



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL REVIEW  
AND ASSESSMENT

December 19, 2016

Tamara Gertsch, National Project Manager  
Bureau of Land Management, Vale District Office  
P.O Box 655  
Vale, Oregon 97918

Dear Ms. Gertsch:

We have reviewed the Bureau of Land Management's November 2016 Final Environmental Impact Statement and Proposed Land-use Plan Amendments for the Boardman to Hemingway Transmission Line Project (Final EIS), (EPA Region 10 Project Number 08-055-BLM). Our review was conducted in accordance with the EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

**History of EPA's Involvement on Boardman to Hemingway**

Overall, the BLM has been very responsive to the EPA's input as a Cooperating Agency. Thank you for a job well done in that regard, and we note the substantial effort the BLM, other Cooperating Agencies, the third party EIS contractor, and many others have put into analyzing in detail approximately 850 miles of alternatives and variations for this transmission line. Below, we are providing a summary of EPA input since 2008 as well as some key changes made during the process, which were responsive to our recommendations.

- Our 2008 input was focused on the process and production of an adequate EIS, including recommending a reasonable range of alternatives and consideration of environmental effects and mitigation measures.
- In 2010 we emphasized our overarching concern about the underlying need for the Project and communicated the benefits of focusing the analysis on standards of significance. The Final EIS includes substantial information explaining the underlying need for the Project. The Final EIS is also consistent with our recommendation to focus on standards of significance by including resource specific criteria for assessing and disclosing impact levels (i.e., high, moderate, low).
- In 2012 we commented that the proposal to site facilities an average of 1,500 feet from lines of 230kV or greater may result in unnecessary adverse environmental impacts, and, we recommended that the Draft EIS describe how BLM defines and determines the environmentally preferable alternative. The BLM's substantial effort to co-locate the line closer to existing transmission lines is responsive to our concern about the 1,500-foot separation distance at the Draft EIS stage. We also note the BLM's inclusion of a Preliminary Environmentally Preferable Alternative in the Draft EIS. By identifying a Preliminary Environmentally Preferable Alternative early in the process, the BLM has helped to facilitate a more readily understandable and meaningful discussion about trade-offs between the impacts of different routes.

- In 2013 and 2014 we recommended additional information on monitoring, enforcement and compensatory mitigation.
- In 2015 we supported the BLM's identification of the Environmentally Preferable Alternative as the same as the Agency Preferred Alternative, and we continued to encourage colocation of the line with existing transmission lines to minimize impacts. We supported and continue to support the Environmentally Preferable Alternative because it is the route that results in the least impact on the natural, human, and cultural environmental and best protects, preserves, and enhances historic, cultural, and natural resources.
- In January 2016 we reiterated our recommendation that the Agency Preferred Alternative continue to be the same as the Environmentally Preferable Alternative.
- In June 2016 we noted that the Preliminary Agency Preferred Alternative is no longer the same as the Preliminary Environmentally Preferable Alternative, and we provided several suggestions for how to more clearly communicate the rationale behind determining the Environmentally Preferable Alternative. Table 2-16 "Summary of Key Considerations Regarding the Environmentally Preferable Action Alternative by Segment"<sup>1</sup> is responsive to our suggestions on how to more clearly communicate the rationale behind determining the Environmentally Preferable Alternative.
- In August 2016 we encouraged the BLM to select the Environmentally Preferable Alternative as the Agency Preferred Alternative.

We are pleased the Agency Preferred Alternative in the Final EIS is the same as the Environmentally Preferable Alternative in Segments 2, 4 and 5. We are also pleased that the Agency Preferred Alternative has only minor differences from the Environmentally Preferable Alternative in Segments 3 and 6. We note there are major differences between the Agency Preferred and Environmentally Preferable alternatives in Segment 1.

#### **Rationale for the Agency Preferred Alternative in Segment 1**

We recommend that the Record of Decision include detailed supporting information for the BLM's preference to choose the Agency Preferred route in Segment 1 rather than the Environmentally Preferable route. Our interest in a focused explanation is consistent with CEQ's NEPA regulations at 40 CFR Section 1505.2 (b), and CEQ Frequently Asked Question #6a, which states, "Through the identification of the environmentally preferable alternative, the decision-maker is clearly faced with a choice between that alternative and others . . ."<sup>2</sup>

We prefer the Environmentally Preferable route in Segment 1 for the following reasons.

- It was recommended by local stakeholders in comments on the Draft EIS.
- It is sited in an area that is already disturbed and consolidates linear facilities to avoid proliferation of utility corridors.

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<sup>1</sup> Final EIS, p. 2-181 – 2-186

<sup>2</sup> Accessed online 12/10/16 at: <https://ceq.doe.gov/nepa/regs/40/1-10.HTM#6>

- It avoids going through an "...area of more rugged terrain that is much less developed..."<sup>3</sup>
- It avoids windfarm development,<sup>4</sup> which is an issue raised by the local counties.
- It avoids known occupied colony avoidance and dispersal areas for the Washington Ground Squirrel.<sup>5</sup>
- It avoids "highly significant" cultural resources.<sup>6</sup>
- It is superior to the Agency Preferred route East of Bombing Range Road in terms of minimizing impacts to pivot irrigation agriculture, as the Final EIS usefully describes.

"Because the northern portion of this alternative (the Environmentally Preferable Alternative) is not subject to the NWSTF Boardman height restrictions as other alternatives are, it allows tower structure heights to be taller and span distances greater than those that would be used on other alternatives such as the East of Bombing Range Road Alternative (the Agency Preferred Alternative). Thus, while the Interstate 84 Alternative passes through an area that has the most pivot irrigation of all alternatives, all pivots could be spanned except one on Variation S1-A2. Conversely, a minimum of 23 pivots along the East of Bombing Range Road Alternative could not be spanned."<sup>7</sup>

- It affects fewer acres of lands enrolled in the Conservation Reserve Program.<sup>8</sup>

According to the Final EIS, the Agency Preferred Alternative was identified for Segment 1, in part, because it:

(1) repurposes an existing use area currently occupied by the BPA 69-kV transmission line on the NWSTF Boardman (on the west side of and parallel to Bombing Range Road), (2) avoids airspace conflicts by complying with the Navy's requested 100-foot height restriction for transmission lines along Bombing Range Road, (3) avoids and/or minimize effects on areas planned for potential wind-farm development, (4) avoids and/or minimizes effects on high-value agricultural lands, and (5) and was developed and recommended through collaboration with Morrow and Umatilla counties and local stakeholders.<sup>9</sup>

In reviewing these reasons, we note related, additional information which could lead to re-consideration, and affect the choice of alternatives for this segment. First, we note that the need to repurpose the 69kV line, or build shorter towers to prevent Navy airspace conflicts would be avoided altogether by selecting the Environmentally Preferable Alternative - which travels east along Interstate 84 instead of south along Bombing Range Road. Second, according to the Final EIS, the Environmentally Preferable Alternative avoids windfarm development as well, and it avoids more impacts to pivot agriculture than

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<sup>3</sup> Final EIS, Table 2-16.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> Final EIS, p. 2-202

the Agency Preferred Alternative. Finally, also according to the Final EIS, the Environmentally Preferable Alternative was recommended by local stakeholders.

Altogether, we recognize the fact that Segment 1 is on private land, and note that the BLM "...collaborated extensively with the affected counties to identify a route that would be responsive to their concerns."<sup>10</sup> In the interests of using this NEPA process to provide a clear basis for choice and sharply define the issues, we recommend that the Record of Decision include a description of the specific concerns (including especially concerns raised by affected counties) that the Agency Preferred Alternative addresses better than the Environmentally Preferable Alternative in Segment 1.

If the Environmentally Preferable Alternative is not selected for Segment 1, we recommend that the Record of Decision be as clear and transparent as possible about reasons for the choice. A detailed, public description on this issue will facilitate informed decision making during the state permitting process which will continue after the BLM issues its Record of Decision.

Thank you for this opportunity to comment and if you have any questions please contact me at (206) 553-1601 or by electronic mail at [littleton.christine@epa.gov](mailto:littleton.christine@epa.gov), or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at [peterson.erik@epa.gov](mailto:peterson.erik@epa.gov).

Sincerely,



Christine B. Littleton, Manager  
Environmental Review and Sediment Management Unit

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<sup>10</sup> Final EIS, p. 201