised to include additional discussion of the effectiveness of mitigation measures in reducing impacts to Greater Sage-Grouse, including Applicant-committed design features and site-specific conservation measures that are similar to those included in the ARMPAs.

The public participation process is outlined in Chapter 4, includes public scoping and opportunities for public comments. As the lead federal agency, the BLM is required to identify an agency-preferred alternative in the Final EIS.

## COMMENT(S)

## N37 WildLands Defense, Inc. – March 25, 2016 (cont.)

March 25, 2016
Page 5

N37f 1. The extent and degree of significant and cumulative impacts to the environment not previously considered in the Draft EIS and all alternatives following the August 2015 Soda Fire.

N37g 2. The extend and degree of significant and cumulative impacts not otherwise considered in the Draft EIS and all alternatives flowing from agency actions pursuant BLM's Soda Fire ESRP.

N37h 3. The Sage-grouse RMPA identification of priority habitats for GRSG and other habitat designations and protections prescribed by the Sage-grouse RMPA.

N37i 4. An opportunity for the public to comment on more specified mitigation measures that *more reasonably* disclose and consider potential land use amendments that will make available mitigation measures to restore wildlife and habitat values more specifically responsive to the cumulative impacts identified during the course of the Supplemental DEIS.

N37ij Given the magnitude and severity of the aforementioned intervening circumstances, this Supplemental DEIS must include an opportunity for public comment. 40 CFR 1502.9(c)(4).

Although our client is fully prepared to seek appropriate relief administratively and if necessary via court order, we are confident that upon your review of the governing legal standards and your agency's own professed commitment to robust public participation and habitat protections that the BLM will consensually and promptly agree to provide for the required development of a Supplemental DEIS necessary to fulfill the requirements of NEPA, other statutory obligations of the BLM, and our client's right to meaningfully participate in the development of a preferred alternative and publication of an FEIS.

Very truly yours,

DAVISON, COPPLE, COPPLE & COPPLE

E Don Copple, of the firm.

## RESPONSE(S)

N37f See the response to Comment N37a.

N37g See the response to Comment N37a.

N37h See the response to Comment N37c.

N37i See the response to Comment N37e.

N37j See the response to Comment N37e.