

WEC_00203
NA 30.11**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**
Big Pine Indian Reservation

June 16, 2008

Kate Winthrop
Bureau of Land Management
WO-350
MS 1000 LS
1849 C St. NW
Washington, DC 20240

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

Dear Ms. Winthrop:

Thank you for your excellent presentation on May 7, 2008, regarding the proposed West Wide Energy Corridors and for the extension of time for comments to the middle of June, 2008. Please accept the following comments which supplement the comments originally submitted by the Big Pine Paiute Tribe on February 6, 2008.

1. Consultation. Although your presentation was greatly appreciated and very informative, the government-to-government consultation for the PEIS project has been inadequate. The Big Pine Paiute Tribe found out about this project in December of 2007 from Troy Burdick, Superintendent of the BIA's central California Agency. A form letter may have been sent to the Tribal Chairperson, but nothing was sent to the appropriate staff and there were no follow-up phone calls. No regional Tribal Information Meetings were held in the Owens Valley. The Big Pine Paiute Tribe was never contacted during the siting process to see if traditional cultural properties or archaeological resources important to the Tribe may be affected by the 18-23 proposed energy corridor.

In the future, the Big Pine Paiute tribe and all tribes in the area should be consulted in any corridor siting process. Letters and *follow-up phone calls* should be sent to Tribal Chairpersons and the appropriate staff. For the Big Pine Paiute Tribe, the appropriate staff would be the Tribal Historic Preservation Officer and the Environmental Director. The local BLM field offices can provide you tribal contact information if you are not able to contact the Tribe directly. The tribe has ongoing consultation meetings with the BLM (Ridgecrest and Bishop Field Offices) and Inyo National Forest which could have been helpful in having meaningful consultation at an early stage in the development of the PEIS for the West-Wide Energy Corridor.

203-001

2. Proposed Energy Corridor 18-23. Proposed Energy Corridor 18-23 runs the length of the Owens Valley and generally follows an existing electrical transmission line within a half a mile of the Big Pine Paiute Reservation. The corridor's 1,320 ft width includes the Big Pine Indian Cemetery, Keough Hot Springs (a Traditional Cultural Property) and numerous archaeological sites.

If a new transmission line were placed within this corridor, there definitely would be adverse impacts to these cultural resources which could not be mitigated. Yet the PEIS states: "No adverse impacts to cultural resources would be anticipated with corridor designation and land use plan amendment under the Proposed Action" (PEIS, p. 5-4), and "The designation of Section 368 energy corridors and land use plan amendment would not result in adverse impacts to Tribal traditional cultural resources" (PEIS, p. 5-4).

203-002

The PEIS further states on p. 1-17 that: "Individual project analyses, reviews, and approvals and denials may tier off the PEIS, thus using and referencing the information, analyses, and conclusions presented in the PEIS to supplement the project-specific reviews and analyses." Since there were no specific analyses or mitigation measures pertaining to impacts on traditional cultural resources in the PEIS which could result from the construction of a transmission line in corridor 18-23, tiering off this inadequate PEIS will result in an inadequate environmental review for an actual project.

203-003

The draft PEIS does not justify why this particular corridor--or any corridor, for that matter--is justified. While there is a need to designate energy corridors, energy efficiency, conservation, and targeting corridors to renewable energy sources such as solar and wind may alter the quantity and geographic distribution of the energy corridors. However, Alternatives based on energy efficiency and conservation were rejected in the draft PEIS so that the only choices are No Action or the Proposed Action. The rationale for not having energy efficiency and conservation corridor alternatives is stated on p. 2-37 in the PEIS:

Section 368 [of the Energy Policy Act of 2005] specifically calls for the designation of federal energy corridors and does not authorize the agencies to direct energy users to be more efficient and effective in their use of energy. Alternatives calling only for increased energy efficiency of existing transport facilities and energy conservation by users could help alleviate concerns related to congestion and increased energy demand in the West. However, these alternatives would not meet the requirements of Section 368, which specify the need to identify corridor centerlines and widths.

203-004

This rationale doesn't make sense because there is no reason why alternative energy corridors based on efficiency and conservation can't be identified in accordance with the requirements of Section 368. Reasonable alternatives are also required in an EIS according to National Environmental Policy Act (NEPA) regulations:

Sec. 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental

impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

- (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
- (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of no action.
- (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
- (f) Include appropriate mitigation measures not already included in the proposed action or alternatives.

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Since the above regulations requiring an analysis of reasonable Alternatives was not followed, we are recommending a Supplemental PEIS which does include Alternatives based upon energy efficiency and conservation, and which would be less than the approximately 6,055 miles of energy corridors designated in the Proposed Action. We also ask that a Supplemental PEIS include proposed corridors which connect to present and future renewable energy development locations. Until such a Supplemental PEIS is developed and submitted for review, Corridor 18-23 through the Owens Valley cannot be justified and we oppose its designation as a Section 368 Energy Corridor.

Sincerely,



Virgil Moose
Tribal Chairperson
Big Pine Paiute Tribe of the Owens Valley



Enterprise Rancheria

Estom Yumeka Maidu Tribe

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December 24, 2007

Bruce Verhaaren

RE: West –Wide Energy Corridors Programmatic Environmental Impact Statement

Enterprise Rancheria EPA Department
We offer tribal site monitors on these projects!

Our protocol is as follows-

If during ground distributing activities, any resources are uncovered all work shall cease within the area of the find, pending an examination of the site and materials by a professional Archaeologist and tribal monitor!

If any remains are uncovered, the Health and Safety Code 7050-55097.9 shall be enforced and strictly adhered to!

The tribes will work with local authorities on the disposition of cultural resources.
WE WANT TO BE INFORMED ON ALL ISSUES CONCERNING THIS PROJECT!

Thank you Ren Reynolds
EPA Planner
Site Monitor

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✂ DESIRABLE KNOWLEDGES AND ABILITIES

✂ REQUIREMENTS

✂ EXPERIENCE

✂ PREFERENCE

When developers and public agencies assess the environmental impact of their projects, they must consider "historical resources" as an aspect of the environment in accordance with California Environmental Quality Act (CEQA) Guidelines section 15064.5. These cultural features can include Native American graves and artifacts; traditional cultural landscapes; natural resources used for food, ceremonies or traditional crafts; and places that have special significance because of the spiritual power associated with them. When projects are proposed in areas where Native American cultural features are likely to be affected, one way to avoid damaging them is to have a Native American monitor/consultant present during ground disturbing work. In sensitive areas, it may also be appropriate to have a monitor/consultant on site during construction work.

A knowledgeable, well-trained Native American monitor/consultant can identify an area that has been used as a village site, gathering area, burial site, etc. and estimate how extensive the site might be. A monitor/consultant can prevent damage to a site by being able to communicate well with others involved in the project, which might involve:

1. Requesting excavation work to stop so that new discoveries can be evaluated;
2. Sharing information so that others will understand the cultural importance of the features involved;
3. Ensuring excavation or disturbance of the site is halted and the appropriate State laws are followed when human remains are discovered;
4. Helping to ensure that Native American human remains and any associated grave items are treated with culturally appropriate dignity, as is intended by State law.

By acting as a liaison between Native Americans, archaeologists, developers, contractors and public agencies, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.

WEC_00205

April 7, 2008

Charlotte E. Perry
P.O. Box 665
175 Camino de las Huertas
Placitas, New Mexico 87043

Dear Public Officials and Agencies:

I have been a land owner and resident of Placitas for 25 years. I chose to live here so that I might be close to Albuquerque, where I and my husband work, while residing in a rural area. We built our passive solar, energy efficient, house, literally, ourselves – with sweat equity. We plan to retire in Placitas and continue to enjoy the benefits of the rural life style we have worked so hard to create and preserve.

I think that my voice is highly representative of the voices of a huge percentage of Placitas residents. We chose this area for its convenience to populated areas and for the rural lifestyle. We have made conscious trade-offs to live here through out the years and we are dedicated to finding the best possible outcomes for our way of life and for the United States of America. With intelligent processes and methodologies, we can find optimal solutions for future national and local infrastructure needs, while wisely providing stewardship of our natural resources and environment.

I am writing to express my concerns regarding the methodology used by the West-wide Energy Corridor in conducting its draft Programmatic Environmental Impact Statement (PEIS). I am also writing to articulate my views with regard to the use of private and public lands in the area of Placitas, New Mexico, both for the proposed energy corridor and for the proposed highway corridor from I-25 to Route 14 through Placitas.

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West-wide Energy Corridor Concerns

I would first like to state that I fully understand the need for the United States government to evaluate current energy sources and methodology for transporting gas, oil, hydrogen, and other non-renewable energy sources, including electricity generated from those natural resources. The time is ripe for assessing our current energy infrastructure's strengths and weaknesses and planning for our future needs.

However, I take issue with the short-term, narrowly focused assessment thrust upon us by the draft West-wide Energy Corridor PEIS. The following are my concerns:

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Concerns:

- The PEIS was conducted at the Programmatic level, when a detailed EIS is required by the National Environmental Policy Act (NEPA), for these reasons:
 1. An energy corridor running through Placitas would "...significantly affect the quality of the human environment."
 2. Incorporating Corridors into local Resource Management Plans (RMPs) is necessary to redirect usages of Bureau of Land Management (BLM) lands. Approvals of RMPs require detailed EISs because their formal approval is considered a major Federal action that significantly affects the quality of the human environment. Currently, there are six BLM Resource Area RMPs that would require amendment: Carlsbad, Farmington, Fort Bliss, Mimbres, Roswell, and Rio Puerco (which is the BLM Resource Area adjacent to Placitas).
- The PEIS is a short-term "fix," applied to long-term infrastructure requirements. It did not study impacts to adjacencies. Nor did the PEIS propose alternate routes that would take into consideration the need for transporting renewable energy sources, as well as non-renewable energy sources through less populated human corridors and pathways that do not interfere with wildlife usage and migration.
- The following are needless and wasteful oversights that *will not* ensure an infrastructure that is sustainable into the future, and which is built upon principles of optimal stewardship of the natural resources of the United States:
 - The only alternative that was considered is the "no action" alternative. No other options were proposed, considered, or studied. The PEIS is a myopic, short-sighted plan that only takes into consideration existing energy conduits from traditional, non-renewable energy sources.
 - Current corridors and proposed connecting corridors serve the needs of non-renewable energy sources and are not optimally situated for future renewable energy development, such as solar and wind generated energy.
 - Connecting corridors could have profoundly negative implications for:
 - Placitas area residents and land owners and their quality of life in light of future threat – mental and emotional stress connected with what might occur and what has not been fully disclosed.
 - Property value in the Placitas area, which is certain to plummet, especially in areas close to or within the proposed Energy Corridor.
 - Pipelines and/or electric lines routed through private property.
 - And worst case, the exercise of eminent domain and/or condemnation of connecting non-Federal land after property values have eroded. Even the effective rendering of the land as unsuitable for development, sale, or maintenance is unjust and unconstitutional without just compensation, per the Takings Clause of the 5th Amendment of the US Constitution.

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- Wildlife habitats, breeding and migration; all requirements for their sustainability that are currently satisfied by the BLM, Placitas Open Space, Diamond Tail and Tribal Lands, among others.
 - Environmental quality resulting from hazards associated with running pipelines through arroyos and areas of potential uncontrolled run off that are adjacent to human dwellings.
- The PEIS appears to have taken a strategy that is deceptive to the public and done so to limit (best case) or avoid (worst case) public input by analyzing the Corridors in terms of the Federal lands they pass through and not the non-Federal lands. It is not difficult to connect the dots on the PEIS West-wide Energy Corridor maps and realize the path of a corridor runs right through one's front yard and that, on a larger scale, this tactic diverts the *significance of the cumulative impact to all non-Federal environments*. NEPA clearly requires that these significant cumulative impacts are not to be made to appear insignificant by segmenting the projects into small, seemingly, innocuous parts. A detailed EIS would be required to fully understand the environmental and economic impacts of connecting all non-Federal lands.
- The PEIS has further deceived the public by refraining from the use of the term eminent domain or condemnation, instead referring to this activity thus: 'Project applicants would secure authorizations across private lands in the same manner that they currently do.' [PEIS, Section ES10, pp. ES-9]. What would the cost be to the American taxpayer to compensate all those whose land would be condemned, provided the compensation was honorable and just? Not to mention that the residents could not, in fact, be compensated justly because there are no alternatives comparable to Placitas in terms of quality of environment, approach to land development, etc., in this general area of New Mexico.
- Furthermore, the PEIS, should it become final, has employed a broad, Program-level assessment, which, if approved, effectively eliminates the opportunity to conduct local, more detailed assessments of impact in the connecting Corridors. This "tiering" tactic would allow local governments and permit approving bodies to deny a permit through the Energy Corridor, but would prevent them from moving the Corridor. The potential for wasted time and infinite litigation is staggering. This is a result no one would favor.
- It is my opinion that we are taking on more security risk by consolidating the dispersed network of local corridors into a highly centralized energy corridor network. It would be much easier for terrorists to wipe out our entire network, once it is centralized.

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I-25 - Route 14 By-Pass Corridor Concerns

I fully understand the need for an alternate vehicular route that would by-pass the City of Albuquerque and alleviate the congestion at the intersection of I-25 and Highway 165. I

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commute daily, Monday through Friday to Albuquerque from Placitas. The semi-truck traffic is extensive and dangerous, especially when combined with the commuter traffic from the West Side and Placitas that enters I-25 at Highway 165.

I also appreciate the need to have more than one access to the Placitas area. When I-25 is backed up due to accidents, there may be no way into, or out of, Placitas for hours at a time. I have had to resort to the Las Huertas Road portion of Highway 165 through the National Forest to reach North 14 to get out of Placitas several times. However, that road is not suitable for mass transit and I would not recommend that it be developed for that use.

While I do support a second access to Placitas, I do so with the following concerns.

Concerns:

- The preservation of the Placitas area for primarily residential and wildlife usage is of utmost priority to me.
- I am not in favor of the I-25 - Route 14 By-Pass Corridor running through any section of BLM, Placitas Open Space, or National Forest lands because of the same environmental concerns I have about the Energy Corridor and its impact on the wildlife in the Placitas area.
- I am not in favor of the I-25 - Route 14 By-Pass Corridor utilizing sections of Highway 165 to intersect with Route 14, since this could increase the congestion at I-25, if it begins there, and would destroy the rural nature of my community if it joins Highway 165 at any point between I-25 and the National Forest.

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(cont.)

Recommendations for West-wide Energy Corridor and I-25 – Route 14 By-Pass Corridor

1. Table the West-wide Energy Corridor Programmatic Environmental Impact Statement, immediately.
2. Perform a detailed Environmental Impact analysis and provide a detailed EIS for public comment that includes:
 - a. Research on energy corridors that enables production and transport of renewable energy (solar and wind generated power, for example) along with current non-renewable energy sources.
 - b. Research on alternate routes and analyses that articulate the environmental pros and cons of each alternative, including costs to the taxpayer, along with future energy needs estimates and the viability of each alternative to meet those future needs in a sustainable fashion through the development and transport of renewable energy sources, along with non-renewable sources.

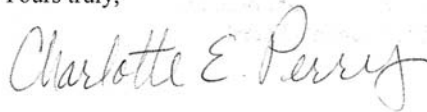
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- c. Research and integration of local, regional, and state energy planning.
- 3. Commit and strive to consolidate the bifurcation of public, private, and Federal lands by running the best possible paths the first time, that are based on a detailed Energy Corridor Environmental Impact analysis, using perimeters along less populated areas whenever possible, and considering the combination of roads, such as the I-25 – Route 14 By-Pass, with energy corridors. Highway 22 could be a viable alternative for both usages, depending on the findings of the detailed EIS.
- 4. Designate the Placitas Area as an Area of Critical Environmental Concern because of the quality, uniqueness, and significance of its natural and cultural resources. This would be an important step in the stewardship and preservation of *all* the natural resources that are enjoyed by Placitas residents and visitors alike.
- 5. Last, but not least, do not continue on a trajectory that displaces people and wildlife from rare and beautiful environments such as the Placitas area. This is a short-term, short sighted “fix” that, for all of the costs, will not yield the desired long-term results and is not good stewardship of all of our natural resources. Do we want the right Energy Corridors or do we simply want Energy Corridors right now?

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Thank you for your consideration of my concerns and recommendations.

Yours truly,



Charlotte E. Perry
Concerned Resident and Land Owner in Placitas, New Mexico