

Subject: Westwide Corridor DEIS
 From: Vera Snyder, Albuquerque NM
 To: Argenne National Laboratory

WEC_00050

It seemed obvious that the many concerns expressed at your Albuquerque meeting on January 24 had a high degree of concurrence:

1. That the draft proposal appears to be a paeon to, and in support of the continued use and development of fossil fuels. 'So 20th century'
2. That it appears to link proposed and existing coal-fired power plants. We already have problems with these plants, so why magnify them?
3. That it will impact and fragment environmentally sensitive areas from NW to S no matter who has domain over or legal title to these lands.
4. How will the "dots" be connected? By condemnation?
5. There is little, if any mention of alternative energy sources other than geothermal - which can also be destructive. NM and most of the west is an ideal region for the use of renewable energy - locally produced/generated.
6. There are far too many unknowns in this proposal.
7. We live here and stay here because we love this land for what it is... and the air and the sky. Alas, we often feel that the powers that be view it as a wasteland ideal for dumping or development. What an affront.

50-001

50-002

50-003

50-004

Listening to the others I had the overwhelming feeling you would ^{be} heartily applauded if you were presenting a bold new plan for the use and transmission of renewable alternative energy.

Sincerely,

Vera Snyder

6404 Ponderosa Ave NE

Albuquerque NM 87110

WEC_00051

Eastern Sandoval County Arroyo and Flood Control Authority
829 Camino del Pueblo
Bernalillo, NM 87004

January 22, 2008

Debbie Hays
Sandoval County Manager
711 Camino del Pueblo
Bernalillo, NM 87004

Debbie,

The Board of Directors of the Eastern Sandoval County Arroyo and Flood Control Authority would like to take this opportunity to update the County Administration and Commissioners relative to the proposed "energy corridors" to be constructed in and through the Las Huertas Creek within the Village of Placitas, New Mexico. Please refer to the below listed matters of concern:

- 1) the planned corridors indicate that the energy corridors would follow the Las Huertas Creek where existing underground pipelines currently lay in place
- 2) these specific pipelines have experienced unearthing due to recent storm events, continuous erosion and the lack of proper maintenance which could result in catastrophic dangers to the residents and their respective properties
- 3) flood plain and flood prone terrain are clearly unsafe locations for major utility corridors which would host underground utilities
- 4) ESCAFCA and the tax payers of this community should not be burdened with the fiscal responsibility for protecting private utility infrastructure that would be installed within flood prone areas

51-001

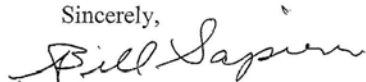
The ESCAFCA Board would seriously urge the County Commissioners, Administration and staff to attend the upcoming BLM meeting and take a proactive role in this very important community matter. The meeting information is as follows:

Energy Corridor Public Meeting
Holiday Inn & Suites
5050 Jefferson N.E. (Corner of I-25 & Jefferson)
Albuquerque, NM 87125
2:00 PM – 8:00 PM
Thursday January 24, 2008

WVEC_00051

Thank you for your attention towards this matter and if you need to contact me to further discuss this issue please do so @ 934-8782.

Sincerely,

A handwritten signature in black ink that reads "Bill Sapien". The signature is written in a cursive style with a large, sweeping initial "B".

Bill Sapien
Chairman-ESCAFCA

George & Frances Alderson
112 Hilton Avenue
Baltimore, Maryland 21228

WEC_00052

February 9, 2008

West-wide Energy Corridor Draft PEIS
Argonne National Laboratory
9700 S. Cass Ave. Bldg. 900, MS 4
Argonne IL 60439

Dear Sir or Madam:

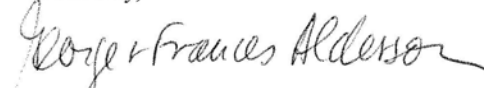
Please include this letter as our comment on the Draft PEIS. We are concerned because proposed corridors in this program affect public lands we have visited, and they would destroy important public values including wildlife habitat and spectacular beauty that is part of our national patriotic heritage. We urge DOE to recognize the national interest in such areas and route energy corridors around them. Essential steps include:

- Determine the actual need for each pipeline or powerline. Consider energy demands and consider trends in local generation of energy, which reduces the need for long-distance transportation. Better use of existing corridors can enable us to avoid opening destructive new ones. 52-001
- Keep corridors out of nationally valuable places such as Grand Staircase-Escalante National Monument and national parks and wildlife refuges. 52-002
- Insist on "best management practices" to reduce impacts on other uses of the land. 52-003
- Analyze cumulative impacts to resources on federal, state, private and tribal lands. 52-004
- Keep corridors out of areas that are under proposals for protection, including wilderness bills now pending in Congress for Oregon, Washington, Utah, Colorado, and California, and areas recommended for Wild & Scenic River status. Alternative routes following already-disturbed energy lines should be sought. 52-005
- Alternatives must always be considered, under procedures of NEPA. This process has worked well on countless energy projects over 40 years' time. The public is entitled to know what the alternatives are, and their impacts. 52-006

We have visited the areas of two proposed corridors in Utah mentioned in the PEIS: one through Grand Staircase-Escalante National Monument and another through Arches National Park. Both routings would ruin wild lands that are treasured by the public, and will come to have much greater public use in the decades ahead. Those corridors must be moved to follow existing disturbed routes. 52-007

Thank you for considering our views. Please keep us informed about this project.

Sincerely,


George & Frances Alderson

WEC_00053

Palmer
20580 Bexley Rd.
Jamul, CA 91935

12 February 2008

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

To Whom It May Concern:

I wish to comment on the proposed energy corridor in the Cleveland National Forest and residential area as it pertains to Jamul. People attempting to build or to sub-divide acreage must comply with tests and waiting periods for the protection of the following:

- Coastal Swamp Grass
- Endangered rare butterflies (Quino Checkerspot)
- Gnatcatcher
- Southwestern Flycatcher
- Eagles
- Southwest Arroyo Toad

53-001

Does this not apply when proposing health risks to residents when electrical lines are scheduled to invade nature preserve areas?

We want the eco friendly energy options now available. The health risks of what you are proposing are huge along with; ground water quality for wells, water shed to Barrett Lake which is emergency water for all of San Diego. Fire risk(s) and we and many others just lost our home in the wild fires; lower property values. No roads in forest and BLM.

53-002

The comment here is protest.

Regards,



Janine Palmer

WEC_00054

February 13, 2008

TO SECRETARIES OF AGRICULTURE, COMERCE, DEFENCE, ENERGY, INTERIOR AND ANY & ALL US FEDERAL OFFICIALS:

The Programmatic Environmental Impact Statement was provided to The San Antonio De Las Huertas Community Land Grant, (The Grant) on February 12, 2008. Under the laws of the State of New Mexico, The Grant is a legal Political Subdivision of the State. The Grant appreciates the PEIS Draft provided by Mr. Thomas Gow of the BLM. There is too much information and only a couple of days to give an adequate response at this time.

54-001

As a government to government request, we are asking for an extension of ninety (90) days. This extension is necessary so that we have the proper time to analyze the PEIS Draft as it is very involved.

It seems that the hypothetical corridor might go through the very heart of our community. We must have the time to analyze what impact this project will have on our people, our schools, community center, our waters etc. Our Land Grant Community has been established in the area for almost 250 years. Please be advised that we also have very valuable cultural historical properties at stake. It is extremely important that information provided at this late date be adequately analyzed to know what impact this project will have on our long standing community.

54-002

In order to have an adequate response, the San Antonio De Las Huertas Community Land Grant respectfully requests that the 90 day extension be provided by the United States Federal Government and any and all the Departments involved.

Sincerely,

The Board of San Antonio De Las Huertas Community Land Grant
Tony E. Lucero, Chairman
Vivian DeLara, Secretary
Andrew Escarcida, Treasurer
Wayne Sandoval, Member
Ray Arriola, Member

Contact Information: Tony E. Lucero (505) 867-4563
841 Hwy. 165
Placitas, NM 87043

Cc: New Mexico Political Representatives

WVEC_00055

**NATIONAL WILDLIFE FEDERATION®**

Rocky Mountain Natural Resource Center
2260 Baseline Road, Suite 100
Boulder, Colorado 80302
303-786-8001
www.nwf.org

February 14, 2008

Delivered via facsimile

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 South Cass Avenue
Building 900, Mail Stop 4
Argonne, Illinois 60439

Re: Comments on the Draft Programmatic Environmental Impact Statement for the Designation of West-wide Energy Corridors

To Whom It May Concern:

The following comments on the Draft Programmatic Environmental Impact Statement for the Designation of West-wide Energy Corridors (WVEC DPEIS) are submitted on behalf of the National Wildlife Federation (NWF). NWF's mission is to inspire Americans to protect wildlife for our children's future. As an organization, NWF represents the power and commitment of four million members and supporters joined by affiliated wildlife organizations in 47 states and territories. Both NWF and its affiliates have a long history of working to conserve the wildlife and wild places on federal public lands in the West. Many members of NWF and its affiliates use the lands and resources that will be impacted by the energy corridors delineated in the WVEC DPEIS.¹ NWF appreciates the opportunity to submit these comments to the Department of Energy, the Bureau of Land Management, the United States Forest Service and their cooperating agencies [hereinafter Agencies].²

¹ In addition to these comments, NWF joins in those filed by The Wilderness Society and Western Resource Advocates. Also attached is a letter submitted by Ben Deeble, Sage-grouse Coordinator in NWF's Northern Rockies Natural Resource Center.

² NWF is submitting these comments today via facsimile to 1-866-542-5904 and forwarding a copy separately by mail.

WEC_00055

In its scoping comments, NWF urged the Agencies to use this programmatic environmental review to narrow the task of identifying potential energy corridors by delineating areas or conditions where construction of such facilities would be unsuitable, determining areas or conditions where construction should be avoided where feasible, and by establishing best management practices (BMPs) for the construction and operation of such facilities on all federal lands. NWF noted that the Agencies should include a commitment to conduct site-specific environmental impact analyses when individual corridor locations and proposed uses are identified. This programmatic document should concentrate instead on the general effects of energy corridors and identify wide-ranging measures for avoiding or mitigating those effects. Thus far, the Agencies have chosen not to follow this course of action. Instead, the Preferred Alternative in the WVEC DPEIS purports to identify 6000 miles of corridors across the West's federal public lands. It does so in the absence of the kind of both landscape-level and site-specific information regarding wildlife and other ecological resources that would help the Agencies minimize adverse impacts to those resources.

55-001

According to the Agencies, the advantage of this approach is that concentrating development within these corridors will avoid the spider web of rights-of-way construction that would occur under the so-called No Action Alternative. NWF would be more inclined to accept this conclusion if the Preferred Alternative actually limited development to the corridors delineated in the WVEC DPEIS. It does not; nor does the document narrow the risk to other public lands by delineating areas where corridors would be unsuitable or where corridors should be avoided if feasible. In other words, the Preferred Alternative appears to be worse than the No Action Alternative. It eases the way for construction of new pipelines and power lines within the designated corridors without precluding the spider web of other rights-of-way predicted to occur under the No Action Alternative.

55-002

While it appears that the Agencies made some effort to avoid National Parks, designated Wilderness, and other special places, the Preferred Alternative in the WVEC DPEIS contains no directives to the federal land management agencies that would encourage them to avoid locating new corridors in crucial wildlife habitats. Moreover, the WVEC DPEIS also does not contain a careful analysis of potential impacts to wildlife and wildlife habitat. Indeed, the consideration of impacts to wildlife habitat appears to have been somewhat haphazard. The WVEC DPEIS indicates that in addition to the federal agencies, "two states, three county governments, two conservation districts, and one Tribe" acted as cooperating agencies. Yet, states with vast stretches of important wildlife habitats on federal public land, such as Colorado, Utah, and Montana are not among the list of cooperating agencies. Of particular concern to NWF, no state wildlife agencies are included in this list.³ There is no detailed site-specific information in the document

55-003

55-004

³ The WVEC DPEIS indicates that the Agencies received GIS data and other information from a number of sources on ecological resources. However, there is little detail in the document regarding what information was made available or how that information was used.

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regarding crucial wildlife habitats or migration routes that will be impacted by the delineated corridors. There is no discussion of the cumulative impact on habitats already fragmented by existing corridors and other infrastructure. There is no assessment of the cumulative impacts of these corridors on animals already stressed by oil and gas development, development that will undoubtedly expand as a direct result of the construction of additional pipelines and power lines.

55-004
(cont.)

Under the Preferred Alternative, approximately 60 percent of the delineated corridors fall within existing rights-of-way. In its scoping comments, NWF encouraged the Agencies to adopt as their first BMP the duty to maximize the use of existing infrastructure for energy corridors. NWF did so because, to a great extent, the damage to wildlife habitat is already done in these locations. However, 40 percent of the corridors delineated in the Preferred Alternative are outside existing rights-of-way. Many of these corridors cross crucial winter ranges for big game as well as nesting and winter concentration areas for Greater sage-grouse. They also impact habitats for endangered, threatened, and other sensitive species including black-footed ferrets and raptors. NWF urges the Agencies to include detailed maps of these and other significant wildlife habitats and to designate these areas as “avoidance areas” for new corridors. Where corridor construction cannot be avoided, strict mitigation measures to minimize the impacts of habitat fragmentation and loss should be imposed.

55-005

The WVEC DPEIS claims that many of the potential impacts of corridor construction on ecological resources will be reduced by “mitigation measures”. However, there is little in the document to support this claim. While the document does identify a number of mitigation measures that could be used, none of these measures is mandatory. Moreover, there is no analysis in the document of the effectiveness of any of these mitigation measures. NWF also is concerned about the scientific basis for the identified mitigation measures.⁴ Merely listing potential mitigation measures without any assessment of when and where they might be required or their efficacy if required is insufficient.

55-006

Pursuant to the Federal Land Policy and Management Act (FLPMA), each right-of-way across federal public lands “shall contain terms and conditions which . . . minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment [and] require location of the right-of-way along a route that will cause the least damage to the environment . . .” 43 U.S.C. §1765. NWF does not believe that the WVEC DPEIS contains sufficient information on the potential impacts on wildlife

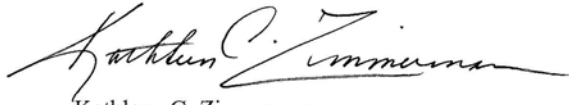
55-007

⁴ This concern is particularly acute with respect to the potential impacts of the proposed corridors on Greater sage-grouse habitats. See attached letter from Ben Deeble.

WVEC_00055

and other ecological resources in order to conclude that the delineated corridors will meet the legal standard set forth in FLPMA for rights-of-way across National Forests and other federal public lands.

Sincerely,

A handwritten signature in black ink, reading "Kathleen C. Zimmerman". The signature is written in a cursive style with a large, sweeping initial "K".

Kathleen C. Zimmerman
Senior Land Stewardship Policy Specialist
National Wildlife Federation
Rocky Mountain Natural Resource Center
2260 Baseline Road, Suite 100
Boulder, Colorado 80302

Enclosure

WEC_00055⁵⁰³⁷³**NATIONAL WILDLIFE FEDERATION®**

Northern Rockies Natural Resource Center

240 N Higgins, #2 • Missoula, MT 59802 • Tel: 406-721-6705 • Fax: 406-721-6714 • www.nwf.org

February 14, 2008

LaVerne Kyriss, DOE and Kathryn Winthrop, BLM
c/o Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

RE: Comments on West-wide Energy Corridor Programmatic Environmental Impact Statement

Dear Ms. Kyriss and Ms. Winthrop:

The National Wildlife Federation appreciates this opportunity to comment on designation of an energy corridor through Montana. We have reviewed the West-wide Energy Corridor Programmatic Environmental Impact Statement (PEIS)-designation process currently underway.

The NWF has been involved for over 25 years in Montana in wildlife and habitat conservation, particularly emphasizing the conservation of Threatened and Endangered species, many of which are found along your proposed routes.

We have concerns about both direct and indirect impacts to wildlife and habitats, as the corridor designation is the first significant federal action facilitating the installation of over 6000 miles of energy infrastructure and the disturbance of a minimum of 2.9 million acres (PEIS p. 3-189). We have concerns about the process, contents and omissions of the PEIS.

Process- lack of cumulative or programmatic analysis, and "fast-track" approval

The stated purpose for the preparation of a programmatic EIS is to develop a document with an adequate level of analysis of program-wide impacts, such as cumulative impact analysis, to allow tiering of subsequent project-level analyses to the programmatic EIS, thus not having to revisit program-wide impacts for each project-level analysis.

We recommend that the PEIS undertake some cumulative impact analysis, such as taking a hard look at the likelihood that coal fired electricity will be the primary source of power transported by powerlines within the west-side energy corridors, if designated. This type of analysis is not being conducted in the impact analysis of the Montana-Alberta Tie Line, a project-level EIS, so it stands to reason that such analysis must be conducted at the programmatic level.

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Proposed utility and power line projects within the areas designated will be subject to “fast-track” approval, bypassing state-level processes for locating transmission infrastructure, overriding federal environmental laws, and enabling federal condemnation of private land for new high voltage transmission lines. By facilitating utility corridors and power line construction without a detailed analysis of the environmental impacts and without full consultation with appropriate resource and land management agencies, DOE’s proposed corridor designation could have devastating impacts on ecosystems, wildlife habitats and populations, and water quality. Moreover, because coal is the primary means of electrical generation within areas that would be served, the designation will promote increased production of coal fired electricity, thus worsening global warming pollution.

Among the most significant environmental impacts resulting from corridor designation will be habitat fragmentation, increased greenhouse gas emissions caused by an increased production of coal, the introduction of invasive species, avian mortality, decreased water quality where roads are constructed and waterways are traversed including increased sedimentation and erosion, pollution from herbicides along power line rights-of-ways, and decreased realty value of properties within the view shed and footprint of the corridors.

Endangered Species Act Consultation

The PEIS shows at Table 3.8-6 a list of 495 species (including 19 in Montana) which are listed under the Endangered Species Act, or proposed or candidates for listing in the 11 Western states where the energy corridors could be designated. To our knowledge, no consultation has occurred with the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS) for any of these 495 species.

Under § 7(a)(2) of the ESA, no federal agency may authorize, fund, or otherwise carry out any action that is likely to jeopardize the continued existence of a listed species. Accordingly, a federal agency must “review its actions at the earliest possible time to determine whether any action *may affect* listed species or critical habitat.” 50 C.F.R. § 402.14(a) (emphasis added). If this “may affect” provision is triggered, the action agency must consult with (and comply with all attending requirements of) the U.S. Fish and Wildlife Service (“FWS”) and/or the National Marine Fisheries Service (“NMFS”), depending upon the species involved.

In a formal consultation under § 7, FWS evaluates the effects of the proposed agency action and determines whether the action may proceed under the ESA. *See* 50 C.F.R. § 402.14. The consultation process is the ESA’s single most important tool for protecting vulnerable species, and it often results in modification of proposed agency actions. The process results in a biological opinion that provides comprehensive information about the effects of the proposed action and serves as the vehicle for delivering FWS’ judgment about whether the proposed action complies with the substantive requirements of § 7(a)(2) and thus may proceed.

Research reveals many cases in which plaintiffs have successfully challenged an agency’s “failure to consult” in connection with a broad programmatic initiative or regulation. The cases fall into two general categories – “nationwide permits” issued by the Corps under the Clean Water Act and programmatic policy initiatives undertaken by land management agencies.

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In a series of cases, courts have found that land management agencies have violated the consultation requirement when engaging in large-scale programmatic initiatives like (and often including) those discussed below in the context of NEPA. See *Washington Toxics Coalition v. EPA*, 413 F.3d 1024 (9th Cir. 2005) (EPA registration of 54 pesticide active ingredients that might have affected endangered species); *Pacific Rivers Council v. Thomas*, 30 F.3d 1050, 1050-54 (9th Cir. 1994) (challenge to several national forest plans); *Lane County Audubon v. Jamison*, 958 F.2d 290 (9th Cir. 1992) (similar); *California ex rel. Lockyer v. United States Dep't of Agric.*, 459 F.Supp.2d 874 (N.D. Cal.2006) (challenge to rescission of roadless rule; court noted that the fact that consultation would be limited to impacts at the programmatic level does not excuse the duty to consult); *Citizens for Better Forestry v. United States Dep't of Agric.*, 2007 U.S. Dist. LEXIS 27419 (N.D. Cal., Apr. 21, 2006) (general challenge to relaxation of environmental safeguards regarding timber cutting in national forests)

Based on these authorities, if DOE fails to engage in § 7 consultation with the USFWS and the NMFS before finalizing the corridor designation, there is a good chance of successfully overturning the designation. Section 7 prohibits agencies from making "irreversible or irretrievable commitments of resources" during the pendency of the consultation process. *NRDC v. Houston*, 146 F. 3d 1118, 1125 (9th Cir. 1998).

PEIS fails to address impacts to Sage-Grouse

Greater sage-grouse are considered a sensitive species by both the BLM and the USFS, and have been petitioned for listing under the ESA with a decision due from the U.S. Fish and Wildlife Service by May 2009. It will take concerted effective action to prevent further declines and potential addition of greater sage-grouse to the federal Endangered Species list.

The PEIS has failed to consult with the USFWS on sage-grouse, or to conduct any programmatic-level analysis of impacts to sage-grouse, even through the corridor designations will occur all across sage-grouse habitat in Montana, Wyoming, Colorado, Idaho, Nevada, Utah, Oregon and Washington.

Furthermore, the PEIS contains an extended discussion of sage-grouse, but fails to address one of the most fundamental impacts, the phenomenon of "avoidance" by sage-grouse of habitat with newly installed tall structures, an impact which greatly exceeds the area impacted directly by the project footprint (Text Box 3.8-2). Based on initial surveys and what is known from California and Nevada where the impacts of utility lines on sage-grouse have already been assessed, we have strong concerns about some of the potential proposed routing of lines (Atamian et al. 2006; Bi-State Plan 2004; Ellis 1984; Hall and Haney 1997; Lammers and Collopy 2005; Sierra Pacific Power 2003). For example, in northern California overhead power lines have had a negative effect on lek attendance and strutting activity has ceased on all leks within one mile of a power line, while other lines also are believed to be impacting populations (Bi-State Plan 2004).

Several mechanisms converge to affect sage-grouse when tall structures are erected in their habitats.

Sage-grouse may:

- during periods of low visibility (dusk/dawn, fog, smoke, rain, etc.) collide in flight with both the wires and towers, causing direct injury and mortalities;
- face elevated levels of predation and harassment from raptors, which more effectively hunt from the elevated perches provided by the utility line structures;

WEC_00055

- as a result of predator pressure, or instinctively, be displaced from the habitat around the utility lines over large areas, reducing habitat value for lekking, nesting, brood rearing, and wintering;

In addition, sage-grouse habitat may/will be:

- effectively "partitioned" and fragmented when grouse are unwilling to fly past, walk under, or in other ways use habitat adjoining utility lines, towers, pipelines, and new roads;
- reduced by the direct footprint of the towers and associated roads.

Furthermore, the "suggested management practices" related to sage-grouse and energy transport facilities developed by the BLM (Text Box 3.8-2) are wholly voluntary. Thus the PEIS, while citing these practices, does not suggest how often, or even if, these practices will be implemented (or effective) in conserving sage-grouse habitat or populations. This represents a failure to take a hard look at the reasonable foreseeable impacts of energy corridor designation on sage-grouse.

Because much of the non-forested portions of Beaverhead Co., MT and Madison Co., MT are occupied sage-grouse habitat, the best-case scenario for habitat integrity and population maintenance would be complete suspension of plans to site new utility corridor projects here.

However, lacking this, then avoidance of sage-grouse lek sites, nesting habitat, winter habitat, and migratory corridors is most likely the best approach to avoiding impact to the region's grouse population. **To maximize the avoidance of crucial sage-grouse habitat in southwest Montana, if corridor designation occurs, any new energy corridor must be sited within the Interstate 15 corridor. As such, we strongly recommend that the utility corridor not be designated along route 50-260 as depicted in the Montana State Base Map Series, because this is a crucial habitat for sage-grouse lekking, breeding, migration, and wintering. Route 50-260 is also important habitat for other wildlife in this region.** It will be appropriate to seek special mitigation for utility routes and projects which do not avoid crucial wildlife areas.

We appreciate the opportunity to comment on the West-wide Energy Corridor PEIS. Please add the National Wildlife Federation as interested stakeholders to your mailing list for announcements and public review of any future documents related to this project.

Sincerely,



Ben Deeble, staff
240 N. Higgins Ave. #2
Missoula, MT 59802
deeble@nwf.org

WEC_00056

Helen Maureen Hightower
103 Paseo de San Antonio
Placitas, New Mexico 87043
(505) 867-2433
February 13,2008

Argonne National Labs
9700 South Cass Avenue
Building 900
Mail Stop for Argonne, Illinois 60439

Re: Westwide Energy Corridor -DEIS

Dear Sir or Madame;

Although I was unable to attend the public meetig on the subject of the proposed energy corridor, which was held here, in Placitas, on January 24th, I still wish to express my opposition and my deep concern about the idea of putting such an energy corridor in the vacinity of Placitas village. There is an abundance of open and vacant land in New Mexico. I consider that the placement of this corridor within the Placitas area would present an unnecessary and unwarranted danger to the human population of the area, including the school children.

56-001

I also believe that the placement of the corridor in the vacinity of the village of Placitas would destroy the natural corridor along which migrating wild life move from the northern end of the Sandia Mountains down to the Rio Grande.

The village of Placitas, along with the Las Huertas Land Grant, wherein it is situated, have been just where they are now for over two hundred years.

I am a sixty-eight year old widow, who has lived in Placitas for the last forty-six years and I anticipate living here of the remainder of my life. I think I can safely speak , not only for myself, but for all my neighbors, when I say that the idea of condemnation of privately owned land in this area, for this corridor, would not be well recieved. I wish to be kept informed of future plans for the Westwide Energy Corridor.

56-002

Yours,
H. Maureen Hightower
H. Maureen Hightower

WEC_00057

February 13, 2008

Ms. LaVerne Kyriss, Project Manager
West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Dear Ms. Kyriss:

I have invested in over 2500 acres of land in Northwest Arizona through which one of your proposed energy corridors is located. It is my understanding that the corridor proposed width is 3500 feet. This proposed corridor would have a severe and adverse physical, visual and economic impact to my private property which is part of a Master Planned Community approved by Mohave County in area called "The Mardian Ranch".

Your proposed expansion of the width of the right of way corridor to 3500 feet takes approximately 164.8 acres of my property in T27N R18W Section 25. (See attached Map). The 460 foot wide existing encumbrance has been considered in my planning documents approved by Mohave County and I feel this width is more than enough to provide for electrical and other potential energy rights of way uses. An expansion to from 460 feet to 3500 feet would be unacceptable to me and I would consider the additional width to be a taking of private property of the appraised value of \$20,000 per acre or \$3,296,000.

It appears judging from the dashed pattern of the proposed corridor where it is interspersed with my private land on your Map D8 that the proposed action is intended to apply only to the federal land. I object to the simplification of this issue. Any designation of an energy corridor on Federal land interspersed with private land will have an immediate adverse affect on the private land. On any proposed land sales due diligence would quickly reveal the existence of the corridor on federal land and the obvious "to be extended" corridor lines across the private land. This would make future sales within or adjacent to the corridor virtually impossible. I request that you consider this adverse impact to my private land in your environmental impact statement. Further I suggest that you consider the following alternatives as they relate to the corridor in Township 27 North, Ranges 18, 19 & 20 West, Gila and Salt River Meridian that is interspersed with my private land:

1. Limit the corridor width to the existing 460 feet.
2. Move the corridor elsewhere
3. Provide for payment of the \$3,296,000 as mitigation

Sincerely yours,



Allen Barbarich
Red Lake Investments, LLC

57-001

WEC_00058

SAMUEL D. GOLLIS, ATTORNEY AT LAW, P.C.
901 RIO GRANDE BOULEVARD N.W., SUITE F-144
ALBUQUERQUE, NEW MEXICO 87104-2055

ADMITTED TO PRACTICE IN
NEW MEXICO AND ARIZONA

TELEPHONE
(505) 883-4696

FACSIMILE
(505) 884-4331

February 14, 2008

VIA FACSIMILE (866/542-5904)
AND FIRST CLASS MAIL

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Dear Madam or Sir:

We write on behalf of the Pueblo of San Felipe ("Pueblo"), a federally recognized Indian tribe with reservation lands in New Mexico, to comment on the West-wide Energy Corridor Draft Programmatic Environmental Impact Statement ("DPEIS").

INTRODUCTION

As an initial matter, the Pueblo objects to the premise underlying the DPEIS, that the designation of energy corridors and resulting amendment of numerous federal Resource Management Plans will "have no direct impacts that may significantly affect the quality of the human environment." DPEIS, p. ES-4. In reliance upon that justification, the DPEIS fails to review in any detail whatsoever the potential impacts of building energy transport facilities within the proposed corridors. The Agencies' assertion that they are merely "drawing lines on a map" is disingenuous and impugns the intent of Congress in § 368 of the Energy Policy Act of 2005. DPEIS, p. 1-14.

In the Energy Policy Act, Congress mandated the federal agencies that serve as caretakers for the Nation's public lands ("the Agencies") to designate energy corridors to facilitate infrastructure development and to alleviate energy delivery congestion while at the same time minimizing the proliferation of utility transmission facilities across the federal landscape. During scoping, commenters identified over 60,000 miles of proposed corridors, suggesting the vast extent of future potential transmission facilities. DPEIS, p. 2-18. The DPEIS proposes to designate over 6,000 miles of energy transport corridors with the goal of "co-locating" many of these projects. However, neither the Energy Policy Act nor any other federal law requires that future energy projects locate within the proposed designated corridors. To make the corridors attractive, the Agencies have proposed expedited procedures for approval of rights-of-way that

58-001

WEC_00058

West-wide Energy Corridor DEIS
Argonne National Laboratory
February 14, 2008
Page 2

seek to locate within any designated corridors. Assuming that the Agencies have taken up their Congressional charge in good faith, the DPEIS must be premised upon the expectation that more than a few utility developers will make use of the designated corridors. Accordingly, the National Environmental Policy Act ("NEPA") demands a more thorough analysis of the potential impacts of these entirely foreseeable developments on the ground.

Preparation of a Programmatic Environmental Impact Statement does not Vitiating the Need to Engage in Rigorous Analysis of the Potential Environmental Impacts of the Project

The Draft PEIS states that the Agencies decided to prepare a programmatic EIS to integrate NEPA at the earliest stage of Project development. DPEIS, p. ES-8. While the Pueblo applauds this sentiment, the Agencies' commitment to the task seems less than wholehearted. The Agencies purport to take a tiered approach to their obligations under NEPA, preparing a "programmatic" EIS addressing the environmental impacts of corridor designation and leaving for another day environmental assessment of the impacts of specific energy infrastructure development. "In general, a 'programmatic' EIS analyzes alternatives to, and overall effects of, a broad agency program," while a "'site-specific' or 'project-specific' EIS focuses on particular facilities." *Natural Resources Defense Council, Inc. v. U.S. Nuclear Regulatory Comm'n*, 606 F.2d 1261, 1270 n.32 (D.C. Cir. 1979). The Pueblo does not disagree with the decision to prepare a PEIS for corridor designation, but does believe that the Agencies have too narrowly construed their obligations when assessing environmental impacts at the programmatic level.

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"The detail required in an EIS is that necessary to establish that an agency in good faith objectivity has taken a sufficient look at the environmental consequences of a proposed action and at alternatives to that action." *Natural Resources Defense Council*, 606 F.2d at 1271. The analysis provided in the DPEIS is utterly lacking in detail and is not specific to the proposed corridors. As the DPEIS itself makes clear:

Chapter 3 describes the nature and condition of potentially affected resources in the 11 western states as well as descriptions of the types of impacts that are typical during the construction, operation, and decommissioning of energy transport projects, regardless of project location. *This analysis is therefore applicable not only to the federal lands within the corridors, but to federal and nonfederal lands that might also be affected by any specific ROW project that extends beyond the designated corridors, or by ROWs proposed under the No Action Alternative.*

DPEIS, p. 3-1 (emphasis added). In other words, the DPEIS simply describes environmental conditions as they exist in the whole of the eleven western states in the most general terms. Only rarely does the DPEIS actually relate the corridors to conditions on the ground, as, for example, when the DPEIS explains in the analysis of impacts to water resources that the proposed

WEC_00058

West-wide Energy Corridor DEIS
 Argonne National Laboratory
 February 14, 2008
 Page 3

corridors “overlay approximately 4,620 square miles of major aquifer systems” and have the potential to intersect “285 individual streams, rivers, man-made channels, and intermittent streams.” DPEIS, p. 3-88. Similarly, the types of impacts are described in the most “generic” terms, *e.g.*, soil erosion and groundwater contamination. *Id.*

The Agencies assert that taking a programmatic approach allows them to avoid a review of specific impacts of the Proposed Project:

Because it is not possible to identify specific impacts from the decision to designate corridors and amend land use plans, the evaluation of environmental consequences has focused on those resources most likely to be affected during future energy transport projects. Since project specifics are not known at this time, this analysis takes a *programmatic approach*.

DPEIS, p. 3-1 (emphasis added). The Pueblo agrees that it is appropriate, given the nature of the Project, to evaluate the resources most likely to be affected not only by designation of the corridors, but by the future energy transport projects designation of the proposed corridors contemplates. However, assigning the EIS to the rubric of programmatic does not discharge the Agencies’ obligation to look at specific, reasonably foreseeable impacts of energy transport facilities construction.

Chapter 3 goes on to suggest that the DPEIS contains “qualitative and quantitative descriptions [] of the nature and magnitude of the resource that would be directly associated with each alternative and thus may be affected by future development.” DPEIS, p. 3-2. However, on further reading, time and time again, the DPEIS fails to include any quantitative analysis. *See, e.g.* p. 3-87 (“Quantitative evaluations of impacts to surface water were not conducted.”); p. 3-84 (“Quantitative evaluations of impacts to groundwater were not possible for this PEIS.”). Similarly, the impacts to tribal resources discussed in § 3.11.4.1 “are generic impacts of energy development,” although the discussion does demonstrate some sensitivity to the unique nature of tribal resources (*e.g.*, “the very presence of a pipeline or transmission line may degrade a sacred landscape”). *Id.* In sum, the DPEIS fails to include even the kind of analysis required at the programmatic level to give decision makers and the public adequate information to make an informed decision about the efficacy of the Proposed Project.

The Analysis in the DPEIS is Insufficient and Cannot Form the Basis for Tiered Site-Specific Environmental Review

As discussed above, the regulations governing the implementation of NEPA contemplate that once a programmatic EIS is completed, any subsequent local project may draft a site-specific EIS that “tiers” off the PEIS. The purpose of tiering is to avoid unnecessary repetition and duplication of effort. However, given the inadequacy of the DPEIS, and the lack of detailed environmental impact analysis, there is simply nothing to tier from. Only the proposed

58-001
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WEC_00058

West-wide Energy Corridor DEIS
Argonne National Laboratory
February 14, 2008
Page 4

mitigation procedures, while generic in scope, offer any meaningful reference for future energy transport facility development.

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The Draft PEIS Fails to Consider Reasonable Alternatives

Although the Notice of Intent for the DPEIS indicated the Agencies' intent to consider four alternatives, two of those alternatives -- the "Increased Utilization Alternative" and the "New Corridor Alternative" -- were dropped from final consideration, leaving only the Proposed Action ("previously referred to as the "Optimization Criteria Alternative") and the No Action alternatives. DPEIS, p. ES-18. It is incomprehensible to us that the Agencies have designated over 6,000 miles of potential energy corridors extending through the eleven western states but have taken the position that not a single alternative warrants consideration.

The regulations governing NEPA review describe the "scope" of an environmental impact statement as consisting of the "actions, alternatives, and impacts to be considered." 40 C.F.R. § 1508.25. The scope of the DPEIS is inadequate because the DPEIS fails to consider "other reasonable courses of action." *Id.* This is especially true here because the Agencies are pursuing designation of energy corridors at the express direction of Congress, so that the "No Action" alternative is not viable. The Agencies "must look at every reasonable alternative within the range dictated by the nature and scope of the proposal" and "the existence of reasonable but unexamined alternatives renders an EIS inadequate." *Ilio'ulaokalani Coalition v. Rumsfeld*, 464 F.3d 1083, 1095 (9th Cir. 2006). "When the proposed action is an integral part of a coordinated plan to deal with a broad problem, the range of alternatives that must be evaluated is broadened." *Id.* at 1098 (quoting *City of Alexandria v. Slater*, 198 F.3d 862, 868 (D.C. Cir. 1999), *cert. denied*, 531 U.S. 820 (2000)). Further, "[t]he scope of alternatives considered by the sponsoring Federal agency, where the Federal government acts as a proprietor, is wide ranging and comprehensive." *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 197 (D.C. Cir.), *cert. denied*, 502 U.S. 994 (1991). The Proposed Project to designate energy corridors throughout the eleven western states constitutes a coordinated effort by the federal government, acting in its proprietary capacity as the owner of federal lands, to deal with a broad problem pursuant to an express congressional mandate. Given the context, the Agencies have failed to consider all reasonable alternatives to the proposed corridors and the DPEIS is consequently fatally flawed.

58-002

The Agencies' "No Effect" Determination for Endangered Species is Insupportable

The Agencies' approach to its obligation to protect endangered species is particularly egregious. The DPEIS simply identifies all of the endangered species with habitat within the eleven western states. DPEIS, p. 3-164. Given that the proposed corridors are "drawn on a map" why not, at the very least, identify those species with habitat located within the proposed corridors? Consideration of the potential impacts of the Proposed Project on threatened and endangered species is just one area in which attention to the specific impacts of corridor placement could have lead the Agencies to a better understanding of the impacts of the Project as a whole. Perhaps if the Agencies had seriously considered the potential effects to endangered

58-003

WVEC_00058

West-wide Energy Corridor DEIS
 Argonne National Laboratory
 February 14, 2008
 Page 5

species of location of energy transmission structures within the corridors, inadequacies in the chosen corridors and preferable alternatives might have presented themselves.

The Pueblo thus joins the National Marine Fisheries Service in objecting to the Agencies' decision that designation of energy corridors and amendment of land use plans would have "no effect" on listed species or critical habitat. See DPEIS, p. 1-13.

58-003
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The Agencies Cannot Ignore the Potential Environmental Impacts to Non-Federal Lands that Lay in the Path of the Proposed Corridors

If we understand the process engaged in by the Agencies to arrive at the proposed corridors, initially points were placed on a map identifying sources of energy supply and sites of energy demand. The first draft corridors ("conceptual corridors") simply connected these points. The Agencies then adjusted these conceptual corridors to avoid "major known environmental, land use and regulatory constraints" (DPEIS, p. ES-14) and other "location factors" (DPEIS, p. 2-22) to arrive at "preliminary corridors." Finally, with the input of local Agency personnel, the preliminary corridors were further refined, in some instances incorporating "locally designated corridors" that appear to be nothing more than existing rights of way that required incorporation within local resource management plans. What the DPEIS does not describe is what must have been the actual fourth and final step in defining the proposed corridors -- when the Agencies took a large eraser to the map of the corridors as constructed through the three steps outlined above and removed the portions of the corridors crossing state, tribal, and private lands.

58-004

The Draft PEIS repeatedly states that the Agencies are not designating corridors on non-federal lands. In the preliminary stages, the proposed corridors consisted of solid lines connecting sources of energy supply and demand. The proposed corridors presented in the Draft PEIS consist of a bunch of non-contiguous segments that don't connect anything. The only way the corridors would be effective, however, is by connecting them with rights-of-way across the intervening non-federal lands. Indeed, the Pueblo suggests that such interconnection of the identified corridors is inevitable once the Agencies designate the proposed energy transport corridors. Therefore, not only must the Draft PEIS do a better job of analyzing the impacts of the proposed corridors on federal lands to comply with the requirements of NEPA, but it must also address, at a minimum, known resources in the path of the proposed corridors located on the non-federal lands the impacts on which are, in the Pueblo's estimation, are reasonably foreseeable.

The Proposed Corridors Do Not Adequately Protect Tribal Lands

The DPEIS identifies a number of "location factors" described as "lands and resources receiving special consideration" during the second stage of corridor designation. See DPEIS, p. 2-22 and Table 2.2-7. Among the lands identified for special consideration are tribal lands and cultural resources. *Id.* Despite these alleged protections, if the three major corridor segments in New Mexico are extended along their natural paths, they intersect in the heart of New Mexico

58-005

WEC_00058

West-wide Energy Corridor DEIS
Argonne National Laboratory
February 14, 2008
Page 6

Pueblo country. Segments 80-273, 81-272 and 89-271 are set on a collision course with the lands of the Pueblo and its neighbors, the Pueblos of Santa Ana and Zia. There can be no denying that Tribal land holdings throughout the eleven western states have already been seriously diminished, frequently with the acquiescence, if not the outright consent, of the federal government. The DPEIS fails to adequately describe efforts that were made by the Agencies to align the proposed corridors to minimize their impact on Pueblo lands and the DPEIS is deficient in this regard.

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Conclusion

In the Pueblo of San Felipe's view, with some minor exceptions, the DPEIS is so general in its analysis that it could be used to support location of the proposed energy corridors *anywhere* in the eleven western states. The discussion in the introduction to Chapter 3, set out above, confirms that the analysis undertaken by the Agencies is not location specific. The result is a document that fails in its fundamental purpose -- to inform decision makers and the public about the environmental consequences of the Proposed Project. The DPEIS is simply a rather comprehensive collection of generic information about environmental conditions in the West and the potential environmental impacts of energy transport construction. As such, the DPEIS fails to meet even the modest analytical requirements applicable to a programmatic EIS. In addition, the DPEIS fails to consider reasonable alternatives to the Proposed Project. The Agencies should begin again.

58-006

Sincerely,



Samuel D. Gollis

cc: The Honorable Ronald Tenorio, Governor
Pueblo of San Felipe

Maxine Velasquez, Esq.,
In-House Counsel
Pueblo of San Felipe

Ted Garcia
Tribal Administrator
Pueblo of San Felipe

Joan Sandy, Director
Department of Natural Resources
Pueblo of San Felipe

LAND USE SERVICES DEPARTMENT

385 North Arrowhead Avenue • San Bernardino, CA 92415-0187
(909) 387-4141 • Fax (909) 387-4288
http://www.sbcounty.gov/landuservices



WEC_00059
COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

JULIE RYNERSON ROCK
Director

February 11, 2008

Ms. LaVerne Kyriss, Project Manager, Department of Energy
West-wide Energy Corridor Draft PEIS
Argonne National Laboratory
9700 South Cass Ave., Bldg. 900, Mail Stop 4
Argonne, IL 60439

Subject: Comments on the Draft Programmatic Environmental Impact Statement,
Designation of Energy Corridors on Federal Land in the 11 Western States
(DOE/EIS-0386)

Dear Ms. Kyriss:

Thank you for the opportunity to review and comment on the comprehensive Draft
Programmatic Environmental Impact Statement (PEIS) for the Designation of Energy
Corridors on Federal Land in 11 Western States (West-wide Energy Corridors), prepared
in accordance with Section 368 of the Energy Policy Act of 2005. For a broad regional
programmatic document, your staff has reviewed and assembled a remarkable amount
of data and information covering the entire Western United States. County of San
Bernardino (County) appreciates the recognition by the Draft PEIS staff that the data
provided is a broad regional summary and that its assemblage is not sufficient to provide
for specific siting of major transmission lines without further on-the-ground studies and
environmental review. County recognizes that there is a general assumption that the
mere designation of corridors will automatically result in power lines being constructed,
and that this has aroused opposition from those who wish for the desert to retain its
relative undeveloped state.

59-001

In responding to the Department of Energy's (DOE) Congestion Study last year, County
recommended that corridors recognize sensitive resources and that siting should utilize
corridors that have already been studied, designated, and utilized in part by previous
transmission projects. The current proposals seem to incorporate that concept, and
attempt, in so far as this County is concerned, to avoid impacts outside of current
operational corridors and to avoid designated sensitive areas. We do have a
suggestion, summarized below, for the PEIS staff to consider as they develop a Final
PEIS based on the comprehensive public review.

California may well be ahead of other states in recognizing a need for expansion of
energy transmission in the Mojave Desert region so as to provide the urban centers on
the Coast with adequate energy resources to meet growing demand. As early as 1971
San Bernardino County took the lead in recommending siting. This was further refined
in the California Desert Plan, adopted in 1980 by the Bureau of Land Management
(BLM) for the California Desert Conservation Area. Since 1981 most transmission
installations, both pipeline and electric transmission, have conformed to these plans.
Where deviation has occurred, new, formal EIS's have been prepared by the agencies
overseeing the affected land, and in more than one case, proposals have been re-routed

59-002

MARK H. UFFER
County Administrative Officer
NORMAN A. KANOLD
Assistant County Administrator
Public and Support
Services Group

Board of Supervisors
BRAD MITZELFELT First District DENNIS HANSBERGER Third District
PAUL BIANE Second District GARY C. OVITT Fourth District
JOSIE GONZALES Fifth District

WEC_00059

West-wide Energy Corridor Draft Programmatic EIS
Submitted by County of San Bernardino
February 11, 2008

Page 2 of 5

when they could not conform to existing corridors. The movement of energy to the growing urban centers on the Coast is not an arguable issue—it will happen despite what many may feel about further growth and consumption, and the need for documentation of planning direction is timely and appropriate.

In summary, we concur with the proposals, though we offer an alternative routing to one.

- Corridor 27-225, which we can call the "I-15 Corridor", since it parallels the Interstate Highway. It is already in substantial use by a variety of utilities and thus will not result in overwhelming additional impacts. Los Angeles Department of Water and Power (LADWP) utilized the corridor for a high voltage transmission line in the mid-1990's as an alternative to utilizing the Boulder Corridor to the north, and thus the area received the visual impact which is so often criticized with that kind of project. Added use would not add to that visual impact except at the margin.

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While there may be some who criticize this routing as being too near to the Mojave National Preserve, established under the California Desert Protection Act (CDPA), we would point out that the corridor was specifically left and excluded from the Preserve precisely because of its use as a corridor for both utilities and transportation.

- Corridor 27-41, which we can call the "I-40 Corridor," since it parallels the Interstate Highway. While it is a transportation corridor as a result of the Interstate Highway, it lacks the visual intrusions of existing power lines, except where there is a crossing in the Newberry Springs area. We recommend an adjustment in this corridor, recognizing that there may be a future need to bring utilities on this path from Arizona.

Frankly, given current environmental standards and considerations, it is possible that Interstate 40 would not have been constructed on this alignment. Certainly, it was the shortest distance between two points, Barstow and Needles, and it reduced mileage and travel time associated with what is now the Historic Route 66 route that skirted the base of the mountains to the south. While a transportation corridor, it is not used otherwise, and its use would impact the scenic vistas associated with the Granite and Providence Mountains. Both these ranges lie within the Mojave National Preserve administered by the National Park Service.

59-003

Moving the corridor to the south would visually impact the Route 66 alignment, still followed as a historic access and regularly maintained, now, as part of the County's basic road system.

We recommend that this corridor utilize the corridor associated with the Burlington Northern-Santa Fe (BNSF) railroad route. That routing has been occupied since the 1880's, is heavily used, and its distance from both I-40 and Route 66 is such that transmission lines and pipelines can be installed without major adverse visual impacts to those crossing the desert who may wish to see either the Mojave National Preserve or to participate in the Route 66 experience.

WEC_00059

West-wide Energy Corridor Draft Programmatic EIS
Submitted by County of San Bernardino
February 11, 2008

Page 3 of 5

- Corridor 23-25, which we can call the "395 corridor," since it parallels U.S. Highway 395. That highway is scheduled for expansion at some point in the next decade, and is currently used for mid-sized transmission. Its use does have limitations associated with Air Force low level flight training, and thus may not be fully utilizable for major structures. The area is already impacted, however, and further use should not add significantly to those impacts. While agreeing that a south-north corridor is both feasible and necessary, we would caution that its utility might be limited to pipelines and lower capacity electrical transmission lines. These, we believe, would be issues that would be addressed in site specific National Environmental Policy Act (NEPA) compliance of a specific project.
- Corridor 108-267, which we can call the "Cajon Pass Corridor," is proposed as intermodal. Opportunities to enter the Los Angeles Basin are limited, and thus any routing by any transmission project must come through this Pass. It is already severely impacted, and while crossing through a narrow part of the San Bernardino National Forest, the corridor contains an Interstate Highway, railroad rights-of-way and numerous pipelines, fiber optic lines and electrical transmission lines. The only long-term question we would have is the ultimate carrying capacity of the Pass. Project proponents will be the best judges of this as their proposals are considered and as they address issues such as reliability and risk.

59-004

59-005

During the public meeting sessions held in Ontario, California on January 10, 2008, strong objections were raised regarding the proposed LADWP "Green Path North (GPN) Transmission Project." County understands that the GPN partners are in the early stages of the environmental review process, which requires adhering to the California Environmental Quality Act (CEQA) and NEPA, with LADWP as the lead agency under CEQA and BLM as the lead agency under NEPA. During the public meeting; however, the County became aware of the proposal by LADWP to have the GPN Transmission Project considered under the West-wide Energy Corridors. We absolutely object to this alternative proposal being added to the mix of corridors at this point. It has no place in the West-wide Energy study since it does not respond to interstate transmission. Further, it proposes to establish corridors which have not even had preliminary analysis. As stated at the outset of this letter, San Bernardino County and others have been addressing corridor issues for the past 30+ years. Their designation and use have had studies which have been carefully considered and the agencies which prepared the PEIS obviously knew of them. For LADWP to drop a new proposal into the process at this point should be deemed as without merit. Not being designated under Section 368 will not prevent them for applying for needed rights-of-way in the future on a case-by-case basis.

59-006

Further, the hearing exposed a considerable local public opposition to many elements of the proposal. Again, these issues have validity, in our opinion. The impact of transmission corridors in remote rural communities such as Morongo Basin, Yucca Valley and Lucerne Valley would destroy much of the rural lifestyle sought by residents, and for no purpose, since there appears to be sufficient capacity to accommodate transmission in the corridors the PEIS already proposes. It is interesting that on the

WEC_00059

West-wide Energy Corridor Draft Programmatic EIS
Submitted by County of San Bernardino
February 11, 2008

Page 4 of 5

Greenpath maps we received, LADWP does not include a right-of-way they already hold, and can expand, paralleling I-15, and noted above as Corridor 27-225.

We note that the Boulder Transmission Corridor is not recommended for use. The corridor transmitting power from Boulder Dam and elsewhere is heavily used, but not filled to capacity. It has been designated within BLM's California Desert Plan. Lying some ten (10) miles north of Interstate 15, it crosses remote desert communities. We believe in the final analysis it should at least be noted as an alternative route, and a specific reason be given for its final non-inclusion.

59-006
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Several speakers at the Ontario public meeting noted that the Draft PEIS lacked a "Preferred" Alternative. We agree this is a point that should be addressed in the Final PEIS. While the text speaks of alternatives considered but not included in Sections 2.5.3 and 2.5.4, the general discussion does not provide sufficient explanation why any one particular corridor, which seems to otherwise meet the acceptance criteria, was not included. We recommend that the Final PEIS address existing major corridors not included as a 368 corridor with specific reference as to why it was not included; and further, the Final PEIS should include a statement that non-designation as a Section 368 corridor would not preclude its use for an individual project, assuming it remained a part of the Federal agency resource management plan.

59-007

At the Ontario public meeting, several speakers expressed concern over projects crossing the San Andreas Fault. While most of these were expressions of concern regarding opposition to the LADWP GPN proposal, they might be inferred as expressing objection to other corridors, and specifically the 108-267 intermodal through Cajon Pass. We believe the document presents substantial comprehensive data regarding geologic hazards, including faults, and so the risks are well documented. By the same token, the document notes that structural integrity can be built into projects. The fact that many existing lines cross the San Andreas now, without problem, should be noted for no other reason than to assure recognition that projects must cross the fault to enter the Los Angeles Basin.

59-008

Two major high voltage transmission lines cross the Mojave National Preserve (Preserve), an area under National Park Service administration. A gas transmission line parallels one of the lines, including a major compressor station. Avoidance of National Park Service areas was a siting criteria used in the Draft PEIS; therefore, we understand reasons why their designation for expansion under Section 368 was not included. These were present at the time of establishment of the Preserve, and specific allowance for them was included in the legislation. While they probably cannot be expanded under current administration, their presence needs to be noted as critical for continued energy for Southern California so that land management considerations do not preclude their continued use. To our knowledge, one of the lines, a 500-kilovolt (kV) line from Laughlin owned by Southern California Edison, may not be currently in use. It would be desirable if the Final PEIS make reference to existing corridors and encourage their capacity to be maximized before new corridors, e.g. the I-40 Corridor, #27-41, are utilized with new structures.

59-009

We note the discussion regarding Section 7 consultation under the Endangered Species Act and take no position regarding the regulatory requirements within the agency between "designation" and actual construction. The document makes explicit that

59-010

WEC_00059

West-wide Energy Corridor Draft Programmatic EIS
Submitted by County of San Bernardino
February 11, 2008

Page 5 of 5

Section 7 will be required before construction is allowed. Since three of the four corridors in San Bernardino County cross desert tortoise habitat, including critical habitat, this is more than an academic issue locally. By not completing it for designation, at least from a programmatic standpoint, a utility could be precluded from development by later regulatory constraints. Completing Section 7 on the designation, including incidental take and required mitigation may well shorten approval times when specific projects are brought forward. We recognize that undertaking consultation now would likely delay completion of the Final PEIS. We urge you to reconsider the arguments for deferring consultation, and suggest that a delay in the corridor designation process might well be a better delay than one in the permitting process after project proponents have already begun to invest in siting considerations and evaluation.

59-010
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We take note of the comprehensive listing of mitigation and stipulation language that has occurred throughout the document. While much may now occur in authorization documents for specific projects, the act of bringing them all together in one place is commendable. We can think of nothing else to add to them.

Again, thank you for the opportunity to review and comment on the document. We found it well-prepared and substantially comprehensive given the broad regional coverage that it required. If we can be of further assistance in terms of providing additional comments or details on our comments above, do not hesitate to contact this department.

Sincerely,



JULIE RYNERSON ROCK, Director
Land Use Services Department

- cc: Supervisor Brad Mitzelfelt, First District
- Supervisor Paul Biane, Second District
- Supervisor Dennis Hansberger, Third District
- Vana Olson, Director, Public Works Department
- Congressman Jerry Lewis, 41st District
- Congressman Howard McKeon, 25th District

JRR:df/bja