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**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50475

**Attachments:** Comments\_of\_PNM\_Regarding\_the\_West-wide\_Energy\_Corridor\_Draft\_PEIS\_2-2008\_WVEC50475.pdf



Comments\_of\_PNM\_Regarding\_the\_...

Thank you for your comment, Doug Campbell.

The comment tracking number that has been assigned to your comment is WVEC50475. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

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Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50475

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Comment Submitted:  
See Attachment for PNM's comments.

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Comments of PNM to the U.S. Department of Energy  
for the West-Wide Energy Corridor  
Draft Programmatic EIS

February 14, 2008

*In response to the November 16, 2007 Department of Energy Notice of Availability of the Draft Programmatic Environmental Impact Statement for the Designation of Energy Corridors in Eleven Western States and Notice of Public Hearings (the "November 16, 2007 Notice")*

## **I. Introduction**

The purpose of these comments is to provide a response to and suggestions for improving the current environmental analysis summarized in the Department of Energy (“DOE”) Draft Programmatic Environmental Impact Statement for the Designation of Energy Corridors in Eleven Western States (“PEIS”). These comments reference and also supplement comments already provided by PNM during the PEIS scoping period. PNM requests that the DOE refer to those earlier comments for additional detail.

The PEIS analysis was conducted to evaluate the impact of the establishment of “Energy Corridors” on federal lands and the associated incorporation of such corridors into federal agency land use and resource management plans.

For the purposes of these comments, the term “Energy Corridor” is ascribed the meaning set out in Section 368 of the Energy Policy Act of 2005 (“Act”). PNM’s interest in designation of Energy Corridors is to facilitate modification of existing and siting of new electric and gas transmission facilities.

These comments address and provide the following:

- II. Description of PNM.
- III. General comments.
- IV. Comments on perceived procedural deficiencies in Sections 1.9 and 2.1 of the PEIS.
- V. Comments on the proposed Federal Interagency Operating Practice or procedures to expedite applications to construct or modify facilities within Energy Corridors in Section 2.4 of the PEIS.
- VI. Comments on the lack of procedures for the prompt identification and designation of additional corridors.
- VII. Support of proposed designations of Energy Corridors for New Mexico. Restated support for appropriate designation of PNM planned and existing facilities.
- VIII. Recommendation for Clear Recognition in the PEIS record of Electric Grid Congestion in Northern New Mexico.

The expected outcome of this process includes the following:

- Modification to the PEIS to reflect these comments.
- Designation of additional existing and planned corridors in New Mexico as Energy Corridors under Section 368 of the Act.
- Development of clear agency processes for expedited permitting for facilities that cross federal lands upon designated Energy Corridors.
- Development of clear interagency processes and protocols for the prompt identification and designation of additional Energy Corridors.

**II. Description of PNM**

PNM, a wholly owned utility operating company subsidiary of PNM Resources, Inc. (“PNMR”), is a New Mexico corporation and a public utility subject to the regulatory jurisdiction of the Federal Energy Regulatory Commission (“FERC”) and of the New Mexico Public Regulation Commission (“NMPRC”). PNM is engaged primarily in the generation, transmission, distribution, sale and marketing of electricity and in the transmission, distribution and sale of natural gas within the State of New Mexico, and also engages in electric wholesale transactions in energy markets in the Western United States. PNM’s principal place of business is Alvarado Square, Albuquerque, NM 87158.

PNM provides retail electric service to over 400,000 customers and retail natural gas service to over 460,000 customers in 100 communities throughout New Mexico.

To conduct these electric and gas service and market operations, PNM owns and operates approximately 2,740 miles of electric transmission lines and 1,480 miles of gas pipelines in New Mexico. Of these electric transmission facilities, approximately 1,000 miles of these facilities are 115kV, with the remainder being 230 and 345kV facilities.

Portions of many of these existing facilities are located on federal lands.

**III. General Comments**

PNM appreciates the opportunity to comment on the PEIS. The expansive scoping effort and analysis of these complex of issues has been thoughtfully summarized in the PEIS. The designation of Energy Corridors has great potential to simplify the expansion of energy infrastructure. It will also provide the general public and agency personnel with expectations for and a better appreciation of the national importance of linear energy projects.

50475-001

In Appendix B on page B-18 DOE provides for a 454 day comment period. PNM strongly concurs with an extension to the comment period and suggests it be used to expand consultation with local utilities, affected Native Americans and the general public, and to increase the number of corridors designated.

50475-002

**IV. Comments on perceived procedural deficiencies in Sections 1.9 and 2.1 of the PEIS.**

In November 2005 PNM provided detailed comments regarding significant issues regarding corridor designation process at the Albuquerque scoping meeting and via email and via courier, after telephone discussions with the DOE. PNM is concerned that its comments were not evaluated. The omission of the PNM-proposed corridors on Figure

50475-003

2.1-1 on page 2-3, or in the detailed GIS data posted to the DOE PEIS web site in February 2008 suggests they were not accorded the appropriate weight that is commensurate with 1) the responsibility vested in PNM to maintain reliability of electricity and natural gas service in the state of New Mexico and 2) the expertise held by PNM in operating and planning these energy delivery systems.

For electric operations, for example, NERC<sup>1</sup>, holds PNM responsible for meeting Reliability Standards under the following grid reliability functions<sup>2</sup>:

RP - Resource Planner  
 TP - Transmission Planner  
 LSE - Load Serving Entity  
 GO - Generator Owner  
 GOP - Generator Operator  
 DP - Distribution Provider  
 BA - Balancing Authority  
 PSE - Purchasing-Selling Entity  
 TSP - Transmission Service Provider  
 TO - Transmission Owner  
 TOP - Transmission Operator  
 PA - Planning Authority

50475-003  
 (cont.)

In addition, critical supplemental data submitted by PNM on November 29, 2005 and supplemental comments made at the invitation of the DOE in July 2006, including detailed site-specific GIS data, are not reflected in the record and comment tracking system. The map posted to the website is modified from the version transmitted in PNM's July 2006 supplementation in that the requested corridor has been deleted.

Given that PNM's proposed corridors appear to have been omitted from the record as discussed above, please explain:

- i) the manner in which PNM's extensive comments were considered and
- ii) why PNM's inputs were not fully documented in the PEIS.

PNM would urge the DOE to consider this detailed input from a transmission system operator not as general comments but as technical input to the process; just as the input from the DOE's technical experts in fields such as geology or visual resources were considered. Input from similarly positioned entities should be treated as technical input as well.

<sup>1</sup> NERC stands for the North American Electric Reliability Corporation. NERC Reliability Standards are approved by the Federal Energy Regulatory Commission and carry the force of law.

<sup>2</sup> See: p. 192 of the NERC Compliance Registry List, dated 2/11/08.

PNM notes that in Section 368(e) that the DOE was directed to consider (1) improvements to reliability and (2) relieving congestion in addition to (3) enhancing the national grid. This, and the inclusion of distribution voltage classes in Section 368(a) suggest that intra-state and local issues also merit attention and designation of Energy Corridors. Numerous references in the PEIS, including on pages 1-3 1-9, 2-22 and 2-40, suggest the DOE believes only situations where an Energy Corridor addresses all three conditions qualify an area for consideration. Please clarify in the final document the DOE's interpretation of the Act as this is critical to an understanding was to whether the purpose and need is satisfied by the proposed action.

50475-004

PNM is a member of and concurs with the comments of the Edison Electric Institute (EEI) where they urge the Departments of Energy, Interior, Agriculture and Defense to significantly increase the number of Energy Corridors designated under the Act.

PNM is a member of and concurs with the comments of the Western Utility Group (WUG) where they urge the Agency to reengage with individual utilities and give them a chance to identify potential corridors within specific service territories to be sure that current specific local conditions, concerns, and expansion priorities are collected and considered. PNM requests this effort be equivalent in scope to the local agency field offices' consultations that occurred during the DOE corridor development process.

Local utilities are the most knowledgeable on critical delivery constraints and expansion needs and thus have more current information than the somewhat dated information provided previously by WUG. As an example, PNM again invites the DOE to review PNM's earlier scoping comments. The corridor recommendations made in late 2005 already are ripe for supplementation. PNM already foresees the need to request consideration of additional new Energy Corridors in the near future.

50475-005

Figure 1.1-1 on page 1-4 depicts detailed information regarding the high voltage network in New Mexico, yet key components appear to be missing, bringing into question the completeness of the DOE's understanding of the existing infrastructure. Without a clear understanding of the local high voltage network it is unlikely certain corridors would be developed. Specifically the 345kV network between Springerville, AZ and Deming, NM is missing.

While system congestion in this area is noted on pages 2-16, 2-18 and 2-19 and great emphasis was placed on the DOE 2006 congestion study, the congestion documented in this study is not mitigated by the designation of an energy corridor in this location, presumably due to the presence of DOD restricted airspace. PNM believes it is unreasonable to exclude corridor designations on this basis when existing high voltage facilities currently exist, where the DOD obviously co-exists with such facilities and where documented congestion exists and no alternative is provided. Part of the need for this document is to make just these types of difficult accommodations. PNM requests

that DOE strike a more realistic balance between land and airspace uses in this and similar areas and that modifications and corrections be made in the final document.

One proposed energy corridor in New Mexico, 80-273, is noted as crossing multiple areas of private jurisdiction. In fact, BLM-published GIS data indicates that route 80-273 would cross as many as 28 areas of land classified as being under Navajo jurisdiction. This gives the false impression of viability that may not exist. PNM recommends minor relocations of Corridor 80-273 to minimize impacts to tribal entities and enhance the viability of the route.

50475-005  
(cont.)

Finally, this corridor and others in New Mexico would occur on either side of the rural communities. PNM suggests the DOE position that impacts to Tribal and Non-federal lands are not squarely within the scope of the current analysis be revisited. Affects in such areas are clearly reasonably foreseeable in terms of NEPA analysis and deserve to be more fully disclosed pursuant to 40 CFR 1508.8. PNM requests further analysis beyond what is offered in Sections 3.14.3, 4.6.1 and 4.6.10, including evaluation of a re-route of corridor 80-273 adjacent to other existing energy facilities in the area of Placitas, New Mexico.

**V. Comments on the proposed Federal Interagency Operating Practice or procedures to expedite applications to construct or modify facilities within Energy Corridors in Section 2.4 of the PEIS.**

PNM applauds the Agencies for beginning to address the issues associated with the ongoing responsibilities of the Agencies in the processing of applications for the use the Energy Corridors. PNM urges the agencies to adopt an Interagency Operating Practice (IOP) as part of its ROD. However, the IOP described beginning on page 2-26 is not likely to expedite applications and is indeed much more burdensome than many current application procedures. The IOP as presented is much more a to-do list for applicants than a set of agency procedures to expedite applications. The genesis of such a procedure is presented on page 1-12 but this needs significant expansion and enhanced clarity. In addition the IOP should also concord with provisions for expedited review of high voltage facilities provided for in the Interagency MOA of August 8, 2006 developed pursuant to Section 1221 of the Act.

50475-006

**VI. Comments on the lack of procedures for the prompt identification and designation of additional corridors.**

As mentioned on page 1-1 of the PEIS, Section 386 requires that in addition to the initial designation of energy corridors that the Secretaries shall establish procedures to ensure that additional corridors are promptly identified and designated as necessary. PNM believes that simply re-visiting the designations every 3-5 years will not meet the intent of this section. Opportunities for providing energy occur in a rapidly changing, dynamic market-driven environment. PNM recommends that clear definitions of triggers

50475-007

that will open a review process be documented. PNM also recommends that a permanent advisory body be established to support the Secretaries ongoing Section 368 responsibilities that includes WECC<sup>3</sup>, WUG and interested individual utilities. This advisory body would provide guidance to the DOE regarding local and regional energy transportation needs.

50475-007  
(cont.)

**VII. Support of proposed designations of Energy Corridors for New Mexico. Support for appropriate designation of PNM planned and existing facilities.**

**Support for Potential Energy Corridors in New Mexico Proposed by the DOE**

PNM notes the designation by DOE of three proposed energy corridors within the following New Mexico counties:

- Central Sandoval – Northeastern McKinley – Central San Juan counties (80-273)
- North Central Socorro – Central Sierra – Southeastern Dona Ana counties (81-272)
- Southeastern Dona Ana – Central Luna – Southern Grant – Northern Hidalgo counties (81-83 and 81-213)

50475-008

PNM strongly supports retaining these corridors among those that will be established by the Agencies pursuant to Section 368 of the Act. Please note PNM’s exception to this to support in the concerns presented in Part IV of these comments. Retention of each of these proposed corridors in the Agencies’ process will facilitate, as applicable: 1) maintaining electric and gas transmission system reliability, and 2) potential expansion of the energy network for the purposes of improving reliability and relieving congestion within those networks. PNM applauds the inclusion of these corridors within the Agencies’ efforts under Section 368 of the Act.

**Request for Establishment of a New Energy Corridor in Northern New Mexico**

PNM reiterates the request made in its November Comments for establishment of a new (and relatively short) energy corridor that connects central Sandoval County to southern Rio Arriba County. This corridor is requested to facilitate siting of a proposed new transmission line that will tie two existing PNM electric transmission corridors together. This new transmission project is planned for the purpose of relieving congestion, increasing the reliability of the northern New Mexico 345kV transmission system, and increasing the transfer capability rating of Western Electricity Coordinating Council (“WECC”) Path 48.

50475-009

<sup>3</sup> WECC is the Western Electricity Coordinating Counsel, the FERC-approved Regional Entity in the west with authority to enforce regulations governing reliability of the western electric grid.



This new energy corridor is associated with a project that has been submitted to the WECC path rating process. PNM has also solicited participants for this project. A diagram showing the location of the corridor associated with this project and GIS data was attached in PNM's scoping comments as noted above in part IV of these comments.

**Request for Establishment of Energy Corridors Associated with Existing Transmission Facilities in New Mexico**

PNM reiterates its request for establishment of energy corridors associated with certain existing transmission facilities, focusing specifically on the PNM 345kV and 230kV electric transmission corridors in the State of New Mexico. The data describing these corridors (their centerline, proposed width, and compatible/incompatible uses) was provided in PNM Scoping Comments filed with the DOE in 2005 and 2006. For the reasons cited in its November 2005 comments, establishment of energy corridors for these existing facilities will serve to reduce conflicting uses of federal lands; and will, consistent with the language in Section 368 of the Act, facilitate permitting as may be necessary for modifications to these existing facilities for the purpose of reducing congestion and improving reliability. PNM included the centerline data for these corridors in its GIS data submittal in the November 2005 comments.

50475-009  
(cont.)

**VIII. Recommendation for Clear Recognition in the PEIS Record of Electric Grid Congestion in Northern New Mexico.**

Section 2.2.1.1 of the PEIS cites the *National Electric Transmission Congestion Study, dated August 2006* ("Congestion Study") as one source of information taken into account by DOE in carrying out its responsibilities under Section 368. PNM notes that on a number of different diagrams, Chapter 4 of the Congestion Study portrays historical and projected congestion. In particular, the Congestion Study points out historical WECC Path 48 congestion on Figure 4-2 and both historical and projected congestion on Figure 4-6.

50475-010

Based on the Congestion Study, PNM recommends that Figure 2.2-7 of the PEIS be modified to include a constraint (as indicated by an orange line) directly between the Four Corners area and Albuquerque, with an arrow showing the direction of "desired additional flows" pointing toward Albuquerque. These modifications to Figure 2.2-7 in the record of this PEIS will more accurately reflect both the findings of the Congestion Study and PNM's experience in operating the northern New Mexico transmission system.

**PNM appreciates the opportunity to comment on this Programmatic Environmental Impact Statement. We invite to DOE to discuss any issues raised in these comments with any of the contacts listed below.**

**PNM Contact Information:**

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**Attachments:** Shell\_Comments\_on\_West\_Wide\_Energy\_Corridor\_PEIS\_WWECD50476.pdf



Shell\_Comments\_on  
\_West\_Wide\_En...

Thank you for your comment, Kevin O'Donovan.

The comment tracking number that has been assigned to your comment is WWECD50476. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:51:03PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WWECD50476

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Questions about submitting comments over the Web? Contact us at:  
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We are pleased to have an opportunity to comment on the proposed energy corridors detailed in the Programmatic EIS, Designation of Energy Corridors on Federal land in the 11 Western States and appreciate the amount of effort involved in planning, coordination and evaluation of the energy corridor alternatives. We commend the U.S. Departments of Energy, Interior, Agriculture and Defense and others in the cooperative preparation of this proposal.

Section 368 of the Energy Policy Act requires the designation of corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities. The designation will assist in project planning, potentially streamline energy project developments and ultimately may have less area of surface disturbance than projects permitted separately. Our comments address some clarifications of the Right of Way (ROW) permitting approach, include some suggestions for the standard operating procedures, and request modifications and additions to some of the proposed corridors.

**Right of Way Permitting Approach**

The Agencies have proposed to designate several 3,500 foot corridors at strategic locations within 11 western states to provide for transportation of electricity, natural gas, petroleum products and other commodities. The designation does not guarantee that energy transportation projects will be constructed within those corridors, but provides a preferred location for those projects needing right of way through federal land for such projects. Application of standard operating procedures will assist agencies, project applicants and others in evaluating applications for using the corridors. Consideration of the information generated by implementation of the standard operating procedures would help ensure that energy transport projects within the Section 368 energy corridors are planned, implemented, operated, and eventually removed in a manner that protects and enhances environmental resources.

Site specific project descriptions and environmental analyses must be prepared before a ROW can be granted within the energy corridor. The Energy Corridor Draft Programmatic Environmental Impact Statement concludes that there would be no direct impacts to resources on federal lands from designation of the corridor because there are no specific projects proposed or evaluated under this designation. An application for a ROW within the energy corridor will require a single, project- and site- specific analysis under the National Environmental Policy Act.

Additionally, the agencies agree to identify a Point of Contact for each project, to assist in coordinating the ROW permitting activities with the various Agencies and landowners throughout the length of the ROW. This approach will greatly streamline the environmental analyses and the development of the ROW leases.

50476-001

The permitting approach outlined in the PEIS is a sensible way to address the designation of the corridors: to place a general location in the respective land management plans with a requirement for detailed planning of a pipeline or transmission line and the site specific environmental analysis based on engineering designs and environmental baselines. In this manner, site specific environmental protection measures will be designed.

The process acknowledges and encourages coordination of multiple projects in the same corridor to eliminate duplication and operational constraints. The costs of collection of environmental baseline data collection and the environmental analyses can be considerable, particularly for long expanses that would be traversed in these energy corridors. We would encourage the agencies to further develop a method of implementation that would enable ROW applicants to share equally in the cost of development of environmental baseline data for a section of the ROW, rather than costs being borne largely by the first applicant for a ROW in a given section of the corridor.

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**Operating Procedures**

The PEIS proposes the use of Interagency Operating Procedures when evaluating applications for using the energy corridors. This is a well conceived approach to evaluating and implementing ROWs in the energy corridors.

Use of operating procedures will provide guidance for the ROW applicants and for the authorizing agencies. We note that many of the operating procedures proposed in this document and summarized in Section 2.4 are requirements of environmental regulations, while some have been developed specific to implementation of the energy corridor projects. In general, the standard operating procedures are useful, reflecting the varied nature of the regions, terrain and ecosystems traversed by the proposed energy corridors.

We support the use of standard operating procedures. In particular, the use of environmental control plans (such as vegetation management plan, visual resource management plan, paleontological management plan, etc.) which will enable a ROW applicant to develop and implement mitigation measures tailored to a specific site, to local concerns, and to address the concerns of multiple federal, state and local agencies with permitting authority over a project. Use of such plans helps an operator to maintain clear communications with all regulatory agencies on mitigation measures, without the conflict or confusion that multiple documents and agency involvement may cause.

50476-002

For example storm water controls may be required by state water pollution control agencies as well as the U.S. Army Corps of Engineers and local governments. A single storm water management plan to cover water quality and erosion control measures will be simpler to implement by a construction company, resulting in better environmental control for the project overall.

The environmental analyses in this PEIS provide reference materials for later implementation-level studies and provide standard mitigation measures that may be used

as appropriate during future development. Section 3.1 of the PEIS describes resource-specific mitigation measures that could be used to minimize, avoid, or compensate for project-specific impacts. We would stress that not all of the mitigation measures listed in the PEIS are applicable in all cases, and that the management plans, as envisioned by the standard operating procedures should not default to the mitigation measures described in the PEIS.

These management plans should be carefully developed documents that take into consideration the design, schedule, construction and operating methods and environmental considerations to a specific project. Use of management plans will provide the most flexibility for regulatory specialists to apply site specific expertise in developing mitigation measures. Project designers will have an opportunity to develop new and better procedures for environmental protection while developing site specific management plans.

To that end, the standard operating procedures proposed in Section 2.4 should be further streamlined to provide a consistent level of detail. The proposed operating procedures include development of ten management plans for a project within the energy corridor. This approach provides an excellent means to address environmental considerations in project design in an organized, logical way. However, some of the proposed operating procedures are prescriptive and could better be addressed in site specific plans. Management plans are more effective tools for environmental protection because they are tailored for the specific operation and incorporate considerations from all regulatory agencies involved in permitting the project.

Table 1 provides our specific input into the standard operating procedures as proposed. Our objective is to standardize the level of detail and to simplify the requirements in the standard operating procedures to provide the applicants, local, state and federal agencies maximum flexibility to address mitigation on a site specific basis, within specific management plans. We suggest that the standard operating practices be defined in terms of project management plans.

Thirteen plans can be developed to address all of the operating procedures, with additional details specific to the project:

- Cultural Resources Management Plan\*
- Health and Safety Plan\*
- Paleontology Management Plan\*
- Plan of Development\*
- Reclamation Plan\*
- Transportation Plan\*
- Vegetation Management Plan\*
- Visual Resources Management Plan\*
- Wildlife Management Plan
- Air Quality Management Plan
- Water Quality Management Plan

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(cont.)

- Stormwater Management Plan
- Spill Prevention, Control and Countermeasure Plan

*\*Proposed as part of the operating procedures.*

We suggest these thirteen plans be required as part of an application package for an energy corridor right of way, in lieu of the operating procedures as proposed.

<b>Table 1 Suggested Management Plans for Operating Procedures</b>		
<b>Operating Procedures for Planning From Sec. 2.4.1</b>		<b>Suggested Management Plan</b>
1	NEPA analysis. Scope, content and type of analysis determined on a project-by project-basis	All Plans
2	Consultation with USFWS and NMFS as required by Section 7 of the Endangered Species Act. Specific consultation requirements would be determined on a project-by-project basis.	-Wildlife Management Plan
3	Comply with all aspects of Sec 106 of the NHPA on a project-by-project basis.	-Cultural Resources Management Plan
4	Coordinate and consult with NMFS regarding potential to essential fish habitat as required by the 1996 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.	-Wildlife Management Plan
5	Comply with applicable findings, mitigation and/or standards contained in regional land management plans, when such regional plans have been incorporated into agency planning guidelines and requirements.	-Wildlife Management Plan -Vegetation Management Plan -Transportation Plan -Cultural resource Management Plan -Paleontology Management Plan -Air quality management plan -Water Quality management plan -Stormwater management plan -Plan of Development
6	Coordinate with the DOD regarding above ground infrastructure.	-Plan of Development
7	Laws pertinent to national wildlife refuges shall apply, as appropriate.	-Wildlife Management Plan
8	Locate projects within energy corridors to promote effective use of the corridors to promote effective use of the corridors by subsequent applicants and to avoid the elimination of use or encumbrance of the use of the corridors by ROW holders. Avoid conflicts	-Plan of Development

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	with other land uses within a corridor.	
9	Identify important, sensitive or unique habitats in the vicinity of proposed projects and, to the extent feasible, design the project to minimize or mitigate impacts to these habitats.	-Wildlife Management Plan -Vegetation Management Plan
10	Prepare an access road siting and management plan that incorporates relevant agency standards regarding road design, construction, maintenance and decommissioning.	-Transportation Plan -Plan of Development -Stormwater Management Plan
11	Applicants should develop an integrated vegetation management plan consistent with agency policies for the control of unwanted vegetation, noxious weeds and invasive species.	-Vegetation Management Plan
12	The vegetation plan should address monitoring, education of personnel on weed identification, the manner in which weeds spread, and the methods for treating infestations. The use of certified weed-free mulching and the cleaning of vehicles to avoid the introduction of invasive weeds may be required.	-Vegetation Management Plan
13	To restore disturbed habitats, the applicant should prepare a habitat restoration plan. The plan should expedite the recovery to natural habitats and require restoration to occur as soon as practicable after completion of construction, minimizing the habitat converted at any one time.	-Wildlife Management Plan -Vegetation Management Plan -Reclamation Plan
14	Applicants should prepare a visual resource management plan.	-Visual Resource Management Plan
15	If paleontological resources are known to be present in the project area, or if areas with a high potential to contain paleontological material have been identified, the applicant should prepare a paleontological resources management and mitigation plan.	-Paleontology Resource Management Plan
16	Applicants should follow the best management practices of the states in which the proposed project would be located.	-Stormwater Management Plan
17	Applicants seeking to develop an electricity transmission project will develop a project-specific plan of development	-Plan of Development
18	For electricity transmission projects, the applicant should notify the Federal aviation Administration as early as practicable in the planning process in order to identify	-Plan of Development

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(cont.)



	appropriate aircraft safety requirements.	
19	An electricity transmission project should be planned by the applicant to comply with FAA regulations	-Plan of Development
20	Corridors are to be efficiently used. The applicant, assisted by the appropriate agency, should consolidate the proposed infrastructure, such as access roads, wherever possible and utilize existing roads to the maximum extent feasible, minimizing the number, lengths, and widths of roads, construction support areas, and borrow areas.	-Plan of Development
21	Applicant should prepare a comprehensive transportation plan for the transport of transmission tower or pipeline components, main assembly cranes, and other large equipment.	-Transportation Plan
22	Applicants should consult with local planning authorities regarding increased traffic during the construction phase, including an assessment of the number of vehicles per day, their size, and type. Specific issues of concern should be identified and addressed in the traffic management plan.	-Transportation Plan
23	Applicants for petroleum pipelines should develop a spill prevention and response plan identifying spill prevention measures to be implemented, training requirements, appropriate spill response actions, and procedures for making timely notifications to authorities.	-Spill Prevention, Control and Countermeasure Plan
24	A health and safety program should be developed by the applicant to protect both workers and the general public during construction, operation and decommissioning of an energy transport project.	-Health and Safety Plan
25	The health and safety program should establish a safety zone, or setback from roads and other public access areas, that is sufficient to prevent accidents, resulting from various hazards. It should identify requirements for temporary fencing around staging areas, storage yards, and excavations during construction or decommissioning activities. It should also identify measures to be taken during the operations phase to limit public access to	-Health and Safety Plan

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	facilities.	
26	Applicants should develop a fire management strategy to implement measures to minimize the potential for a human-caused fire. The strategy should consider the need to reduce hazardous fuels and to prevent the spread of fires started outside or inside a corridor.	-Health and Safety Plan
27	The appropriate agency, assisted by the project applicant, must initiate government-to-government consultation with affected Tribes at the outset of project planning and shall continue consultation throughout all phases of the project, as necessary.	-Cultural Resources Management Plan
28	The appropriate agency, with assistance by the project applicant, must consult with State Historic Preservation Officers and other appropriate parties as per regulations (36 CFR 800) early in a project planning and continue consultation throughout project development as necessary.	-Cultural Resources Management Plan
29	The project applicant may assign a Cultural Resource and/or Tribal Coordinator to facilitate and coordinate cultural resource compliance and consultation with multiple laws and regulations, agencies and other entities, jurisdictions, and Tribes, in order to ensure consistency and timeliness in the compliance and consultation process.	-Cultural Resources Management Plan
30	Project proponents should develop a cultural resources management plan to provide guidance for compliance with applicable cultural resource laws throughout the life of the project.	-Cultural Resources Management Plan
31	Cultural resources management plans should be based on the current state of knowledge. Where corridors are subject to sequential projects, plans should incorporate information and lessons learned from previous projects, to adjust and update cultural resource management goals and consequent management strategies.	-Cultural Resources Management Plan
32	When concurrent development projects are proposed and implemented within a corridor, the agencies should coordinate among projects to ensure consistency with regard to Section 106 compliance and consultation, and to avoid	-Cultural Resources Management Plan

50476-002  
(cont.)

	duplication of effort.	
33	The agency point of contact should coordinate compliance with existing Programmatic Agreements and Memoranda of Agreement that pertain to agency responsibilities for cultural resources.	-Cultural Resources Management Plan
34	Project applicants should provide cultural resources training for personnel on laws protecting cultural resources, appropriate conduct in the field, inadvertent discovery of human remains and other project-specific issues identified in the cultural resources management plan.	-Cultural Resources Management Plan
35	The APE for Section 106 compliance should be defined in the cultural resources management plan and should include a reasonable construction buffer zone on either side of the ROW, including all areas of anticipated development such as staging areas, laydown areas, access routes, borrow source areas, and any other places of potential impact associated with all phases of project development.	-Cultural Resources Management Plan
36	Cultural resources management services and individuals providing those services shall meet the Secretary of Interior's Standards for Archaeology and Historic Preservation	-Cultural Resources Management Plan
37	Projects should include a public education and outreach component regarding cultural resources such as a public presentation, news article, publication, or display.	-Cultural Resources Management Plan
38	A protocol for unexpected discoveries should be developed. Unexpected discovery of cultural resources during construction should be brought to the immediate attention of the responsible federal agency's authorized officer.	-Cultural Resources Management Plan
39	A protocol must be developed for inadvertent discovery of Native American bones and funerary items to comply with the Native American Graves Protection and Repatriation Act.	-Cultural Resources Management Plan
<b>Operating Practices for Project Construction From Section 2.4.2</b>		<b>Suggested Management Plan</b>
1	All control and mitigation measures established for the project in the Plan of Development and other required plans should be maintained and implemented by the applicant throughout	All Plans

50476-002  
(cont.)

	construction. Necessary adjustments may be made with the concurrence of the appropriate agency.	
2	Applicants should salvage, safeguard, and reapply topsoil from all excavations and construction activities during restoration.	-Vegetation Management Plan -Plan of Development -Reclamation Plan
3	All areas of disturbed soil should be restored by the applicant using weed-free native grasses, forbs, and shrubs as directed by the agency. Restoration may not be unnecessarily delayed. If native species are not available, noninvasive vegetation recommended by agency specialists may be used	-Vegetation Management Plan -Reclamation Plan
4	The applicant should not create excessive slopes during excavation. Areas of steep slopes, biological soil crusts, erodible soil and stream channel crossings would often require site-specific and specialized construction techniques by the applicant. These specialized construction techniques should be implemented by adequately trained and experienced employees.	-Stormwater management plan -Plan of Development
5	The applicant should implement erosion controls complying with county, state, and federal standards, such as jute netting, silt fences, and check dams.	-Stormwater management plan
6	The applicant should minimize stream crossings by access roads to the extent practicable. All structures crossing intermittent and perennial streams should be located and constructed so that they do not decrease channel stability, increase water velocity, or impede fish passage.	-Plan of Development
7	To avoid conflict with federal and nonfederal operations, the applicant should be aware of liabilities pertaining to environmental hazards, safety standards and military flying areas.	-Plan of Development
8	Applicants should not alter existing draining systems and should not give particular care to sensitive areas such as erodible soils or steep slopes. Soil erosion should be reduced at culvert outlets by appropriate structures. Catch basins, roadway ditches, and culverts should be cleaned and maintained.	-Stormwater management Plan -Plan of Development
9	Applicants should not create hydrologic	-Water Quality Management Plan

50476-002  
(cont.)

	conduits between aquifers.	
10	The applicant should backfill foundations and trenches with originally excavated materials as much as possible. Excess excavation materials should be disposed of by the applicant only in approved areas.	-Stormwater Management Plan -Plan of Development
11	The applicant should obtain borrow material only from authorized sites. Existing sites should be used in preference to new sites.	-Plan of Development
12	The applicant should prepare an explosives use plan that specifies the times when explosives would be used and specifies minimum distances from sensitive vegetation and wildlife or streams and lakes where the use of explosives would be allowed.	-Health and Safety Plan
13	If blasting or other noisy activities are required during the construction period, the applicant should notify nearby residents in advance.	-Health and Safety Plan
14	Any wastewater generated by the applicant in association with temporary, portable sanitary facilities should be periodically removed by a licensed hauler and introduced into an existing municipal sewage treatment facility. Temporary, portable sanitary facilities provided for construction crews should be adequate to support expected on-site personnel and should be removed at completion of construction activities.	-Water Quality Management Plan
15	The applicant should cover construction materials and stockpiled soils if these are sources of fugitive dust.	-Air Quality Management Plan
16	The applicant should water land before and during surface clearing or excavation activities. Areas where blasting would occur should be covered with mats.	-Air Quality Management Plan
17	The applicant should limit noisy construction activities (including blasting) to the least noise-sensitive times of day (i.e. daytime only between 7 a.m. and 10 p.m.) and weekdays.	-Plan of Development
18	The applicant should ensure that all construction equipment used is adequately muffled and maintained and that spark arrestors are used with construction equipment in areas with, and during periods of high fire danger.	-Health and Safety Plan
19	The applicant should locate all stationary construction equipment (i.e. compressors and	-Air Quality Management Plan

50476-002  
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	generators) as far as practicable from nearby residences.	
20	Applicants should provide all cultural resources reports and data in an approved electronic format that is integrated across jurisdictional boundaries, that meets current standards, and that is compatible with SHPO systems. Paper records may also be required by the agency.	-Cultural Resources Management Plan
21	Cultural resources inventory procedures should include development of a project research design sufficient to support the evaluation of cultural resources encountered in the APE	-Cultural Resources Management Plan
22	All cultural resources discovered during the inventory process shall be evaluated for eligibility to the <i>National Register of Historic Places</i> .	-Cultural Resources Management Plan
23	When an area is identified as having a high potential for cultural resources but none are found during a field survey, a professionally qualified cultural resources specialist may be required to monitor during ground-disturbing activities during project construction, and to complete a report when the activities are finished.	-Cultural Resources Management Plan
24	Cultural resources inventory, evaluation, and mitigation practices should incorporate modeling and sampling strategies to the extent practicable, in concurrence with SHPOs and other relevant parties.	-Cultural Resources Management Plan
25	When human remains, funerary objects, sacred objects, or objects of cultural patrimony are inadvertently discovered, the provisions of NAGPRA shall apply.	-Cultural Resources Management Plan
<b>Operating Practices for Project Operation From Section 2.4.3</b>		<b>Suggested Management Plan</b>
1	All control and mitigation measures established for the project should be maintained and implemented by the applicant throughout the operation of the project. Necessary adjustments may be made with the concurrence of the appropriate agency.	All Plans
2	Applicants should review existing information regarding plant and animal species and their habitats in the vicinity of the project area and identify potential impacts to the applicable	-Wildlife Management Plan

50476-002  
(cont.)

	agencies.	
3	Project staff should avoid harassment or disturbance of wildlife, especially during reproductive courtship, migratory, and nesting seasons.	-Wildlife Management Plan
4	Observations by project staff of potential wildlife problems, including wildlife mortality, should be immediately reported to the applicable agency authorized officer.	-Wildlife Management Plan
5	If pesticides are used, the applicant should ensure that pesticide applications as specified in the integrated vegetation management plan are conducted within the framework of agency policies and entail only the use of EPA registered pesticides and are applied in a manner consistent with state pesticide regulations.	-Vegetation Management Plan
6	Applicant should provide secondary containment for all on-site hazardous materials and waste storage, including fuel. In particular, fuel storage should be a temporary activity occurring only for as long as needed to support construction and decommissioning activities.	-Spill Prevention, Control and Countermeasure Plan
7	Applicant should ensure that wastes are properly containerized and removed periodically for disposal at appropriate off-site permitted disposal facilities.	-Plan of Development
8	In the event of an accidental release to the environment, the applicant should initiate spill cleanup procedures and document the event including a cause analysis; appropriate corrective actions taken; and a characterization of the resulting environmental or health and safety impacts. Documentation of the event should be provided to the agency's authorized officer and other federal and state agencies, as required.	-Spill Prevention, Control and Countermeasure Plan
9	Dust abatement techniques may be used by the applicant on unpaved, unvegetated surfaces to minimize airborne dust. Water for dust abatement should be obtained and used by the applicant under the appropriate state water use permitting system.	-Air Quality Management Plan
10	Applicant should ensure that all equipment has sound-control devices no less effective than those provided on the original equipment.	-Plan of Development

50476-002  
(cont.)

**Corridor Designations**

In the interest of distributing energy more equitably within the western United States, energy corridors going north-south and some going east-west are needed. Important parts of the corridors are those that connect into the cities where the energy is used, and we encourage the agencies to revisit the city areas to ensure that energy can be transported along the corridors *all the way into metropolitan areas where the energy is needed*. We note that designation of energy corridors does not preclude any proposal for a project outside of a Section 368 designated corridor nor does it limit proponents to applying for permits solely within the designated corridors.

We have reviewed the proposed corridors and request the following changes:

<b>Table 2 Suggested Corridor Changes</b>		
<b>Number</b>	<b>Designation</b>	<b>Suggested Change</b>
27-225	Multi-modal from Las Vegas to the California state line where it becomes electric only	Multi-modal along the entire segment
66-209	Electric Only	Multi-modal
73-132	Underground Only	Multi-modal and above ground
73-133	Underground Only	Multi-modal and above ground
132-133	Underground Only	Multi-modal and above ground
Western Utility Group Corridor from 78-138	From the city of Rawlins (corridor 78-138) to Muddy Gap Junction -Parallel to US 287 in Wyoming- not designated	Designate multi-modal and above ground
None	Salt Lake City area	Suggested corridors to access markets, storage and refinery capacity in Salt Lake City would be appropriate

50476-003

**Conclusion**

We concur that designating the energy corridors is appropriate and useful. Multi-modal designation is most appropriate and useful. The process outlined for use of designated energy corridors is well conceived and workable. The use of a point of contact and standard operating procedures will assist the ROW applicants, regulators and the general public in designing and permitting projects within the corridors. Additional streamlining of the standard operating procedures is recommended. Adjustments to the corridors are suggested to address the transportation of any and all energy products, intermediate and byproducts to intermediate and end markets.

50476-004



We appreciate the opportunity to comment on this document. If you have need for further discussion, we would be pleased to offer assistance.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

KEVIN O'DONOVAN  
DIRECTOR, POLICY + STATE GOVERNMENT  
AFFAIRS, STATE OIL

---

**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 4:54 PM  
**To:** mail\_corridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50477

Thank you for your comment, Petuuche Gilbert.

The comment tracking number that has been assigned to your comment is WVEC50477. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:53:30PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50477

First Name: Petuuche  
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Comment Submitted:

I attended the Energy Corridor PEIS hearing held in Albuquerque on January 24, 2008. I attended on behalf of the Pueblo of Acoma Natural Resources Office.

The Pueblo of Acoma is a sovereign indigenous nation within the United States. As stated in the United Nations Declaration on the Rights of Indigenous Peoples, Article 19, there must be free, prior and informed consent of indigenous people before consenting to administrative or legislative measures that affect them. Energy corridors across tribal lands must only occur with tribal consent.

Please continue to consult with us and other tribes.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.

50477-001

---

**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 4:59 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50478

**Attachments:** DOC003\_WVEC50478.PDF



DOC003\_WVEC50478.PDF (84 KB)

Thank you for your comment, Debbie Hays.

The comment tracking number that has been assigned to your comment is WVEC50478. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:58:57PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50478

First Name: Debbie  
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Attachment: X:\DOC003.PDF

Comment Submitted:  
SEE ATTACHED LETTER BELOW. THANKS.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.



SANDOVAL COUNTY ADMINISTRATIVE OFFICES

BOARD OF COUNTY COMMISSIONERS

- JOSHUA MADALENA  
District 5, Chairman
- DAVID BENCY  
District 3, Vice Chairman
- ORLANDO J. LUCERO  
District 1
- DON LEONARD  
District 2
- JACK THOMAS  
District 4
- DEBBIE HAYS  
County Manager

February 14, 2008

Westwide Corridor PEIS  
 Argonne National Laboratory  
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 Bldg. 900, Mail Stop 4  
 Argonne, IL 60439

e-mailed: 2-14-08  
 coridoreis.anl.gov  
 FAXED:1-866-524-5904

Dear Sir or Madam:

On February 11, 2008, a compact disk (CD) was received by my office regarding the Programmatic Environmental Impact Statement (PEIS), Designation of Energy Corridors on Federal Land in the eleven Western States (DOE/EOS-0386). You can imagine my surprise and frustration, when I learned that the PEIS was actually released to the public in November, 2007, with no formal notification to a County government that is severely impacted by your proposed action and that the deadline for comment was a mere three days away. In an effort to meet the February 14<sup>th</sup>, 2008 deadline, we have completed a cursory review of the information we received and submit the following responses:

- |  |           |
|--|-----------|
| 1. Sandoval County requests an extension of the comment period to allow preparation of more in-depth comments after a thorough review by County planning, development and land use specialists.  | 50478-001 |
| 2. Our local office of the Bureau of Land Management, the Rio Puerco Field Office, will soon be undergoing a revision of the current Resource Management Plan (RMP), and Sandoval County intends to file for cooperating agency status.  | 50478-002 |
| 3. For the RMP planning process, Sandoval County will be providing information regarding County transportation routes and other rights-of-way corridors, including the siting and location of existing, as well as potential energy corridors.   | 50478-003 |
| 4. Based upon our quick review of the PEIS data, some of the existing pipeline corridors may be compatible with Sandoval County Planning; however, the new energy corridor, as proposed, does not take into account even existing land uses, much less proposed land uses and does not seem to consider traffic congestion, potential hazards with traffic volume, the "pinch" point problems with tribal lands, and overall public safety, etc. | 50478-004 |
| 5. It is Sandoval County's contention that once completed, the Rio Puerco RMP/EIS will designate transportation routes and rights-of-way corridors that may supersede the Federal energy corridors recommendation in the PEIS.   | 50478-005 |
| 6. Sandoval County does not agree that two alternatives are sufficient for such a large project.   | 50478-006 |
| 7. Based upon a quick read of the maps in the document, the black lines are not connected and do not really indicate a complete project proposal; therefore, a complete analysis of impacts to land, not in Federal ownership, has not been completed and seems rather disingenuous at best.   | 50478-007 |
| 8. The County is concerned that the Federal Government would exercise powers of eminent domain or public utilities might exercise condemnation to place these energy corridors and "taking" of private land could be utilized without compensation.  | 50478-008 |
| 9. There is no evidence that other land use plans have been taken into consideration, including non-Federal land use plans.  | 50478-009 |

10. Because of the very brief time the County has had to review the PEIS, there has been no opportunity to present staff comments to the County Commissioners for review and consideration.

50478-010

The comments listed above do not represent a full or comprehensive comment package from Sandoval County, but we believe they point out critical flaws in this planning process, which must be evaluated in greater detail. It is absolutely essential that an extension of the comment period be granted in order to have the time and opportunity to fully review the information and submit all comments and concerns.

Sincerely,



Debbie Hays  
Sandoval County Manager

cc: Congresswoman Heather Wilson  
Congressman Tom Udall  
Senator Pete Domenici  
Senator Jeff Bingaman  
Secretary of Energy Samuel W. Bodman  
Secretary of the Interior Dirk Kempthorne

---

**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:02 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50479

**Attachments:** Public\_Comment\_Corridor\_PEIS\_WVEC50479.pdf



Public\_Comment\_C  
orridor\_PEIS\_W...

Thank you for your comment, Gina Constant.

The comment tracking number that has been assigned to your comment is WVEC50479. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:01:21PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50479

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Corridor PEIS.pdf

Questions about submitting comments over the Web? Contact us at:  
coridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
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February 14, 2008

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Submitted via the web at <http://corridorcis.anl.gov/involve/comments/index.cfm>  
 and sent via USPS

TO: The United States Department of Energy  
 The United States Department of the Interior Bureau of Land Management  
 The United States Department of Agriculture Forest Service  
 The United States Department of Defense

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

RE: Comment on the West-wide Energy Corridor Programmatic EIS (PEIS)

We represent Diamond Tail Estates I, L.L.C., the owner of a private residential development located north and east of the community of Placitas, New Mexico. Our written comment regarding the above referenced PEIS is submitted herewith and includes a summary of our understanding of the PEIS process to date, the legal problems associated with that process, and a map showing our recommended alternative to the proposed corridor location. See Attachment A.

We also attended and spoke at the public hearings in Albuquerque, held on January 24, 2008. Our spoken comment is attached hereto as Attachment B.

#### SUMMARY

Section 368 of the Energy Policy Act of 2005 (the “EPAct”) requires that the Secretaries of Agriculture, Defense, Energy, and the Interior (the “Secretaries”), in consultation with various stakeholders, including States, tribes, and other interested persons, designate energy corridors on Federal land (the “Corridors”). 42 U.S.C. § 15926 (2005). The Corridors are for oil, natural gas and hydrogen pipelines, and electricity transmission and distribution facilities. *Id.* The EPAct further requires the Secretaries to “perform any environmental reviews that may be required” to designate the Corridors and to “incorporate the designated corridors into the relevant agency land use and resource management plans.” *Id.*

The Secretaries decided to prepare a Programmatic Environmental Impact Statement (PEIS) to examine region-wide environmental concerns, rather than evaluate site-specific environmental impacts through a detailed Environmental Impact Statement (EIS). See Draft PEIS Executive Summary, ¶ ES.8. The Secretaries reasoned that designating corridors would not result in any direct impacts on the ground that would significantly affect the quality of the human environment. *Id.* Rather, site-specific EIS would be prepared when applications for permits to use the corridors are made. *Id.* The only alternative examined at this Programmatic level, was the alternative of not designating corridors at all, but continuing to install electrical lines and pipelines in a piecemeal fashion, as is done today. See Draft PEIS Executive Summary, ¶ ES.12. Additionally, the Secretaries did not address corridors on state, tribal or private land since Section 368 only authorized



designation on Federal land and thus, they would be overstepping their bounds to designate corridors or evaluate environmental impacts on non-Federal land.

The Secretaries' approach is flawed in at least four ways: (1) amending resource management and land use plans significantly effects the human environment, therefore, a detailed EIS is required by NEPA, (2) the PEIS did not consider alternatives nor did it consider indirect impacts, (3) confining analysis to Federal land constitutes "segmented action", and (4) the practice of "tiering" means that alternative locations will not be evaluated at the local level either.

## DISCUSSION

### NEPA Background and Requirements:

The National Environmental Policy Act (NEPA) has "twin aims": (1) it requires government agencies to consider the environmental impacts of proposed actions, and (2) it mandates that agencies inform the public of environmental impacts and how their proposal addresses those environmental impacts. *Citizens' Committee to Save Our Canyons v. U.S. Forest Service*, 297 F.3d 1012, 1021 (10th Cir. 2002). It does not require an agency to place environmental concerns above other considerations, just that the agency take a "hard look" at environmental consequences before taking major action. *Id.* at 1022. When agencies prepare to take actions that significantly effect the human environment, that "hard look" takes the form of an Environmental Impact Statement (EIS). *Id.*

In order to determine if the action will significantly affect the human environment, an Agency may perform a less detailed Environmental Assessment (EA). *Id.* If no significant impact is found, the agency will issue a Finding of No Significant Impact (FONSI), which is subject to administrative and judicial review. *Id.* If the agency finds significant impact(s), then an EIS will be prepared and the

process includes scoping, preparing a Draft EIS (DEIS), which is presented to the public, the states, and other agencies for notice and comment, and preparing a Final EIS (FEIS) after evaluating the feedback. *Id.* A Supplemental (SEIS) is appropriate when the proposed action substantially changes after the DEIS or FEIS is prepared. *Id.*

The Four (4) Ways the Secretaries' Approach to the PEIS is Flawed:

(1) AMENDING RESOURCE MANAGEMENT AND LAND USE PLANS AFFECTS THE HUMAN ENVIRONMENT; THEREFORE, A DETAILED EIS IS REQUIRED BY NEPA.

According to NEPA, all Federal agencies are required to include a detailed environmental impact statement when any major action is taken that significantly affects the quality of the human environment. 42 U.S.C. § 4332(2)(C). "Approval of a resource management plan (RMP) is considered a major Federal action significantly affecting the quality of the human environment." 43 C.F.R. 1601.0-6. See also *N.M. Wilderness Coal.*, 129 IBLA 158, 158 (1994). Since "approval" of an RMP requires a detailed EIS, it follows that incorporating the designated Corridors into local RMPs also requires a detailed EIS rather than a high-level PEIS.

Here, the EPAct requires that the Secretaries incorporate the designated Corridors into the relevant agency land use and resource management plans. 42 U.S.C. 15926. Pursuant to the statute, the PEIS calls for the Carlsbad, Farmington, Fort Bliss, Mimbres, Rio Puerco, and Roswell RMPs to be amended to designate the energy Corridors. See *Volume 2, Appendix A*. The Bureau of Land Management (BLM) process for conducting plan amendments is similar to the process for creating RMPs, except that circumstances may allow for completing a plan amendment through the EA process, rather than through the EIS process. *BLM Land Use Planning Handbook*, H-1601-1, p.44

50479-001

(2003). Due to the significant impacts of on-the-ground activity either process would result in an EIS. Therefore, amending RMPs to accommodate the energy Corridors requires a detailed EIS rather than a PEIS.

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(cont.)

(2) THE PEIS DID NOT CONSIDER ALTERNATIVES NOR DID IT CONSIDER INDIRECT IMPACTS.

The scope of an EIS should also consider alternatives. 40 C.F.R. § 1508.25(b). In addition to the “no action” alternative, “other reasonable courses of action” and “mitigation measures” should be considered. *Id.* In determining the scope of an EIS, an agency should also consider “direct,” “indirect,” and “cumulative” impacts. 40 C.F.R. § 1508.25. The draft PEIS published here considered the “no action” alternative but did not consider “other reasonable courses of action” and “mitigation measures.” See *Executive Summary*, ES.7. Also the PEIS only considered direct impacts, not “indirect,” and “cumulative” impacts. See *Executive Summary*, ES.8. The locations of connecting corridors create indirect impacts that should have been considered. Alternative locations based on the locations of the connecting corridors should also have been considered.

50479-002

(3) CONFINING ANALYSIS TO FEDERAL LAND CONSTITUTES “SEGMENTED ACTION.”

“NEPA instructs that significant cumulative impacts are not to be made to appear insignificant by breaking a project down into small component parts.” *Utahns For Better Transp. v. US Dept. of Transp.*, 305 F.3d 1152, 1182 (10th Cir. 2002) (*citing* 40 C.F.R. § 1508.27(b)(7)). The scope of an EIS should include closely-related “connected actions,” defined as those that (a) automatically trigger other actions that would require an EIS, (b) cannot proceed unless other actions are taken previously or

50479-003

simultaneously, or (c) are interdependent parts of a larger action and depend on the larger action for their justification. 40 C.F.R. §§ 1508.25(a)(1), (3).

By examining each of these three definitions in turn, it is clear that the environmental impacts analyzed by the Secretaries in this case should have taken into consideration the segments in between the Federal land Corridors since the identification of those connecting corridors constitutes a closely-related connected action. First, the designation of the Corridors will automatically trigger permit applications which, the Secretaries admit, will require an EIS. Since the Corridors cannot stand alone and are useless for transmitting energy without pathways across non-Federal land, it follows that applicants for permits to use the Corridors, will, simultaneously, begin to identify and obtain rights-of-way (ROW) on private land, an activity that may also require an EIS. Therefore, Corridor designation on Federal land will automatically trigger the acquisition of non-Federal land to connect the Corridors and an EIS, and thus designating the Federal Corridors will automatically trigger other actions, the non-Federal Corridors, which require an EIS. The first definition of “connected action” applies here.

Second, designating Corridors on Federal land is connected to designating Corridors on non-Federal land since the transmission of energy using the Corridors as part of a national energy infrastructure cannot proceed unless and until corridors on non-Federal land are designated either previously or simultaneously. Therefore, the Federal Corridors cannot proceed as intended unless other actions are taken previously or simultaneously and the second definition “connected action” is met here as well.

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(cont.)

Finally, the Federal Corridors are interdependent parts of a larger action, i.e., the national energy transmission infrastructure, and are only justified within the context of connecting, continuous corridors. Therefore, siting Corridors on non-Federal land are interdependent parts of a larger action and fit the third definition of “connected action.”

Because the location of non-Federal Corridors meets all of the definitions of a connected action, it is a violation of NEPA for the Secretaries to ignore the locations and environmental impacts of Corridors on non-Federal land. In fact, the draft PEIS published by the Secretaries can be said to make “significant cumulative impacts . . . appear insignificant by breaking [the Corridor] project down into small component parts.” See *Utahns For Better Transp.*, 305 F.3d 1152, 1182, *Supra*.

50479-003  
(cont.)

(4) “TIERING” MEANS THAT ALTERNATIVE LOCATIONS WILL NOT BE EXAMINED AT THE LOCAL LEVEL EITHER.

Agencies are encouraged to “tier” their environmental impact statements to eliminate repetition. 40 C.F.R. § 1502.20. “Tiering” means that subsequent environmental impact statements, such as a site-specific assessment, need only summarize the issues discussed in the broader program-wide statement and incorporate discussions from the broader statement by reference. *Id.*

50479-004

The purpose of “tiering” is avoid repeating the work that was done for the higher-level decision; thus, the earlier decision is not revisited. When the construction of pipelines and electrical transmission lines are being planned, it will naturally be presumed that the agencies completed the appropriate environmental analyses before deciding the locations of the corridors. Alternate locations will not be considered as that would defeat the purpose of tiering and result in repetitive efforts.

The Secretaries state in the draft PEIS that future individual projects will be subject to a complete environmental review and that statement is clearly misleading. See *Executive Summary*, ES.4. The environmental review will not be a fresh review but will incorporate by reference the PEIS. See *Draft PEIS Executive Summary*, ¶ ES.9 (“Individual project analyses ... may tier off the PEIS, thus using and referencing the information, analyses, and conclusions presented in the PEIS...”). Therefore, the local permit approving bodies will not be empowered to change the locations of these energy Corridors. They may deny a permit, but they will not have the authority to move a corridor. This has tremendous land use impacts that must be assessed, in detail, before the proposed Corridor locations are approved.

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(cont.)

Moreover, the misleading statement that future individual projects will be subject to a complete environmental review has the effect of reducing the public comment on the locations of the Federal Corridors until it is too late. NEPA seeks to inform the public about the environment. 42 U.S.C. §43.32(1)(G) (“[A]ll agencies of the Federal government shall . . . make available to . . . individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment”). It follows that leading the public to believe that there are no impacts to non-Federal land from designating locations of Corridors on Federal land, when there clearly are, flies in the face of the fundamental policy Congress articulated when it enacted NEPA.

**RECOMMENDATIONS**

The contemplated power corridor through the Algodones and Placitas area will negatively affect many residents and natural amenities, including:

50479-005

- The Algodones and Las Colonias residential areas;
- Numerous private homes and small farms north and east of Placitas;
- The Diamond Tail Estates Master Plan;
- The Montezuma Ridge Open Space area;
- Numerous small residents and historic farms south of the Diamond Tail Ranch;
- The San Pedro Creek Estates subdivision;
- The Paako subdivision;
- The Campbell Ranch Master Plan area;
- The Indian Flats and Cedar Creek residential area;
- The Las Huertas Creek stream course, an environmentally sensitive area.

We propose that a more logical alignment can be achieved on the Highway 22 corridor, from Interstate 25 to Highway 14 and then continuing south on Highway 14 in a manner similar to the proposed Placitas alignment. See [Attachment A](#). This alternative avoids the significant and unavoidable impact of the Placitas corridor, and allows for a distribution of the right of way burden among large land holdings. Placing the corridor on the boundaries of these holdings minimizes the deleterious effect on any one of them, and provides a simplified, rational alternative to driving a corridor through many small residents and farming families.

The two routes, Alternatives A and B, are offered as possible corridors to access the Highway 22 alignment. Each has a feature that supports its consideration. For Alternative A, the extension of the corridor parallels the Plains highline to a point on the Highway 22 alignment and then continues south. While we have not consulted the Pueblos, particularly the San Felipe Pueblo, we maintain that

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(cont.)

this proposal is no more objectionable than the PEIS corridor in terms of length and impact on the various Pueblos.

Alternative B is designed to reach the Highway 22 alignment using the boundaries of the various Pueblos. We offer that this may be less objectionable to them, as large and highly visible power line structures would be shared by adjoining Pueblos, and it avoids the need to cut through their lands in an arbitrary manner.

We acknowledge that there may be other routes that accomplish the goal of reaching and utilizing the Highway 22 alternative, and offer these as two examples, each with their unique attributes, as a basis to begin discussion and refinement of the general proposal.

Please feel free to contact our office for more information.

Best regards,

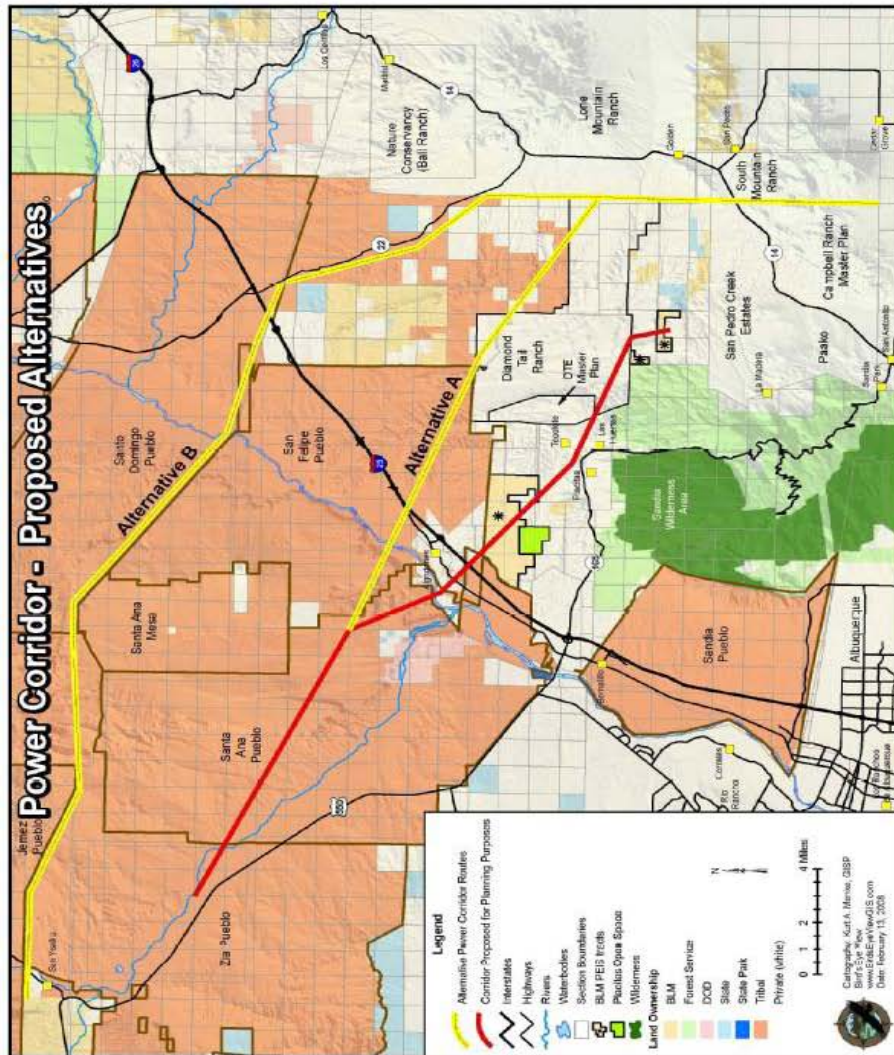
RODEY, DICKASON, SLOAN, AKIN & ROBB, PA

By \_\_\_\_\_  
Gina T. Constant

50479-005  
(cont.)



**Attachment A: Map of Proposed Alternatives**



**Attachment B: Comments Spoken at Public Hearing January 24, 2008**

I'm Gina Constant, attorney with Rodey Law Firm, representing Diamond Tail Estates I, the owner of a private residential development located north and east of the village of Placitas.

I want to point out that there are two major legal problems with the designation of energy corridors proposed today. The first is that the assessment of environmental impacts to our state has NOT been adequately addressed under the National Environmental Protection Act, or NEPA, and the second is the violation of the Takings Clause of the 5<sup>th</sup> Am. of the Constitution which prohibits the taking of private land for public use without just compensation.

First the environmental concerns. Alternative locations for these corridors were not seriously examined with the goal of assessing the environmental impacts to our national parks, forests, wildlife refuges, open space, water supply, culturally and historically important lands, etc. The claim is that once ground work to bury these pipelines is imminent a complete study will be done but the fact is that by that time, these corridor locations will have been finalized and the local agencies and utility companies who will do those on the ground assessments won't have the authority to move them. So the time to balance the need of a national energy infrastructure – which is not necessarily a bad idea – with the need to protect the environment, wildlife and people of our beautiful state is now, BEFORE the locations are finalized, not later when there will be little we can do about it.

Further, the map of the proposed corridors shows dashed lines criss-crossing our state from the northwest corner to the southeast corner and from the southwest corner to central NM. In most

cases, unlike the Placitas area, no corridors on the private land between the dashes have been contemplated. How can you assess the best location on Federal land without considering the location of the corridors on private land that connects them? The answer is: you can't. So the environmental impacts to our state and its citizens have not been evaluated and the time to do so is now, before the locations are finalized.

The second legal problem is the inevitable taking of private land. It looks like the energy corridors were drawn criss-crossing our state in support of a national energy infrastructure – again not necessarily a bad idea – and then portions of the lines were erased where the corridors would cross tribal and private land. The energy corridors will not function, and not one watt of electricity will make it to California, without connecting the dots and connecting the dots is not addressed in this plan. (And remember, this is no ordinary 5 or 6 foot utility easement, this is a 3500 foot wide – that's two-thirds of a mile wide – swath of land.) A proposed plan that does not take into account a necessary requirement for its success is not a viable plan. This plan, which does not take into account how or when private land will be acquired, or how just compensation, which is required by the Constitution, will be calculated, is an incomplete plan that cannot stand on its own and must not be approved.

Additionally, if these Federal energy corridors are designated and approved, the land lying on a trajectory connecting the Federal corridors will effectively be condemned. There will be an instant depressing impact on that private land both as to value and use. People will be reluctant to develop the land, and buyers will be reluctant to buy the land with all of that uncertainty attached. Will the corridor on my property be a straight line? Will it curve north 10 miles? South? The tying up of

that land for potentially years to come is a government eminent domain of private property without just compensation and it is unconstitutional.

To summarize, there are at least two major problems: (1) the environmental impacts to our state have not been properly examined, and now is the time to do so, not later when we can't relocate the corridors, and (2) the plan ignores the Constitutional due process requirements related to the taking of private property. Both of these deficiencies make the proposed plan for locating the energy corridors unviable and unworkable and it should not be approved.

Thank you.

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**From:** [corridoreiswebmaster@anl.gov](mailto:corridoreiswebmaster@anl.gov)  
**Sent:** Thursday, February 14, 2008 5:07 PM  
**To:** [mail\\_corridoreisarchives](mailto:mail_corridoreisarchives); [corridoreiswebmaster@anl.gov](mailto:corridoreiswebmaster@anl.gov)  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVECD50480

**Attachments:** Sha's\_energy\_corridor\_comments\_2\_14\_08\_WVECD50480.doc



Sha's\_energy\_corri  
dor\_comments...

Thank you for your comment, Sha Spady.

The comment tracking number that has been assigned to your comment is WVECD50480. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:06:24PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVECD50480

First Name: Sha  
Last Name: Spady  
City:  
State: OR  
Zip:

Country: USA

Privacy Preference: Withhold address only from public record

Attachment: C:\Documents and Settings\Sha\My Documents\Palomar Pipe Line\Energy Corridors  
\Sha's energy corridor comments 2 14 08.doc

Questions about submitting comments over the Web? Contact us at:  
[corridoreiswebmaster@anl.gov](mailto:corridoreiswebmaster@anl.gov) or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.

To: FERC  
Fr: Sha Spady  
, OR  
Date: Feb. 14, 2008

RE: West-wide Energy Corridor Mt. Hood National Forest, Clackamas County, Oregon.

To Whom It May Concern:

After reviewing the West-Wide Energy Corridor Programmatic Environmental Impact Statement and associated maps, those of us who have studied the potential habitat destruction in the State of Oregon have concluded that the **Agencies should adopt the No Action Alternative.**

It is clear that a portion of the proposed West-wide Energy Corridor running through 35 miles of the Mt. Hood National Forest in the State of Oregon is located along the same route as the proposed Palomar Pipeline.

At completion, the proposed Palomar pipeline would be over 200 miles in length and would run from Bradford landing (a terminal for deliquifying LNG) on the Columbia River through Oregon State forests, private farm, forest and vineyard lands in the Willamette Valley. Once it arrives at the Cascade Mountains, the proposed line is to run 35 miles west to east through the Mt. Hood National Forest – through 14 named creeks and streams (some multiple times) including the Wild and Scenic portion of the Clackamas River. No one knows how many fragile wetlands and other streams unnamed and unidentified will be crossed and impacted.

The proposed pipeline will cut through road less areas, steep slopes, landslide prone areas, the Lewis and Clark Wilderness among other innately sensitive and pristine places. This pipeline is only to have a 120' wide construction easement.

The West Wide Energy Corridors is to be at least 3500' wide and follows the exact route of the proposed Palomar line. The degree of potential devastation and irreparable damage to our Mt. Hood National Forest ecosystem from its potential impacts is almost unfathomable. It is our understanding that Palomar nominated/requested in 2005 that FERC site their proposed energy corridor in the same line, so that if the Energy Corridor is established, Palomar will not have to do a separate environmental impact study. This is unconscionable.

The document and driving force behind these plans are clearly geared to a pre-determined vision of an energy future for this nation that is not shared by many of its citizens and taxpayers. The plan creates over 6,000 miles of energy corridors that then are restricted for other possible uses, some of which are higher and better uses of these lands, such as wilderness areas. This is in direct conflict with the General Welfare of our nation.

50480-001

The huge size of these corridors defies logic. As we move into the era of declining oil and other fossil fuels, common sense says that smaller, local and renewable energy sources are going to be our best bet for a workable future. Corridors averaging 3500 feet wide, ranging to over 26,000 feet wide are grossly oversized and inspire curiosity as to what the real reason for these corridors is.

Locking this much land into a restricted use designation makes no sense. Energy infrastructure should be thoughtfully and carefully placed, one project at a time, using all the best environmental and economic science, fully-costed accounting (including all externalities) and a strong moral and ethical basis as the criteria of the choices made.

I urge the Agencies no to place these hundreds of thousands of acres of public property into jeopardy as designated energy corridors. Mindful, thoroughly-considered and transparent action will produce workability for generations to come. Mindlessly prescribing huge tracts of public land to a vague and indeterminate future is a recipe for disaster.

50480-001  
(cont.)

Sincerely,

*Sha Spady*

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:08 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50481

**Attachments:** Comments\_on\_368\_WVEC50481.doc



Comments\_on\_368  
WVEC50481.doc.

Thank you for your comment, Crystal Kuntz.

The comment tracking number that has been assigned to your comment is WVEC50481. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:07:24PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50481

First Name: Crystal  
Middle Initial: S  
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Privacy Preference: Don't withhold name or address from public record  
Attachment: R:\Comments on 368.doc

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.



**Implementation of the 368 programmatic EIS Process**

The intent of identifying corridors under the 368 process is to streamline the permitting process. With this, it is important to emphasize that lineal projects cannot be restricted to these identified corridors. Given the fact that they are only preliminarily identified; there are some instances where these corridors pass immediately adjacent to communities, residential areas or through known sensitive resource areas. There will be times that it is necessary to diverge from the corridor in order to avoid impacts to these areas. At other times the Purpose and Need of the project will require that a lineal facility diverge from these identified corridors in order to reach the project terminus. In these cases, it is necessary that those agency representatives working within the confines of the published 368 document realize that these adjustments are allowed and are provided for within the intent of the 368 Programmatic EIS.

In the recent past, some agency representatives have misinterpreted the intent of this document - indicating that lineal projects are confined to the identified corridors in order to utilize an Environmental Assessment to meet appropriate NEPA requirements as opposed to evaluating the individual impacts of the project on a case-by-case basis to reach this determination. It is imperative that agency representatives working directly with project proponents clearly understand the intent of this programmatic document and its associated provisions which allow divergence from the identified corridors as appropriate and necessary.

In summary, the fact that a large linear project does not lay completely within an established 368 corridor should not be the sole consideration for the requirement of a complete Environmental Impact Statement. Additional components of potential project impact need to be examined on their individual merit in order to establish the need for extensive study. This needs not only to be clearly stated in the document but clearly communicated to field staff as well. We would encourage that training be provided to field staff on the proper implementation of the Programmatic EIS.

50481-001

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:17 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50482

**Attachments:** Section\_368\_PEIS\_-\_Final\_EEI\_cmts\_2-14-08\_WVEC50482.doc



Section\_368\_PEIS\_  
-\_Final\_EEI\_c...

Thank you for your comment, Edward Comer.

The comment tracking number that has been assigned to your comment is WVEC50482. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:16:31PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50482

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Privacy Preference: Don't withhold name or address from public record  
Attachment: D:\My Documents\Section 368 PEIS - Final EEI cmts 2-14-08.doc

**Comment Submitted:**

The Edison Electric Institute (EEI) is submitting the attached documents on the Energy Policy Act of 2005 Section 368 Programmatic Environmental Impact Statement (PEIS) prepared by the Departments of Energy, the Interior, Agriculture, and Defense.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
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EDWARD H. COMER  
Vice President & General Counsel

February 14, 2008

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

Submitted: Electronically via the web, per instructions at  
[www.corridoreis.anl.gov/involv/index.cfm](http://www.corridoreis.anl.gov/involv/index.cfm)

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

Dear West-wide Energy Corridor PEIS team members:

The Edison Electric Institute (EEI) is submitting these comments in response to the draft programmatic environmental impact statement (PEIS) prepared by the Departments of Energy, the Interior, Agriculture, and Defense in support of the proposed designation of energy corridors across federal lands, as required by Section 368 of the Energy Policy Act of 2005 (EPA05).

When Congress enacted EPA05, it well understood the need for the United States to expand and modernize the existing electricity grid to assure reliability, to meet the expected growth in demand for electricity, and to provide access to renewable, clean coal, and other generation resources. Congress also understood that the task could not be accomplished without a portion of that expansion occurring across federal lands and that the federal departments with jurisdiction over land should, to the degree possible, anticipate and plan for the siting of new infrastructure.

The Section 368 requirement to designate energy corridors across federal lands and facilitate siting of facilities in the corridors was one element of a suite of provisions in EPA05 intended to facilitate the siting of transmission facilities. In particular, Sections 368 and 1221 were intended to spur the federal land agencies to address long-standing problems that have unnecessarily complicated and therefore delayed the siting of vitally needed new infrastructure, especially interstate facilities.

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EEI therefore applauds the Departments on their preparation of the draft PEIS for public comment – certainly a monumental task – and we urge the Departments to proceed apace to complete final designations before August 2008, rather than falling more than one year behind the deadline established by Congress for final designations. We continue to believe that this process for identifying available locations for energy facilities is an important one.

If properly implemented, the Section 368 corridor designations will enable the federal land agencies to engage in cross-jurisdictional planning and coordination to address the need for interstate facilities that can transmit electric power and other energy resources from generation resources located remote from major population centers where demand is growing. Furthermore, the designations hold the promise of shortening the time and streamlining the process for permitting and siting specific projects when they are to be located within a designated corridor.

Interstate transmission facilities are among the most difficult to site and permit. Notwithstanding a transmission investment by shareholder-owned utilities of \$37,856 billion (2006 dollars) from 2000 through the end of 2006, only 14 interstate transmission line segments have been built since 2000, totaling 668 miles of 230 kV or higher, and only 4 of these were located in any of the 11 Western states included in the PEIS.

Accordingly, EEI is pleased to submit these comments in support of the proposed action alternative and with recommendations that we believe will assure that the Departments satisfy the mandate they were given by Congress, while continuing to meet the mission and management objectives of the various affected federal lands. EEI's comments are general in nature. We do not comment on specific proposed corridors in the draft PEIS, referring the Departments instead to comments filed by EEI member companies for such specifics.

The Designation of Section 368 Corridors Will Significantly Affect EEI Members and Their Customers

EEI is the association of U.S. shareholder-owned electric companies, international affiliates, and industry associates worldwide. Our U.S. members represent about 70 percent of the nation's electric utility industry. To provide electricity to their customers, our members rely on a network of electricity generation, transmission, and distribution facilities, many of which our members construct, own, and operate.

Transmission facilities are used to convey electricity from generating resources to population centers and other customer sites. Transmission facilities can be quite lengthy because most generation facilities (including ones that depend on renewable energy, coal, and other natural resources) are often located some distance from customers. Furthermore, the transmission facilities form an integrated grid that is highly interdependent and must be carefully designed, built, maintained, and managed at a utility, state, and regional level to ensure a reliable, affordable supply of electricity.

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As long linear facilities, transmission lines frequently must be located on or across federal lands, especially in the Western U.S. where lands managed by the BLM, Forest Service, and other federal agencies are ubiquitous. Many EEI members rely on rights-of-way across federal lands for vital transmission lines and other facilities, and the Departments have long provided rights-of-way for such facilities in the interest of helping to provide an adequate supply of electricity. In turn, these rights-of-way have served and will continue to serve an important role in supporting infrastructure that is vital to the nation's economy and security.

As a result, EEI members will be directly affected by the actions proposed in the draft PEIS as to the number, location and parameters of the corridors, the environmental analyses, and the interagency operating procedures. Their bottom line concern is whether the action alternative as proposed will facilitate their ability to continue to provide reasonably priced electricity and ensure the near and long term reliability of the electricity grid. Our members face significant growth in demand for electricity and ongoing changes in the mix of available generation resources, driven in part by policy preferences that will compel greater reliance on renewable resources, clean coal technologies, and nuclear power. The ability to site transmission facilities is crucial to meet these needs.

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The PEIS Should Include a More Robust Discussion of Purpose and Need

The PEIS identifies three reasons for the Departments' proposed action: (1) to implement Section 368 of EPAct05, (2) to improve reliability, relieve congestion, and enhance grid capability as required by Section 368, and (3) to improve the coordination among the agencies to increase the efficiency of using designated corridors.

EEI agrees that the Departments have correctly identified the three primary reasons for the proposed action. But we urge the Departments to provide a more robust discussion of why the Section 368 designation process is important for addressing grid concerns in the Western United States and improving the efficiency of siting vital new infrastructure. That discussion will contribute to the public understanding about why there is likely to be a need to locate new energy facilities across federal land. As important, the discussion is essential to inform the evaluation of public need and purpose when specific projects are proposed for siting within a corridor.

50482-003

EEI is submitting as Attachment A to these comments a map prepared by the Federal Energy Regulatory Commission (FERC) identifying transmission projects that have been built since 2000 across state borders. We also are providing as Attachment B a graph showing the marked increase in transmission investment during the same period. Interstate transmission facilities are simply not yet being built, especially the kind of transmission projects that will be necessary to tap into generation resources distant from population centers, including renewable resources. Only 11.4 percent of the miles (230kV or above) added between 2000 and 2006 were interstate, with a far smaller percentage added in the West.

At the same time, the Energy Information Administration, in its 2007 Annual Energy Outlook, forecasts an electricity demand growth throughout the West that is considerably higher than the national average. Forecasted demand for 2005-2030 throughout the Western Electricity Coordinating Council (WECC) is 55.1 percent, and in the Rocky Mountain Power Area and the Arizona-New Mexico-Southern Nevada Power Area projected demand growth is even higher at 67.5 percent.

Furthermore, the 2007 Long Term Reliability Assessment prepared by the North American Electric Reliability Corporation (NERC) projects supply margins will drop below minimum target levels within WECC in 2008 or 2009, depending on the sub-region, and by 2011 or 2012 if uncommitted resources that for a variety of reasons cannot be currently employed are included. Please see Attachment C.

The Department of Energy has completed significant analyses in its 2006 Congestion Study and elsewhere. EEI believes this information could and should be better reflected in the PEIS. Similarly, information on land ownership patterns and the location of generation resources in relation to load demand could be presented to better communicate the need for energy corridors across federal lands. In the PEIS, this information will be more readily accessible by the general public.

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(cont.)

The information, however, also needs to be presented in the context of each corridor proposed for designation so that citizens who examine the corridor specifics can appreciate the relationship between generation resources and load centers the pathway is intended to address. This will also be helpful for project proponents who might then be able to tier off the PEIS with regards to purpose and need for specific projects and not have to start from scratch to justify a proposed project within a corridor to the field personnel who will be reviewing the siting application.

EEI also believes that in discussing purpose and need, the draft PEIS could be improved by discussing some of the problems that have occurred in trying to site facilities across federal lands, particularly interstate facilities and those that must cross more than one federal jurisdiction. Such a discussion would help the public understand the benefit they will derive from a more efficient, cross-jurisdictional siting process available through the Section 368 corridor designations and through implementation of the coordinated siting process required by Section 1221 of EPAAct05.

The PEIS Should Replace the Use of the Phrase “Preferred Location” With “Pre-identified Available Locations” for Future Siting

Throughout the PEIS, the Departments are very careful to make clear that corridors designated under the Section 368 process are not intended to be the only place where applicants for rights-of-way can propose to site transmission facilities. This is restated many times, and the Departments recognize that if the coordinated sting process for designated corridors is efficient, project proponents will be attracted to siting within a designated corridor if doing so is economically practicable.

50482-004

EEI supports the position of the Departments that the designation of corridors does not establish the exclusive location for siting future transmission and other energy facilities. We have become concerned, however, that the use of the phrase “designating corridors for the preferred location” for siting of energy facilities may be interpreted to create a presumption that project proponents will have to rebut in order to site elsewhere. This would be especially problematic where projects are already being considered and for which tentative or specific routes have been identified but are not included in the PEIS.

To avoid establishing a rebuttable presumption that could become a high hurdle for siting facilities elsewhere, we strongly recommend that the Departments use an alternative phrase throughout the PEIS, namely, that corridors are being designated to “pre-identify locations available” for the siting of new infrastructure. The use of this phrase would be consistent with the Departments’ recognition that in this particular Section 368 process, not all the justified requests for designated corridors could be reasonably accommodated. Because the Section 368 process is intended to accommodate the need for new infrastructure to meet growing demand, it would be a contrary and highly problematic outcome if the end result was to establish higher barriers to siting new facilities across federal lands if they are proposed for outside a designated corridor.

50482-004  
(cont.)

The Departments Should Increase the Number and Extent of Corridors Designated Under Section 368

The draft PEIS indicates that 6,055 miles of corridors are proposed for designation and that roughly 61 percent of the proposed corridors incorporate existing corridors and rights-of-way. On the other hand, during the scoping period and the comment period on the early proposed maps, energy companies proposed corridors totaling 61,550 miles. EEI understands that the Departments could not reasonably include every request, given the time, budget, and staff constraints on this first round of designations under Section 368.

Nonetheless, EEI encourages the Departments to consider the inclusion of additional corridors, as requested in specific filings by EEI member companies. Our members are the ones who face the challenge of siting needed new facilities throughout the U.S. and who are best able to identify federal lands where a corridor would help in siting the facilities. We also urge the Departments to establish a process going forward to coordinate cross-jurisdictionally on the designation of additional Section 368 corridors for interstate facilities.

50482-005

EEI member companies are particularly concerned that some of the paths proposed for designation do not enable the completion of a route from the location of generation resources to load centers with respect to the federal lands between those resources and load centers. This raises all sorts of questions about the process for siting facilities along the path where some federal lands are in a corridor and others are not.

To address these concerns, the Departments should provide maps and information that demonstrate how the corridors will be part of overall paths connecting important energy supply to load and interconnecting important portions of the transmission grid, even if parts of those overall paths will occur on non-federal lands. The Departments also should ensure that all federal segments of these overall paths are designated as part of this Section 368 process, rather than designating just some segments and leaving others undesignated.

EEI member companies have also noted that some corridors presently recognized under individual land use plans or forest plans are included as proposed Section 368 corridors under the draft PEIS and others are not. EEI believes that all existing corridors recognized by individual land use plans or forest plans should be designated and incorporated into the PEIS and be able to benefit from the coordinated process available to the Section 368 corridors, assuming that the final process has some value in improving the efficiency of obtaining rights-of-way for new facilities.

50482-005  
(cont.)

Should the Departments decline to carry forward into the Section 368 designation all the corridors recognized in individual land use plans, the final PEIS and Record of Decision should make clear that the ones not included should be treated as if they were Section 368 corridors for purposes of processing, evaluating and acting on right-of-way applications within those omitted corridors. The Departments should also explain the decision for non-inclusion of those not incorporated.

EEI is surprised that no Department of Energy (DOE) lands are included in the designated corridors. We know that DOE manages some lands where siting issues have occurred, and Section 368 directs DOE to assist in the designation process in part for this reason.

The Departments Should Adopt 5000 Feet as the Default Width for the Proposed Section 368 Corridors and Better Explain the Role of Corridor Width to the Public

Where corridors proposed for designation under the draft PEIS incorporate corridors from existing land use plans and forest plans that approved a width greater than 3500 feet, the Departments have maintained the greater width for the incorporated corridors, and EEI fully supports that decision. Similarly, where corridors proposed for designation incorporate existing corridors with narrower widths, we support the decision of the Departments to the extent practicable to expand the width to the 3500 feet default width for designated Section 368 corridors.

50482-006

EEI urges the Departments to reconsider, however, their decision to establish 3500 feet as the default width, and instead we recommend a minimum default width of 5000 feet. We also recommend allowing use of wider widths where appropriate or justified, e.g. by industry comments. EEI understands that the Departments are concerned that the public on first glance not embrace a mile wide corridor. But we believe that if the public understands the purpose and benefits of a wider corridor, the public will be amenable to the concept.



Regardless of the final decision on corridor width, the Departments should make clear to the public that the purpose of corridor designation is to preserve, especially as a planning tool in land use plans, an area where individual energy facilities can be located. A sufficient width of corridor needs to be preserved to enable flexibility in siting the actual facilities, taking the purpose of the facility, topography, adjacent land use, environmental needs, and other issues into account. Actual facility footprints will be much narrower than the corridor width. For example, rights-of-way for transmission facilities within corridors are typically 200 feet wide or less.

Testimony received before Congress during oversight hearings and elsewhere reveals that there is a wide misperception that corridor width establishes the boundaries for a clear cut of vegetation. That simply is not the case, and the Departments should directly dispel this misperception in the PEIS. EEI strongly urges the Departments to clarify prominently in the PEIS that the designation of corridors whatever their width will not result in “clear cuts” of all the land designated and that facility footprints are much smaller.

While EEI member companies will elaborate on the merits for expanding the width of the proposed corridors in their respective comments, EEI notes here that wider corridors avoid safety and technical issues that crop up with more concentrated location of transmission, pipeline, and other energy facilities. Wider corridors also provide greater flexibility when it comes to siting specific projects within the corridors to avoid any remaining isolated but sensitive environmental and cultural resource areas and discrete topographic constraints not already addressed by the Departments in the designation process.

EEI understands that the Departments engaged in an intense, highly interactive consultation with field personnel in developing the proposed corridors so as to avoid sensitive areas, accommodate local concerns, and to the maximum extent possible produce a set of proposed corridors that are consistent with existing management plans and objectives. We applaud the Departments for undertaking that process. To the extent that there may remain smaller areas within the corridor that need to be addressed during the siting of specific projects and when the parameters of the project are defined, a wider corridor will afford agency decision-makers with greater flexibility to adjust the route within the corridor to address those concerns.

Finally, a wider corridor will afford greater flexibility in sorting through the complications of where and how a proposed project intersects federal, private and state lands. The patchwork land ownership patterns in the West present difficult challenges for the siting of transmission infrastructure that, given the smaller footprint of a facility right-of-way, can be mitigated by widening the junction between the Section 368 corridor and the non-federal lands.

50482-006  
(cont.)

The Departments Must Assure a Good, Efficient Process for Siting Within a Designated Corridor

EEI agrees with the Departments that there are benefits to co-locating facilities within a designated corridor, assuming the width of the corridor is appropriate. EEI also agrees with the Departments that siting within proposed corridors should not be compelled and that project proponents should be free to propose siting elsewhere across federal lands. Like the Departments, EEI believes that if the coordinated process for siting within a proposed corridor is efficient and beneficial, companies proposing new facilities will take advantage of the designated corridors when economically feasible and practicable.

Accordingly, EEI urges the Departments to clarify and streamline the interagency coordination and analysis for siting within a designated corridor. We encourage the Departments to discuss the siting process more fully in the PEIS, as follows.

First, the Departments should note in the PEIS that Section 368(c)(2) directs them to “expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during the designation of such corridors.” This is a clear purpose of the designation process and should be acknowledged in the PEIS.

Second, EEI is pleased that the Departments intend upon completion of the final PEIS to issue records of decision that will simultaneously amend all relevant agency land use plans to reflect the corridor designations. Given that a primary benefit of designation is to plan for and to preserve corridors for the siting of energy facilities, this is an important step.

Third, the PEIS should reflect that the designated corridors are in fact meant to accommodate energy facilities. This would help to encourage the use of designated corridors for energy facilities when feasible, by signaling that the corridors are intended to accommodate such facilities. So much of the PEIS talks of preserving the Departments’ option to say “no” to new facilities that it fails to acknowledge that in many cases use of the corridors should facilitate a “yes.”

Fourth, the PEIS should more fully reflect that the agencies have screened potential corridors through an intense, interactive three-step review that involved field personnel and was intended to avoid environmentally sensitive areas. This would help streamline later environmental reviews by recognizing that screening already has been done, so later reviews can build on rather than repeat the work already done. Such streamlining would comport with EPAAct05 Section 368(c)(2), as discussed above. It also is supported by the Council on Environmental Quality’s regulations at 40 C.F.R. Section 1502.20, which expressly encourages agencies to “tier” later environmental reviews to reflect earlier ones such as the PEIS.

50482-007

Fifth, given that the purpose of corridor designation is to facilitate later siting of facilities, and given the amount of pre-screening that has occurred in preparing the PEIS, the Departments should note that later siting of facilities within the corridors generally will require no more than an EA, not an EIS, and that subsequent analyses will NOT need to review alternatives.

Sixth, the PEIS should point to agency-industry guidance for addressing known potential effects, such as avian effects and vegetation management issues, and say that complying with such guidance will fully address the effects. The draft PEIS recommends that transmission lines should be designed and constructed in accordance with the *Avian Protection Plan Guidelines* (APP Guidelines) produced by the Avian Power Line Interaction Committee (APLIC) and the U.S. Fish and Wildlife Service in 2005. In fact, the APP Guidelines do not contain specific line design criteria and are intended to be used in conjunction with *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (Suggested Practices), jointly prepared by EEI, APLIC, and the California Energy Commission. The PEIS should cite the Suggested Practices document rather than the APP Guidelines as the appropriate guide to avian mitigation measures.

50482-007  
(cont.)

Seventh, the PEIS should clearly specify issues raised during scoping or examined as part of the PEIS review that in fact are NOT effects of the energy facilities that will be located in the corridors. For example, there is no science to suggest that electric and magnetic fields (EMF) have an effect on wildlife, and this issue should not require further evaluation at the project level. In addition, agency staff reviewing a proposed project should be directed to focus only on actual effects that have not already been addressed through the PEIS process and through mitigation measures already undertaken. The PEIS lists an array of potential effects for projects that may later be located in designated corridors. But many of those potential effects simply will not be relevant for a given project on a site-specific basis, and the PEIS needs to state this clearly.

The Departments Should Not Mandate or Encourage Undergrounding of Transmission Lines or Impose New Visual Classification Constraints on the Facilities

EEI strongly disagrees with the Departments decision to mandate undergrounding of transmission lines on some corridors, particularly on those corridors where overhead facilities and transportation facilities already exist. Undergrounding can drive up the costs of a transmission project by a factor of 26, and it requires concrete liners and other features that may not be feasible or appropriate in some terrain. Establishing a requirement for undergrounding could in effect convert the corridor into a “no-build” zone, assuring that the purpose for the corridor is defeated at the outset. Undergrounding should be a measure of last resort and not a requirement for siting within a corridor.

50482-008

EEI also disagrees with the decision of the Departments to change the visual classifications on some existing corridors that have been incorporated into Section 368 corridors, thereby imposing new constraints on the use of those existing corridors. The Departments have offered no explanation or justification for imposing such new constraints, which overturn previous agency determinations made in the context of land use plans. Furthermore, these changes will tend to require broader use of undergrounding, which presents serious problems as described in the preceding paragraph.

50482-008  
(cont.)

Alternative Corridors Need to be Provided for Any Energy Corridor Across Federal Lands That Intersects With Tribal Lands

EEI member companies have had substantial difficulty in negotiating reasonable terms for the renewal of rights-of-way across Indian tribal lands. We anticipate that similar problems would arise in negotiating such rights-of-way across tribal lands when necessary to make use of a Section 368 corridor that terminates at tribal land boundaries. EEI urges the Departments to supplement the existing proposed corridors with additional corridors to provide a corridor bypass around any potentially affected tribal lands. By doing so, the Departments will enhance the ability of both a project applicant and an affected tribe to negotiate mutually satisfactory arrangements, should both parties elect to use a corridor that would also involve the placement of facilities across tribal lands.

50482-009

EEI Supports the Division of the PEIS into an Action and a No-action Alternative

EEI believes that the Departments have made a reasonable decision given the scope of the task to prepare an action and no-action alternative. The process that the Departments have used to analyze and to avoid sensitive areas and to produce a set of proposed corridors has been thorough. The interactive maps and volume of information provided on each proposed corridor is tantamount to a consideration of alternatives under the National Environmental Policy Act. The final PEIS and record of decision should articulate the legal and policy arguments for this decision.

50482-010

The Executive Summary to the PEIS Should Better Reflect Important Issues Covered Later in the Document, Including the Issues Raised in These Comments

Given the length and complexity of the PEIS, many reviewers will rely on the Executive Summary to understand what the Departments are doing and why. The Executive Summary should clearly explain the purpose of the corridor designations and how the designation process will be used to streamline facility siting. In particular, EEI encourages the Departments to reflect the above points we have recommended be added to the PEIS with corresponding discussion in the Executive Summary.

50482-011

Conclusion

EEL appreciates the opportunity to comment on the draft PEIS and commends the Departments and all those involved in the development of the PEIS for their considerable work. If you have any questions about these comments or need additional information, please contact either me, Meg Hunt at 202-508-5634, Henri Bartholomot at 202-508-5622, or Rick Loughery at 202-508-5647 here at EEL. Thank you.

Sincerely,

- signature -

Edward H. Comer

Attachments

Attachment A

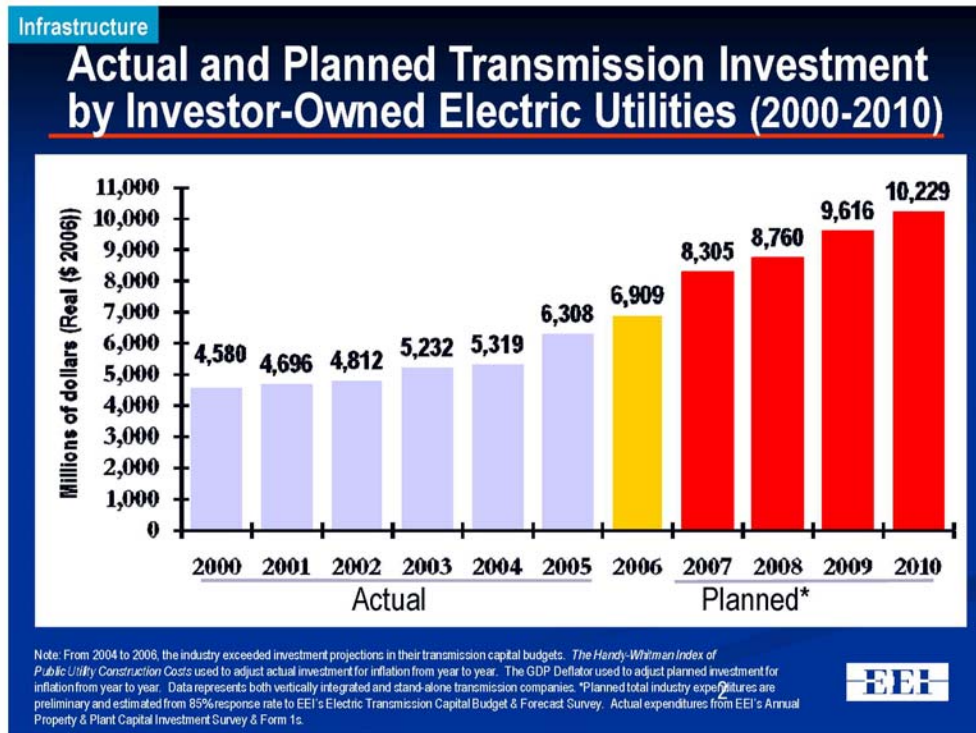
**Infrastructure**

**Since 2000, 14 transmission lines have been built that physically cross state borders**

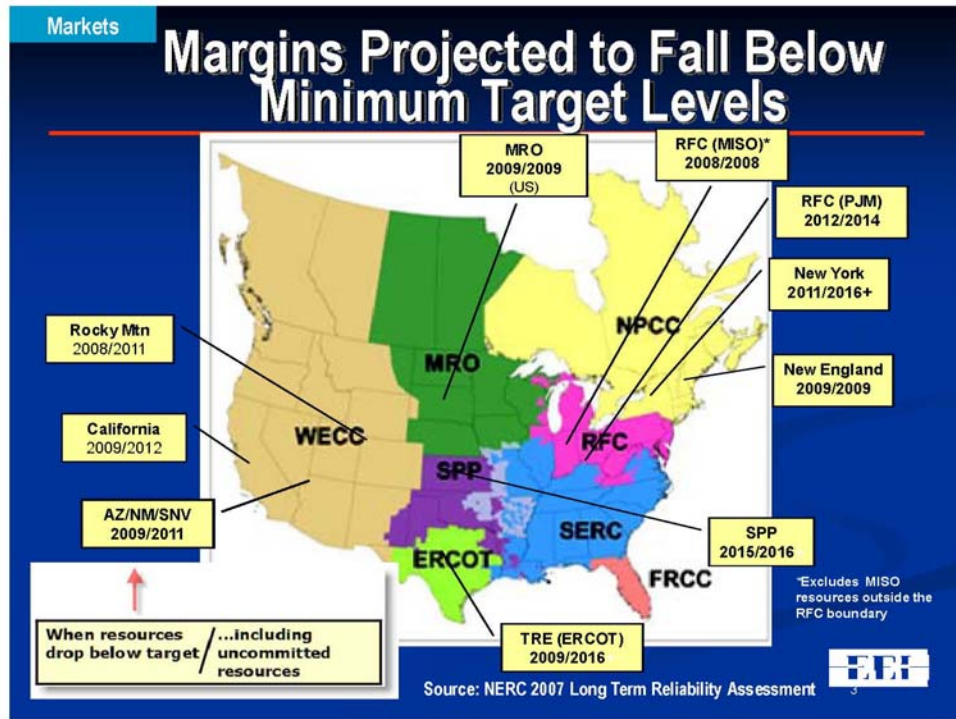


Source: NERC Survey and Major Assessments, WVEC Energy Generation and Significant Additions and Changes in System Facilities Reports and NERC's Transmission Database

Attachment B



Attachment C





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**From:** coridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:17 PM  
**To:** mail\_coridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50483

Thank you for your comment, Lolly Jones.

The comment tracking number that has been assigned to your comment is WVEC50483. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:17:07PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50483

First Name: Lolly  
Last Name: Jones  
Address:  
City:  
State: NM  
Zip:  
Country: USA  
Email:  
Privacy Preference: Withhold address only from public record

Comment Submitted:

I would very much like to see population density maps for the PEIS. Large scale industrial energy development is not compatible with private residential property; alternative corridors should be sited away from residential areas.

| 50483-001

| 50483-002

Questions about submitting comments over the Web? Contact us at:  
coridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.

---

**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:23 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WWECD50484

**Attachments:** Dine\_CARE\_and\_SJCA\_DEIS\_West-Wide\_Corridors\_WWECD50484.pdf



Dine\_CARE\_and\_SJ  
CA\_DEIS\_West-W...

Thank you for your comment, Mike Eisenfeld.

The comment tracking number that has been assigned to your comment is WWECD50484. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:22:58PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WWECD50484

First Name: Mike  
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Country: USA  
Email: mike@sanjuancitizens.org  
Privacy Preference: Don't withhold name or address from public record  
Attachment: /Users/mikeeisenfeld/Desktop/Dine CARE and SJCA DEIS West-Wide Corridors.pdf

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.

February 14, 2008

*Submitted via electronic mail (pdf) and U.S. mail*

West-Wide Energy Corridor DEIS  
Argonne National Laboratory  
9700 S. Cass Avenue  
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To Whom It May Concern:

Diné Citizens Against Ruining Our Environment (Diné CARE) and San Juan Citizens Alliance (SJCA) respectfully submit the following comments concerning the West-Wide Energy Corridor Draft Environmental Impact Statement (DEIS). Diné CARE and SJCA comments are focused specifically on implications of the DEIS on the Four Corners region (an area comprised of portions of Arizona, Utah, Colorado and New Mexico). The comments also reflect observations made by Diné CARE at the January 23, 2007 meeting in Window Rock, Arizona, Navajo Nation concerning the West-Wide Energy Corridor DEIS.

Diné CARE is an all-Navajo, non-profit, grassroots environmental organization, based within the Navajo homeland. Diné CARE strives to educate and advocate for traditional Navajo teachings to protect and provide a voice for all life forms. Our main goal is to empower local and traditional people to organize, speak out and determine the proper use and protection of the environment.

SJCA is a non-profit organization, with over 500 members in the Four Corners region, actively involved in energy development oversight; advocating for cleaner air quality and better stewardship of our natural systems; promoting reduced energy consumption, energy efficiency and renewable energy; and working for improvements to community health.

#### **Insufficient Purpose and Need**

First and foremost, the West-Wide Energy Corridor DEIS fails to convey any clarity for the project purpose and need. The result is that the proposed action in the DEIS is to condemn 3,500 foot wide corridors for future development associated with coal-fired power plants, utility transmission, pipelines and other right-of-way (ROW) proposals. In the Four Corners region there are already developed ROW corridors that are more than sufficient for energy transport projects (for example, Trans-Colorado, Transwestern, MAPCO). The purpose of an EIS under the National Environmental Policy Act (NEPA) is addressed in 40 Code of Federal Regulations (CFR) § 1502.1:

50484-001

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment....An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

50484-001  
(cont.)

The West-Wide Energy Corridor DEIS exists merely as a disclosure document that states that the project is needed for ROWs across federal lands. In the Four Corners region, the landscape is a checkerboard of Federal, tribal (allotted and tribal trust), private and state surface ownership that precludes any continuous corridors from being established that would meet the stated purpose and need of the West-Wide Energy Corridor DEIS. For example, the proposed corridors exhibited in the West-Wide Energy Corridor DEIS stop when they hit the Navajo Nation. How could this be when the corridors require contiguous linear function as the primary purpose and need of providing energy transport? The January 23, 2008 meeting in Window Rock reinforced that the DEIS has not been sufficiently developed to describe the purpose and need for the project on potential impacts to the Navajo Nation. Further, the DEIS fails to make the case for any jurisdiction over Southern Ute Tribal land, Jicarilla Apache Tribal Land, Ute Mountain Ute Tribal Land, state of New Mexico land, state of Utah land, state of Arizona land, state of Colorado land and private land. Does the federal government plan on using eminent domain in all cases where the federal land energy corridors abut the multitude of other surface land ownership? Without specific details about the precise purpose and need for these energy corridors, there is no way to determine the extent of impacts to the Four Corners region, including economic, environmental and social justice issues.

50484-002

**Ill-defined Scope and Evident Segmentation**

NEPA (40 C.F.R. § 1508) clearly states the following concerning Major Federal actions requiring the preparation of environmental impact statements:

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (Sec. 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

50484-003

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (Sec. 1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decision-making.

The President's Council on Environmental Quality (CEQ) is quite clear on providing guidance to lead Federal agencies on avoiding segmenting a proposed action to avoid the application of NEPA, or to avoid a more detailed assessment of the environmental effects of the overall action. The following sections of NEPA discuss scope and include the concepts of connected and cumulative actions under 40 CFR § 1508 (a):

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (Secs. 1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(a) Actions (other than unconnected single actions) which may be:

Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

It is evident that the West-Wide Energy Corridor DEIS fails to meet requirements on connected actions (coal-fired power plants, refineries, major pipelines and transmission lines) that are segmented in the current analysis. The West-Wide Energy Corridor DEIS is a disingenuous attempt to avoid taking a "hard look" at the impacts of energy development that are already overwhelming the Four Corners region while claiming corridors of land for future energy development.

50484-003  
(cont.)

### **Failure to Consider Reasonable Range of Alternatives**

Council On Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500-1508 guidance on Alternatives including the proposed action for an EIS are set forth under 40 CFR § 1502.14:

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (1502.15) and the Environmental Consequences (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 the reviewers may evaluate the their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of the no action.

50484-004

The West-Wide Energy Corridor DEIS is clearly deficient in failing to present a reasonable range of Alternatives which would allow the public comparative analysis of proposed energy corridors. In addition, the lack of any defensible impact analysis of the proposed energy corridors makes the impact analysis content of the DEIS moot.

### **Failure to Accurately Address Cumulative Impacts in the DEIS**

Many of the conclusions set forth in the DEIS concerning impacts to resources have no supporting data because the purpose and need for the project is ill defined. It appears that the energy corridors line up with areas of western lands already impacted by significant oil and gas exploration and development, and coal-fired power plants/coal mining. Indeed, this is the case in the Four Corners region.

Again, considerations under NEPA include the concept of cumulative actions under 40 CFR § 1508 (a):

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (40 CFR § 1502.20 and 1508.28)...

Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

50484-005

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

Given the rapid streamlined energy development in the Four Corners region (expedited by the Energy Policy Act of 2005 and directives to Federal agencies to prioritize energy development on public lands), the cumulative impacts in this DEIS have not been adequately disclosed or analyzed. The Environmental Consequences sections of the DEIS are completely deficient without the cumulative impact analysis, as well as lacking accurate assessment of direct, indirect and connected actions. The Four Corners region already has 18,000 existing natural gas wells and 10,000 newly "approved" natural gas wells in the Bureau of Land Management (BLM), Farmington Field Area, thousands of natural gas wells in the San Juan National Forest, thousands of natural gas compressors and Central Delivery Points for natural gas, hundreds of thousands of miles of ROW corridors for pipelines and powerlines, and access roads that spider over the entire region. In addition, the two existing coal-fired power plants (San Juan Generating Station and Four Corners Power Plant) remain two of the highest polluting coal plants in the Western United States. A proposal for a third coal-fired power plant in the region, Desert Rock Energy Project, confirms that the Four Corners region is being used an energy sacrifice zone with little to no regard to the impacts on people who live here.

50484-005  
(cont.)

#### **Insufficient Explanation of Financial Considerations in the DEIS**

As proposed, the energy corridors would cross state, tribal and private land with no clear description of financial compensation/negotiations, contractual negotiations concerning royalties (where applicable), consideration of devaluation of non-public lands, and no accounting for Indian Trust Assets. As the Federal government is surely aware, accounting for Indian Trust Assets associated with mineral development is a huge legal issue that remains unresolved. In addition, there are significant ROW issues across tribal lands that require oversight and prescribed negotiations before energy corridors can be established. Private landowners in the Four Corners area are under siege from natural gas development and particularly susceptible to split estate where surface ownership and mineral ownership conflict. The DEIS completely fails to analyze economic impacts to tribes, private landowners, and states as a result of implementing the energy corridors. The DEIS should be re-scoped to disclose to the public the financial implications of these proposed energy corridor gifts to the energy industry.

50484-006

#### **DEIS Maps are Inadequate**

The maps in the DEIS did not provide enough detail for Diné CARE or SJCA to ascertain the areas that would be impacted by the proposed action in the DEIS. The fact that the corridors stop on tribal lands in the Four Corners region is sufficient to demonstrate the inadequacy of evaluating the proposed action.

50484-007

**Insufficient Consultation and Coordination**

Diné CARE personnel raised numerous questions at the January 23, 2008 meeting that could not be answered, including, where the corridors go on tribal land, who has been consulted, how the project would impact cultural use and what alternatives have been developed. These questions remain unanswered. There were no evident Navajo Nation or Bureau of Indian Affairs (BIA) officials at the meeting who could provide any answers on the actions items proposed in the West-Wide Energy Corridor DEIS or provide representation for Navajo Nation interests associated with the energy corridors. There was no attempt to provide translation for Navajo speaking citizens who attended the meeting in Window Rock. Department of Energy officials at the Window Rock meeting were unable to provide substantive answers to citizens concerning the proposed action on Navajo land.

50484-008

Further, there appears to have been no real attempt to develop Cooperating Agency status with tribal entities that have a vested interest in the outcome of the West-Wide Energy Corridor DEIS or follow established negotiating practices that normally occur under government-to-government relations. Diné CARE and SJCA request that Memorandum of Understandings be developed for the West-Wide Energy Corridor that include all Cooperating Agencies in the Four Corners region. In addition, we believe that the BLM and Forest Service in the Four Corners region need improved representation in describing the Affected Environment in the DEIS that accurately reflects existing environmental conditions.

**Failure to Evaluate Environmental Justice and Evaluate Existing Disproportionate Impacts to Citizens of the Four Corners Region**

The DEIS fails to properly evaluate Environmental Justice as defined under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." There are already disproportionate health impacts borne by the people of the Four Corners region who have been subject to high toxics emitted by Four Corners Power Plant and San Juan Generating Station; wastes at Navajo, San Juan and La Plata coal mines; Giant Refinery toxic dumping in the San Juan River; the legacy of uranium mining and refining; and thousands of other "clustered" pollution sources. There are also disproportionate impacts to the citizens of the Four Corners region associated with land use and visual impacts. On the Navajo Nation, these impacts include loss of grazing rights, loss of customary use areas, and loss of home-site leases.

50484-009

The proposed action in the West-Wide Energy Corridor DEIS would prohibit multiple use of public lands in the proposed corridors taking even more land out of the public domain for energy development.

A recent document by EPA Office of Inspector General (agency that oversees compliance with the executive order on environmental justice) states the following:

Our survey results showed that EPA program and regional offices have not performed environmental justice reviews in accordance with Executive Order



12898. Respondents stated that EPA senior management has not sufficiently directed program and regional offices to conduct environment justice reviews. Also, respondents expressed a need for further guidance on conducting these reviews, including protocols, a framework, or additional directions. Until these program and regional offices perform reviews, the Agency cannot determine whether its programs cause disproportionately high and adverse human health or environmental effects on minority and low-income populations.<sup>1</sup>

Additionally, EPA regulations specifically prohibit the air program from,

choos[ing] a site or location of a facility that has the purpose or effect of ... subjecting [individuals] to discrimination under any program or activity to which this part applies on the grounds of race, color, or national origin or sex; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this subpart.

[Or]

use criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.<sup>2</sup>

Diné CARE and SJCA request that that the next version of the West-Wide Energy Corridor DEIS provide a full EPA assessment on environmental justice with oversight from the EPA Office of Inspector General.

Diné CARE opposes any tribal member relocation for the designation of energy corridors on tribal lands. The Navajo Nation and its constituents have not been consulted about the processes, negotiations, compensations and full details about energy corridors that touch the nation's border. It is not clear where the energy corridors would extend through the Navajo Nation neither is there any indication that designating energy corridors is being evaluated through the tribe's rights of way processes. There is insufficient, and lack thereof, material made available to tribal officials to make a determination that the designation of energy corridors is in the best interest of the tribe. The agency has failed to consult with Tribal officials, planning committees and their constituents about the designation of corridors on tribal lands.

To designate corridors that border tribal lands without providing full information to how energy corridors will connect is placing an undue burden on the Navajo Nation whose constituents have been relocated in the pursuit of energy development on tribal lands. The West-Wide Energy Corridor DEIS also fails to provide details about the connected actions where tribal members

<sup>1</sup> Evaluation Report: EPA Needs to Conduct Environmental Justice Reviews of its Programs, Policies and Activities (Report No. 2006-P-00034) September 18, 2006

<sup>2</sup> 40 CFR §7.35(b)

have either been relocated or will be potentially relocated for energy corridors that do not benefit Navajo communities with compensation or electrification, perpetuating the disproportionate impacts well-known in the Four Corners region.

Moreover, the federal agency has failed to provide detailed documents in the tribal language about energy corridors, comment periods and public hearing dates to Navajo tribal members. The agency did not provide hard copies to individual tribal members who do not have access to computers and electronic services such as Internet connections and public notices were unnoticeable in local media. There are many tribal members without electricity and sufficient documents and information were not provided to local government chapters and agencies to properly inform them as well. This lack of information disallows tribal members to provide valuable comments on the West-Wide Energy Corridor DEIS. In addition, any reasonable undertaking concerning energy corridors on the Navajo Nation that tie into federal energy corridors requires meetings throughout the Navajo Nation to reach affected parties (rather than one marginally informative meeting in Window Rock held in the afternoon).

50484-009  
(cont.)

**Failure to comply with the National Historic Preservation Act and the Native American Grave Protection and Repatriation Act**

The failure of the West-Wide Energy Corridor DEIS to accurately describe the energy corridors and the segmented nature of the proposal results in the conclusion that the project fails to legally meet the requirements of the National Historic Preservation Act (NHPA) and the Native American Grave Protection and Repatriation Act (NAGPRA) (25 U.S.C. §3002). Diné CARE and SJCA note the extensive archaeological resources, cultural resources and significant traditional cultural properties that would be found in any energy corridor proposed in the Four Corners region. In addition, the DEIS completely fails to meet Section 106 NHPA consultation requirements including states, tribes and other entities. On Navajo Nation land, this will require consultation with the Navajo Nation Historic Preservation Division before activities such as surveying can occur (for any proposed corridor on Navajo Nation land). Please revise the Draft EIS to adequately meet the requirements of NHPA and NAGPRA.

50484-010

**Failure to comply with Endangered Species Act**

The on-site and off-site impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats must be analyzed in all of the energy corridors and buffer zones. Compliance requirements with Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536 and its implementing regulations at 50 CFR § 402 are necessary through USFWS for the proposed action, connected actions and cumulative effects in the West-Wide Energy Corridor DEIS. In addition, the Navajo Nation Fish and Wildlife Department must be consulted on any potential action concerning the Navajo Nation and potential impacts to species listed under the Navajo Endangered Species List (NESL). In our opinion, the West-Wide Energy Corridor DEIS fails to meet requirements of fulfilling ESA Section 7 compliance, NESL compliance, and associated analysis of impacts to the biotic environment in the Four Corners region.

50484-011

**Failure to Accurately Analyze Air Quality Impacts and Unresolved Significant Air Quality and Visibility Impacts from any Alternative in the DEIS**

The proposed action of establishing energy corridors in the Four Corners region would adversely impact air quality and visibility that has already been severely degraded by energy development projects. Since the energy corridors are only needed for coal fired power plants, natural gas infrastructure and transmission lines, it is obvious that air quality condition would be expected to get worse here (through connected actions) if the West-Wide Energy Corridor project is approved. Until the connected actions are adequately brought into the West-Wide Energy Corridor DEIS, the document is virtually of no value.

50484-012

**Conclusion**

It is apparent that the West-Wide Energy Corridor DEIS has been inadequately scoped and prepared in its current form. The complete lack of analysis concerning connected actions and cumulative impacts from existing and reasonably foreseeable energy development results in the document being fatally deficient and segmented. Please give more consideration to the potential impacts of this project on communities and people of the Four Corners region who deserve far better when asked to participate in evaluating the impacts of exponentially increasing energy development projects in the region. We are completely opposed to implementation of the energy corridors as described in the West-Wide Energy Corridor DEIS due to degradation and loss of public lands with emphasis on continued reliance on coal-generated electricity, and inappropriate condemnation of tribal and private lands. Thank you for the opportunity to comment on the DEIS.

50484-013

Sincerely,

*s/Dailan J. Long*

Dailan J. Long  
Community Organizer  
Diné CARE  
P.O. Box 7692  
Newcomb, New Mexico 87455  
505 801-0713

*s/Mike Eisenfeld*

Mike Eisenfeld  
New Mexico Energy Coordinator  
San Juan Citizens Alliance  
108 N. Behrend, Suite I  
Farmington, New Mexico 87401  
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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:25 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50485

**Attachments:** EnCana\_comments\_WVEC50485.pdf



EnCana\_comments  
WVEC50485.pdf..

Thank you for your comment, Brenda Linster.

The comment tracking number that has been assigned to your comment is WVEC50485. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:25:19PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50485

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Attachment: C:\Documents and Settings\blinster\Desktop\EnCana comments.pdf

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.



EnCana Oil & Gas (USA) Inc.

EnCana Oil & Gas (USA) Inc. tel: 720-876-3989  
370 17<sup>th</sup> Street, Ste 1700 fax: 720-876-4989  
Denver, CO 80202

February 14, 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:

EnCana Oil & Gas (USA) Inc. (EnCana) supports the development of a Programmatic Environmental Impact Statement (PEIS) that designates energy corridors on Federal lands in the West, however we have concerns with the portion of the proposed West-wide Energy Corridor that would parallel the TransColorado Pipeline corridor through Mesa and Garfield Counties, Colorado. Portions of the TransColorado Pipeline in Mesa and Garfield Counties have several environmental and constructability characteristics that could result in the corridor being determined to be unsuitable for this designation and these characteristics should be fully evaluated in the PEIS. Specifically:

Due to soils and geologic formation constraints, at least two miles of the TransColorado pipeline was installed within the Debeque Cutoff Road. Laying another pipeline adjacent to the loaded, high pressure TransColorado pipeline would require closing this road entirely for several weeks at a time throughout construction of additional pipelines. Closure would be required to protect public safety and to ensure the road is returned to County specifications. Mesa County officials have indicated that they will not support closure of the Debeque Cutoff Road, which essentially eliminates any future construction in that portion of the proposed corridor.

50485-001

Feasibility studies for the TransColorado pipeline determined that the geology was not suitable for boring the Colorado River; thereby creating the need to open cut the Colorado River for the TransColorado pipeline crossing and any additional future pipeline crossings. Given the significant regulatory hurdles from both the COE and the USFWS due to concerns about the Colorado River endangered fish species in the river, it is doubtful that open cuts would be approved.

There are six endangered, threatened, candidate plant species (TESS) that have known populations and/or habitat along the TransColorado pipeline. During construction of the TransColorado pipeline, the USFWS policies allowed numerous plant populations to be transplanted. Since the construction of the TransColorado pipeline, USFWS policies specifically relating to the transplanting of plant species have changed.

50485-002

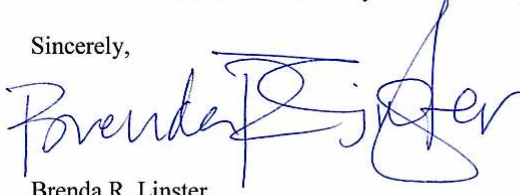
Impacts to private landowners should be considered. Landowners previously condemned as part of the TransColorado private landowner acquisition have indicated they do not want any additional pipelines crossing their property and would force condemnation for any future pipelines.

50485-003

We realize that the intent of the PEIS is to designate corridors on Federal lands and that individual projects proposed for these corridors would undergo further, project-specific environmental analysis before being granted rights-of-ways; however, we believe given these known factors, that the proposed portion of the corridor located within Mesa and Garfield Counties warrants additional analysis before being approved as a corridor in the PEIS.

50485-004

Sincerely,



Brenda R. Linster  
Regulatory & Land Advisor, Midstream Services

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:26 PM  
**To:** mail\_corridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50486

Thank you for your comment, Clee Sealing.

The comment tracking number that has been assigned to your comment is WVEC50486. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:26:19PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50486

First Name: Clee  
Last Name: Sealing  
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:  
There is no way the BLM can justify any additional damage to sagebrush steppe habitat that has in the past, now has or could have sage grouse using it. There are alternative routes that can be used and the excuse that it is more expensive is without merit in the face of declining grouse populations and threat of listing under the ESA. A straight line is not the best solution.

50486-001

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:29 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50487

**Attachments:** PEIS\_Comments\_14FEB08\_NPC\_SPPC\_WVEC50487.pdf



PEIS\_Comments\_14  
FEB08\_NPC\_SPPC...

Thank you for your comment, Eileen Wynkoop.

The comment tracking number that has been assigned to your comment is WVEC50487. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:29:07PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50487

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Attachment: I:\Federal NEPA\Energy Corridors\PEIS Comments\_14FEB08\_NPC\_SPPC.pdf

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.





February 14, 2008

West-wide Energy Corridor Draft PEIS  
 Argonne National Laboratory  
 9700 S. Cass Avenue, Bldg. 900, Mailstop 4  
 Argonne, Illinois 60439

To Whom It May Concern:

Nevada Power Company and Sierra Pacific Power Company (the Companies), subsidiaries of Sierra Pacific Resources serving communities of southern and northern Nevada and a portion of California, appreciate the opportunity to review and provide comments on the West-wide Energy Corridor Draft Programmatic Environmental Impact Statement (PEIS). The Companies understand the need for the Proposed Action as directed by Section 368 of the Energy Policy Act of 2005, Public Law 109-58 (H.R. 6), enacted August 8, 2005. The Companies support the Proposed Action, with some comments, questions and clarifications as presented in this response.

The Companies have a three-part energy strategy to meet its goal of providing clean, safe, reliable electricity to its customers at reasonable and predictable prices. This strategy includes increasing its energy efficiency and conservation programs, expanding renewable energy initiatives and investments and also involves a diversified energy portfolio with a balanced mix of fuels for energy generation. This is in the best interest of its customers, its shareholders, the communities it serves and the state.

Nevada is a vast and mountainous state composed of over 85% federal lands. Over 50% of these federal lands are managed for conservation of specific resources (Section 3.2.1.2, page 3-15). Some of the potential commercially viable renewable energy resources in Nevada are constrained by access and land conservation boundaries where little or no transmission connectivity is currently in place or readily feasible. The intent and designation of energy corridors in the proposed action will help stimulate potential renewable energy generation projects and transmission of energy across the state between the Companies' service territories and intrastate with the western utility grid.

The Companies understand the following related to the PEIS:

- Designation of Section 368 energy corridors is a daunting task over a large area of the western utility grid and the Companies appreciate having the opportunity to be a part of this process.
- The difference between an energy project right-of-way (i.e., authorization for a specific project such as an electric/gas transmission line, hydrogen pipeline, etc.) and an energy corridor (i.e., designation of a centerline, width, and designated compatible energy uses and restrictions) is significant and must be remembered throughout this process.
- The Proposed Action does not authorize any projects anywhere in the 11 western states, nor will any projects be constructed as part of the Proposed Action.

50487-001

- The Proposed Action is administrative in nature to identify federal Section 368 energy corridors and amend federal land use plans. Any future linear energy projects proposed in a Section 368 corridor would undergo subsequent site and project-specific environmental analyses and review tiered to the final programmatic PEIS, if approved
- There are many sensitive natural resources in Nevada and the Proposed Action would serve to help minimize potential impacts of any future proposed projects by encouraging proponents to choose corridors that would consolidate routes and standardize federal interagency coordination through the environmental and permitting processes.
- Individual rights-of-way may still be applied for outside of Section 368 corridor designations if that proves to be the most electrically efficient and economical alternative, and would go through subsequent site and project-specific environmental analyses and review. Likewise, the No Action alternative would allow project proponents to continue to propose linear projects across the western United States under the Federal Land Management Policy Act, but not necessarily by consolidation of routes and projects by multiple proponents.
- The Proposed Action presents realistic solutions to grid congestion, improved reliability and transmission interconnections within Nevada and also to the western and national electric grids.

50487-001  
(cont.)

The Companies appreciate the agencies' efforts in the PEIS process that resulted in 46% of the Section 368 federal energy corridors proposed in Nevada, and 61% west-wide, incorporate existing utility and transportation rights-of-way (Table 2.2-1, page 2-5). The Companies also appreciate the agencies' efforts in the PEIS process that resulted in 50% of the Section 368 federal energy corridors proposed in Nevada, and 39% west-wide, incorporate existing locally designated federal corridor alignments (Table 2.2-3, page 2-8).

The Companies provided comments and input during Step 1 of the agencies' three-step siting process and are now submitting the following comments after review of the PEIS. Comments presented come from staff in various departments of the Companies based in Reno and Las Vegas, including Environmental Services, Transmission Planning and Lands Services. Where specific, comments include a section and page number. Bold text are specific concerns, questions or requests, non-bold text are supporting comments and text in italics are statements verbatim from the PEIS.

**COMMENTS**

Sec 1.4, (page 1-11): The Companies routinely deal with only one federal agency for proposed projects. Also, Nevada Power Company in southern Nevada collaborates with the BLM Las Vegas Field Office under a Master Agreement and dedicated BLM Power Project Team which operates under a BLM Project Manager to process the large volume of right-of-way (ROW) applications Nevada Power Company submits for projects.

**If the PEIS Record of Decision (ROD) is signed, will a federal Point-of-Contact (POC) be required if only a single, federal action agency is involved or if, as in Nevada Power Company's case, a Master Agreement is in place with a dedicated federal Project Manager?**

The POC will have responsibility for many tasks and issues for which the POC may or may not be familiar or have experience.

50487-002

**When a proposed project involves more than one federal or cooperating agency, how will the POC be determined?**

**Would the POC be of a certain title (i.e., Realty Specialist, Project Mgr, National Environmental Policy Act Specialist?) for all projects or appointed based on staff available at time of application?**

**What is an applicant's recourse should the POC not be responsive or should the POC not understand this PEIS or not have knowledge or experience with Section 7, Section 106, Section 401/404 and other types of environmental consultations with other federal agencies or other types of issues that an applicant may experience with a POC such as disagreements between agencies or even field offices within the same agency?**

Approximately 61% of locally designated corridors by jurisdictional land use plans are not proposed to be incorporated into the Section 368 corridor PEIS (Chapter 2). Some, if not all, of these local corridors have authorized rights-of-way with facilities currently in operation. The PEIS is not clear on what status these 61% of local corridors would retain should the Proposed Action be approved by a Record of Decision.

50487-003

**Under the Proposed Action of the PEIS, will the remaining 61% of locally designated corridors retain their status of "utility corridor" for future projects that might be proposed within these corridors?**

**Or will these corridors no longer have a "utility corridor" designation after local land use plans are amended by the PEIS, if authorized?**

If the latter option, this could place further constraints upon a proponent's effort to propose a route for a linear utility project as the PEIS would actually reduce the number of designated corridors across the western states. As an example, please see Nevada BLM Wells Field Office Resource Management Plan Record of Decision Map 3 (Attachment 1) and Nevada BLM Las Vegas Field Office Resource Management Plan, Volume 2, Map # 2-4 (Attachment 2) to see the extent of locally designated utility corridors that would be removed from availability if the latter option above is the intent of the PEIS.

50487-003  
(cont.)

Section 2.4.1, #7 (page 2-27) states: *"In those instances where corridors cross National Wildlife Refuge System lands, the National Wildlife System Administration Act [NWSAA] and other relevant laws and policies pertinent to national wildlife refuges shall apply."* Review of the NWSAA, specifically, Sections (6)(d)(1)(b), (6)(2), (6)(3), (6)(4) and (6)(e), as well as 50 CFR 29.21-1(a), was found to state that no right-of-way requested on a national wildlife refuge would be approved unless it is determined to be compatible. Service Manual 340 FW 3, Section 3.3 states, *"if a right-of-way cannot be certified as compatible with the purposes for which a unit was established, it cannot be granted without authorization by Congress."* Section 3.6(3) of the manual states, *"A determination of compatibility with the purposes for which a unit of the System was established must mean consideration only of wildlife values or project values, not of any broader social or economic concerns."*

**Given the direction of the NWSAA and the Service Manual, how does the designation of a Section 368 corridor facilitate or ensure linear project facilities would ever be authorized as compatible to cross a national wildlife refuge?**

**Does this PEIS authorize or designate Section 368 corridors as compatible uses with the purposes of national wildlife refuges such that linear ROWs could be authorized any differently than without the Section 368 designation?**

50487-004

Table A, Appendix A (page A-12) of the PEIS lists the *"Desert NWR Complex Comprehensive Conservation Plan [the Plan]"* as the Land Use Plan to be amended for five proposed corridor segments in Nevada; however, the Companies understand that the Plan has been in process for a number of years, is currently being drafted and is not an instrument yet in effect.

**Assuming the PEIS ROD is approved prior to the completion of the Plan, what land use guidance document would be "amended" to include the PEIS designation of Section 368 corridors across the DNWR?**

**Will the PEIS Record of Decision, if approved, be incorporated into the draft Plan such that authorization to grant ROWs across national wildlife refuges could be granted after appropriate and required environmental review?**

**What is the implication, or conflict, of the 1.43 million acres of land designated in 1974 within the DNWR proposed, and managed as, "de facto" wilderness under the National Wilderness Preservation System?**

At, <http://www.fws.gov/desertcomplex/desertrange/wilderness.htm>, it is stated that the Plan and its associated EIS process will re-evaluate the proposed wilderness designation within the DNWR. The timelines for completing the Plan/EIS are beyond the proposed timeline for the Section 368 corridor PEIS.

50487-004  
(cont.)

**How are the Agencies addressing this?**

The Companies interpret these issues for linear ROWs across a wildlife refuge in general, and the DNWR in particular, to be the same as the No Action Alternative; most likely not allowing for improved reliability, congestion relief or enhancement of the western grid to deliver energy. If this is the case, proposed corridor segments 223-224, 37-223(N), 37-223(S), 37-332 and 232-233(W) may not serve to meet the Purpose and Need of the PEIS and pose critical constraint issues for energy transport across southern Nevada.

There are many constraints and restrictions in place surrounding the Las Vegas Valley that prohibit transport of energy through or across Clark County, Nevada. As new renewable and other energy projects come online it will be critical that electrical transmission lines have potential to be authorized to, from and across the Las Vegas Valley on federal land after appropriate environmental review. Land use designations which prohibit or significantly restrict land use authorizations are the biggest constraint issues surrounding the valley. The valley is essentially hemmed in on all sides by these constraints, which include, but are not limited to, Nellis Air Force Base, Sunrise Instant Study Area, Lake Mead National Recreation Area, Sunrise Management Area, River Mountains Area of Critical Environmental Concern, Sloan Canyon National Conservation Area, North McCullough Mountains Wilderness Area, South McCullough Mountains Wilderness Area, Desert Tortoise Conservation Center, Red Rock Canyon National Conservation Area, Las Vegas Paiute Indian Reservation, Nevada Test Site, Nellis Air Force Training Range, Desert National Wildlife Refuge, BLM Conservation Transfer Area and the Upper Las Vegas Wash and private land holdings. Southern Nevada, particularly the Las Vegas Valley is a critical bottleneck for transport of energy from northern Nevada, Utah, and Wyoming into southern Nevada, southern California and Arizona load centers - which needs a collaborative solution through this bottleneck for relief. It is critical to the energy needs of Nevada and the western electric grid that a Section 368 corridor be designated across the north Las Vegas Valley, south through the Pahrump Valley and into the Eldorado Valley for transport of energy. While there is no single map that effectively depicts all these constraints, Attachment 3 shows an example of "Restricted Areas" from development surrounding the Las Vegas Valley.

50487-005

Sections 2.4.2 (page 2-31) and 2.4.3 (page 2-33) refer to Interagency Operating Procedures (IOP) for construction and operation; however, ground-disturbing activities and procedures would be identified and applied accordingly by the local jurisdictional agencies during project-specific analysis at time of application and project development. The Companies understand the difference between the No Action and Proposed Action alternatives as administrative actions; however, it is confusing to understand what the intent of the PEIS is with respect to direct environmental impacts given the conflicting statements within the PEIS. See the following statements taken from the PEIS as examples:

Section ES.8 (page ES-8) states, *"A quantifiable and accurate evaluation of impacts at the local scale can be made only in response to an actual proposed energy project, when a proposal for an action with specific environmental consequences exists."* Whereas, Section 3.1.2 (page 3-2) states, *"Next, qualitative and quantitative descriptions are provided of the nature and magnitude of the resource that would be directly associated with each alternative and thus may be affected by future project development."*

Section 1.1 (page 1-3) states, *"This action only pertains to the designation of corridors for potential facilities on federal lands located within the 11 western states."*

Section 1.3 (page 1-9) states, *"The proposed corridor designations would not approve any site-specific activities or projects or prejudge the environmental impacts of individual projects." And, "if the Agencies decided to amend related land use plans, this also would not authorize any site-specific activities."*

50487-006

Section 1.5 (page 1-13) states the reasoning why a "no effect" was determined for the Section 368 corridor designation with a list of the Agencies' reasons in Section 1.5.3.

Section 2.6.4 (page 2-40) states that *"both alternatives would result in environmental impacts on federal and non-federal lands"*, and goes on to state that the impacts would be project-specific.

Table 2.6-1 (pages 2-43 – 2-55) states for both alternatives on every resource, *"There would be no direct impacts to [resource] on federal and nonfederal lands from designating [or] not designating Section 368 energy corridors on federal land and amending land use plans."*

Furthermore, some of the IOPs themselves are regulations or policies already stated in agency manuals and handbooks as part of their standard operating procedures and/or existing federal laws (e.g., Section 2.4.1 (1)(2)(3)(4)(5), page 2-27, to name a few), as well as requirements such that project proponents must comply with under other policies and regulations (e.g., Section 2.4.1(6), page 2-27, to name one). Every project,

every land use plan, every action will have its own localized issues with respect to the proposed project, local topography, terrain, species and other local resources. Additionally, some of the IOPs presented for construction and operation fall under permitting jurisdictions of other, non-federal, permitting agencies. Each type of facility (i.e., oil, gas and hydrogen pipelines and electrical lines) for which the intent of this PEIS is intended would have different potential impacts given the nature of their construction, operation, maintenance and decommissioning (e.g. underground pipelines vs. overhead transmission lines). The Companies understand that the PEIS does not authorize any projects or result in any direct environmental impacts under either alternative; therefore, all project proposals under either alternative would undergo project-specific environmental review and analyses by the appropriate local federal agency(s). Each project would be subject to mitigation measures specific to the agency(s) jurisdiction involved in its project area. Typically, a programmatic EIS emphasizes cumulative impacts and program-level mitigation measures, not an in-depth analysis of impacts across a broad geographic area like the 11 western states and specific project-level mitigation measures.

50487-006  
(cont.)

**How are these IOPs applicable and relevant at the programmatic level, which should not analyze site or project-specific issues?**

Section 3.1.1 (page 3-1) presents a thorough introductory explanation as to the content of Chapter 3; however, the last paragraph of this section states that project-level analyses and mitigation measures for future development are included.

**By the intent of the PEIS, the statements within the PEIS and the reasons expressed above, how is the in-depth analysis of impacts and list of mitigation measures presented in every resource section of Chapter 3 (i.e., "*What Types of Impacts Could Result under Each Alternative...and How Could Potential Impacts Be Minimized, Avoided or Compensated?*") an appropriate analysis at the programmatic level?**

Following are three specific examples of why the Companies request these sections be reviewed for relevance at the programmatic level relative to site and project-specific analysis at the time of a proponent's application (note that there are examples throughout Chapter 3 that are too numerous to list):

50487-007

Section 3.2.4.2 (page 3-34) uses the example that, "*the development of access roads needed by the project but deemed undesirable by some users*" as an explanation of how "*it may not be possible to mitigate all impacts of a given project.*" Roads are a required and necessary component of linear energy facilities. The Companies routinely mitigate the building and use of roads for the construction, operation and maintenance of all its facilities. Mitigation routinely employed by the Companies under mitigation measures of the federal authorizations include restoration of temporary roads used during construction, routing roads to avoid sensitive resources to the extent possible, compensation,

coloring road surfaces to reduce visibility where and if appropriate and utilization of existing/adjacent roads to the extent possible.

Section 3.2.4.2 (page 3-35, 4<sup>th</sup> bullet) places limitations on the height of "*corridor towers and other utility infrastructure to no higher than existing infrastructure or below the floor of military low-level airspace*". This limitation is too restrictive a measure to include in the EIS at the programmatic level. An example would be if proponent A has an existing 230kV overhead transmission line in service in a Section 368 corridor. Proponent B has a need to bring new renewable energy sources to a load center with a 500kV line through the same corridor, however, the 500kV towers would not be allowed there with this height restriction because the 500kV towers would be required by design and code to be taller. So proponent B would have to find an alternate route outside the 368 corridor through that particular area. This situation would not serve to meet the PEIS Purpose and Need. Pole/tower heights should be a site and project-specific issue which a project proponent would consult on with the local agency(s) for each scenario, not an IOP of the PEIS.

Section 3.3.4 (pages 3-51 – 3-56) broadly discusses speculative, unknown site-specific impacts to geological resources. A broad list of measures are presented in the PEIS which are managed or regulated under separate local, state and federal regulatory agencies (i.e., local county and state permits, U.S. Army Corps of Engineers, etc.) which may conflict with existing policies and/or regulations of these same entities, and may not fall under the purview of this PEIS. For instance, the 10<sup>th</sup> bullet under Section 3.3.4.2 (page 3-55) describes application of chemicals on federal land. The BLM recently completed a programmatic EIS for vegetation management which pertains to herbicide applications ([http://www.blm.gov/wo/st/en/prog/more/veg\\_eis.html](http://www.blm.gov/wo/st/en/prog/more/veg_eis.html)).

50487-007  
(cont.)

**Do the measures under this bullet comply with, duplicate or supersede the direction of BLM's programmatic herbicide program?**

At the local, federal jurisdictional level, the Companies' experience in permitting, constructing and operating above-ground electrical transmission lines on federal land includes the development of site and project-specific applicable documents such as a Plan of Development, Construction Operation and Maintenance Plan, Restoration Plan, Cultural Resource Treatment Plan and Paleontological Treatment Plan which are all developed and completed after a thorough description of the proposed action is analyzed and intensive ground surveys for biological, cultural, paleontological and other natural resources are conducted and analyzed. These documents contain appropriate site and project-specific mitigation measures based on the local resources, the proposed action of the project and consultation with the appropriate local agency(s). The mitigation measures included throughout sections and subsections of Chapter 3 in the PEIS cannot reasonably be applied to the broad geographic area of the western 11



states. The site-specific resources and issues are too variable and managed differently in each local, state and federal jurisdictional area.

For all the reasons just described, the Companies agree that, programmatically, potential environmental impacts of designating Section 368 energy corridors on federal lands and amending federal land use plans are adequately and appropriately described in Table 2.6-1 (pages 2-43 – 2-55). Table 2.6-1 also appropriately includes, “*The nature, magnitude, and extent of project-related impacts would depend on the type, location, length, and design of the individual projects*”.

**The Companies respectfully request the action agencies of this PEIS to please review the applicability of the sections, and their two subsections, for each resource in Chapter 3 which portray site and project-specific impacts which, as described throughout the document, the Companies feel are only applicable at the site and project level of analysis, not at the programmatic level. These sections are specifically: 3.2.4, 3.3.4, 3.4.4, 3.5.4, 3.6.4, 3.7.4, 3.8.4, 3.9.4, 3.10.4, 3.11.4, 3.12.4, 3.13.4, 3.13.5, 3.14.4.**

50487-007  
(cont.)

In Chapter 10, the glossary definition of “*West-wide Energy Corridor EIS*” (page 10-13) seems to imply that the PEIS is responding to specific action(s) for construction, and in fact, as written, directly contradicts the intent of the PEIS. The Companies understand that the PEIS is specifically the environmental analysis of the programmatic designation of Section 368 energy corridors on federal land across 11 western states, and the amendment of numerous federal land use plans, which is an action that is administrative in nature and has no direct impacts to the environment as stated in Sections 1.5.3, 3.1.1, ES.8, ES.9 and other sections throughout the PEIS. The Companies believe that the definition as written contains inappropriate statements.

**The Companies respectfully request the Agencies to please review and revise this definition as appropriate.**

The Map Series of the PEIS are on such a scale as to make it difficult to determine exactly where corridors are being proposed across on the land. Proposed corridor segment 37-223(S), depending on where exactly the centerline is, appears to be in conflict with an 85-acre 500/230/138/12kV substation project proposed by the Companies and currently under NEPA review by the BLM. It’s possible this substation project may encompass a good portion (i.e., width), if not all, of this proposed corridor segment.

50487-008

**The Companies request a consultation with the Agencies to determine where exactly this corridor segment lies to determine what, if any, conflicts potentially exist with the proposed substation facilities.**

There doesn't appear to be any clear definition or reasons supporting some corridors as "underground only", and the Companies question specific corridors in Nevada with this designation. On the D7 maps of each map series, proposed corridor segment 37-223(S) has an "underground only" designation; however, the only description for this proposed segment found in the PEIS is that it is 11.5 miles long, 2,400' wide and underground only (Table A, Appendix A, page A-12). The Companies currently hold multiple federal ROWs for several existing above-ground electric transmission lines (i.e., 69kV, 138kV, 230kV and 500kV) within most of this proposed segment. These facilities range in height from approximately 50' to 150'. In recent years, the Companies have consulted with, and received concurrence from, the U.S. Air Force at Nellis Air Force Base to route additional overhead transmission lines through this area (see Attachment 4). The Companies oppose the 37-223(S) proposed corridor segment designation as "underground only" because of the existing above-ground facilities already in-service there and Nellis has agreed with future transmission line plans through this area. New electrical transmission facilities the Companies propose in this area will most likely not be higher than these already existing facilities. There is already an underground natural gas pipeline and underground water pipeline through portions of this corridor segment. Placing high voltage transmission lines underground is not only costly, but is subject to maintenance and repair delays during unplanned or catastrophic outage events. At the regional west-wide level, long-range facilities would simply utilize Section 368 corridors to traverse southern Nevada between California and other states. On the local level, and in compliance with Nevada regulations, the Companies are regulated to get approval from the Public Utilities Commission of Nevada for cost recovery or share the costs of such an underground facility only with ratepayers who benefit from the facility since there is no local regulatory requirement or ordinance requiring underground transmission in this area. This could potentially create a significant economic impact to the Companies, its ratepayers and shareholders.

50487-009

Likewise, proposed corridor segments 43-44 and 44-239 (northeastern Nevada) have an "underground only" designation as well. Portions of these segments have a checkerboard pattern with private land parcels, which would make it increasingly difficult to permit and secure easements for linear underground facilities. Again, the high cost and maintenance issues, as well as the increased environmental impacts of high voltage transmission lines placed underground would not serve well to meet the intended Purpose and Need, and locally, the Companies would be required to get approval from the Public Utilities Commission of Nevada for cost recovery or share the costs only with ratepayers who benefit since there is no local regulatory requirement or ordinance requiring underground transmission in this area.

**The Companies concur with the general, but not specific, alignment of these corridor segments, but oppose the "underground only" designations for high voltage transmission lines. The undergrounding of 500kV AC transmission lines would be a prototypical application with monumental technical, operational, economic and potentially significant environmental and economic obstacles. Requiring high voltage transmission lines and**

natural gas pipelines to be placed adjacently underground poses an additional significant impact risk to the human environment in the event of large-scale natural (i.e., earthquake, flood, etc.) or human-caused (i.e., dig-in, train derailment, plane crash, etc.) catastrophe. If these designations are carried forward and authorized under a ROD, high voltage transmission project proponents would most likely avoid these corridor segments and route projects outside Section 368 corridors. These “*underground only*” restrictions would effectively kill use of these corridors for the stated large-scale projects (i.e., 500kV lines) the PEIS is intended to facilitate. Significant - likely fatal - flaws exist with the undergrounding of 500kV AC transmission lines. “*Underground only*” should not be a corridor designation considered as an option for any proposed Section 368 corridors. Therefore, the Companies respectfully request the Agencies to please review these proposed segment designations and consider revising the designation to above-ground.

50487-009  
(cont.)

Proposed corridor segment 39-231 traverses the Sunrise Instant Study Area (ISA) east of the Las Vegas Valley. The Companies received Congressional authorization for a right-of-way and construction, operation and maintenance for overhead transmission lines within a locally designated corridor only 500 feet wide through the ISA. This section of the proposed 39-231 corridor does not provide connectivity from one side of the ISA to the other. This corridor is essentially full because of the restriction through the ISA and extremely difficult terrain through the southern end of the Sunrise Management Area and development pressures from the City of Henderson. Unless there is Congressional authority to widen the corridor further, this proposed segment should be identified as full and removed from the map.

50487-010

Table A, Appendix A (page A-12): Given that the large scale base map series are difficult to identify specifically where proposed corridors are routed, the Companies believe that proposed corridor segments 223-224, 37-223(N), 37-223(S), 37-232 and 232-233(W) are also subject to a Las Vegas Resource Management Plan amendment by the BLM Las Vegas Field Office in addition to the Plan of the DNWR currently in process with an unknown completion date.

50487-011

Table G, Appendix G (page G-6): It appears on the large scale base map series that proposed corridor segments 37-223(N), 37-223(S) and 223-224 are routed through the Desert National Wildlife Refuge; however, they are not listed in this table.

50487-012

Section 4.5.4.1 (page 4-11) incorrectly references Figure 2.2-4a (page 2-17). This section also references an estimate that “46% of federal land in Nevada have the potential for wind energy development.” Upon review of the cited source (BLM 2005i - Energy Facts: Onshore Federal Lands), the Companies’ opinion is that:

50487-013

- a) Figure 2.2-4a (page 2-17) appears to show less in wind energy potential on federal land in Nevada than the 46% assumed in 2005,

- b) 53% of federal land in Nevada is managed for conservation (Table 3.2-12, page 3-15), so the Agencies might revisit the estimate of 46%,
- c) the brochure was published prior to BLM's Final Wind Energy Development Programmatic EIS/ROD in 2006 and Instruction Memorandum 2006-216, which explicitly prohibits any wind energy development from BLM lands managed for conservation (i.e., 68% of the federal land in Nevada is managed by BLM),
- d) Therefore, the statement in the PEIS, quoted above, is incorrect based on outdated data.

50487-013  
(cont.)

It appears this same brochure is cited extensively throughout Chapter 4, so the Agencies might consider revisiting this outdated information to ensure current, accurate information is presented appropriately in Chapter 4 of the PEIS.

Nevada is leading the nation in solar and geothermal renewable energy resources, per capita, and is blessed with an abundance of wind, geothermal and solar resources, but needs the transmission infrastructure required to allow access between the remote regions where these resources are located, and the markets where the power can be delivered. The Companies participated in Governor Jim Gibbons' Nevada Renewable Energy Transmission Access Advisory Committee task force which was formed in 2007 to propose recommendations for improved access to the grid system by which renewable energy industries can get market access to the transmission grid in Nevada. The Governor's initiative identified many of the same access requirements and constraints as identified in the West-wide Energy Corridor Study for Nevada. A report on this initiative along with maps that were developed identifying renewable resource opportunities and permitting constraints can be obtained at: <http://gov.state.nv.us/energy/FinalReport.htm> (see Attachment 5 for the Executive Summary of the report).

50487-014

The Companies appreciate this opportunity for review of the PEIS and, with all comments addressed, prefer the selection of the Proposed Action going forward with the removal of any "underground only" corridor designations.

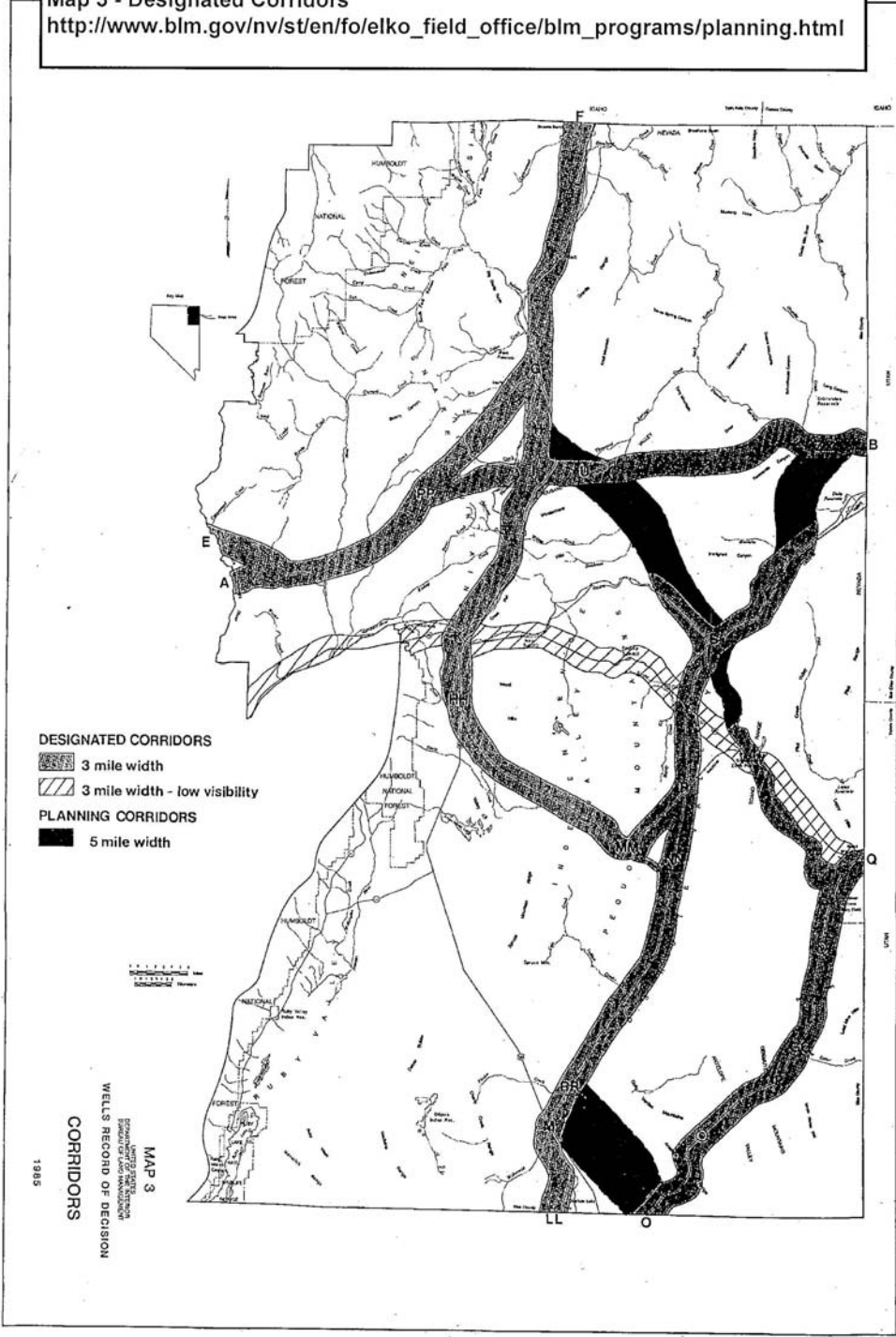
Sincerely,



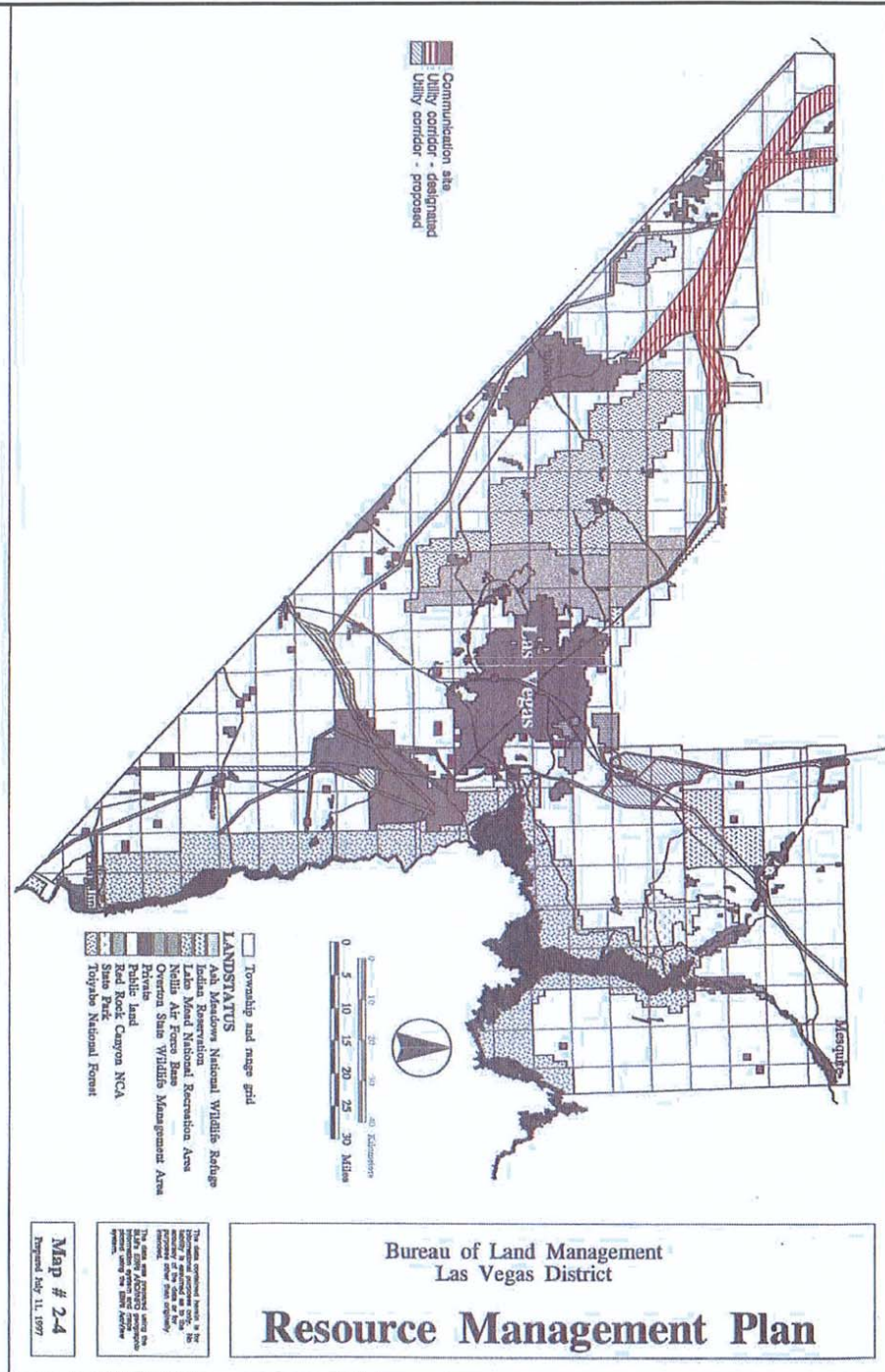
Eileen Wynkoop  
Manager, Environmental Services

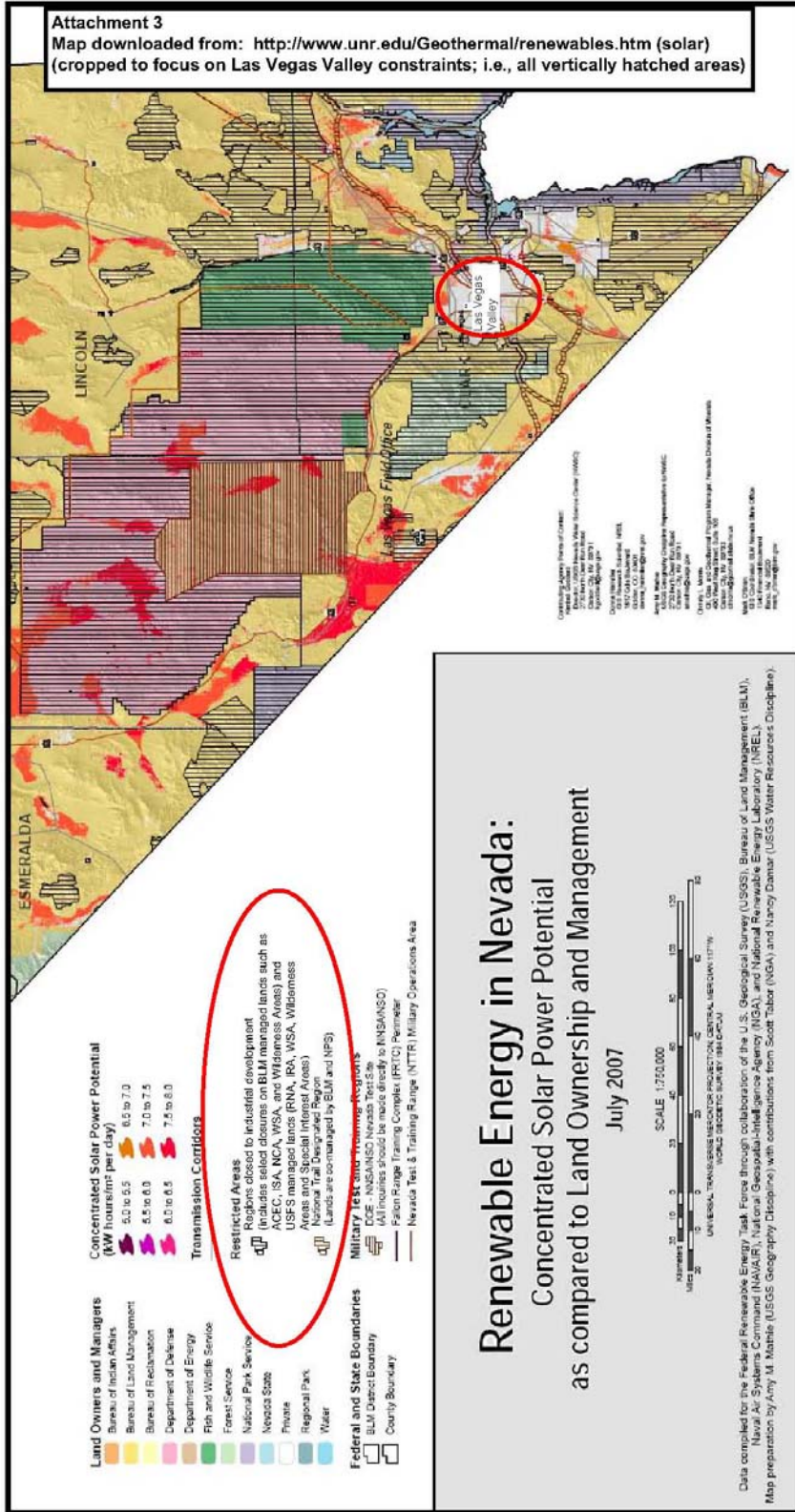
Attachments

Attachment 1  
Wells Record of Decision  
Map 3 - Designated Corridors  
[http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office/blm\\_programs/planning.html](http://www.blm.gov/nv/st/en/fo/elko_field_office/blm_programs/planning.html)



Attachment 2  
Las Vegas RMP, Map 2-4 - Designated Corridors  
[http://www.blm.gov/nv/st/en/fo/lvfo/blm\\_programs/planning/las\\_vegas\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/lvfo/blm_programs/planning/las_vegas_field_office.html)







Attachment 4  
Concurrence Letter from Nellis A.F.B.

**DEPARTMENT OF THE AIR FORCE**  
HEADQUARTERS 99TH AIR BASE WING (ACC)  
NELLIS AFB NEVADA 89191-5000

MAY 14 2004

Colonel Gerald J. Sawyer  
Commander  
4430 Grissom Ave Ste 110  
Nellis AFB NV 89191-6520

Mr. Matt Davis  
Vice President of Distribution, Nevada Power Company  
6226 West Sahara Ave, Mail Stop #3  
Las Vegas NV 89151-0001

Dear Mr. Davis

Regarding our meeting last week concerning your preliminary request to install additional electrical transmission lines on the Nellis Small Arms Range (SAR), we request you give further consideration to using the existing right-of-way corridor located in the southern portion of our SAR (adjacent to Grand Teton Drive). This is the only option Nellis AFB can support. The other options you presented raise concerns regarding the safe use of the Range and could prevent training and readiness preparation, which is essential for Nellis forces at this critical time in fighting the Global War on Terrorism.

We would like to perform a joint site visit with you or your staff in an effort to further plan and develop a route that may serve Nevada Power while not interfering with the Air Force mission. We believe widening the existing right-of-way would be the only feasible option for this new line.

Please be advised that any cost incurred in connection with relocating range activities, if necessary, will be the responsibility of Nevada Power.

Your official and final request to use Air Force-controlled public withdrawn land should be forwarded to the Bureau of Land Management (BLM). The BLM will subsequently seek Air Force coordination before responding to your request.

My points of contact in this matter are Mr. Joe Hart, Community Planner (site visits/planning issues/652-4153) and Ms. Judy Pace, Realty Officer (BLM coordination/realty instruments/652-3302).

Sincerely

A handwritten signature in black ink, appearing to read "Gerald J. Sawyer".

GERALD J. SAWYER  
Colonel, USAF

*Global Power For America*



<b>Attachment 5</b> <b>Executive Summary</b>
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## **Governor Jim Gibbons' Nevada Renewable Energy Transmission Access Advisory Committee**

### **Phase I Report**

<http://gov.state.nv.us/energy/>

#### **Introduction**

Nevada is extremely fortunate to possess abundant renewable energy resources that can accommodate the development of technologies that include wind, geothermal, solar and biomass. The great development potential positions Nevada as one of the top states for pursuing alternative energy. However, the locations for renewable energy development can be in remote regions that do not possess access to the transmission system grid that would enable transfer of that energy across the State. Governor Jim Gibbons recognized this challenge and issued an Executive Order forming the Renewable Energy Transmission Access Advisory Committee.

In a May 9, 2007 press release, Nevada Governor Jim Gibbons stated "Renewable energy development is good for Nevada and good for the nation. Much of Nevada's renewable energy resources are located away from the grid. In order for companies to locate in Nevada and develop our renewable energy resources, we need to ensure they have access to the transmission infrastructure that will allow them to bring their energy to the marketplace."

The mission statement in the Governor's Executive Order states "The Committee will propose recommendations for improved access to the grid system by which renewable energy industries can set up and have market access in Nevada and neighboring states."

The purpose of the Committee is to:

1. Identify commercially developable locations for renewable energy, ranking them based on size and viability and comparing them to Nevada's energy needs and demand.
2. Assess existing and planned transmission access to these resources.
3. Make recommendations for additional transmission lines.

At the Committee's initial meeting on June 15, 2007 the Governor expanded on the need to develop the state's renewable energy resources and to deliver the power to the grid. He explained that every year Nevada spends as much as \$6 billion importing energy. He encouraged the committee to take up this "\$6 billion opportunity" to change the energy face of Nevada. He indicated that renewable energy could help reduce dependence on imported energy and Nevada's renewable resources could be exported to supply the clean energy needs of neighboring states. He stated that this committee could make meaningful recommendations to the leadership of Nevada. He continued by saying that this group would review all of the electricity needs and the demands in this state. Together, this committee and Nevada's leaders could bring our state into the 21st century and into energy independence.

## Executive Summary

Nevada was one of the first states to adopt a Renewable Portfolio Standard. The Portfolio Energy Standard is commonly referred to as the "RPS," or simply the "Portfolio Standard." Since its inception in 1997 the RPS has been modified by the Legislature several times. Currently Nevada's RPS encompasses both renewable energy and energy efficiency. The RPS requires the state's investor owned electric utilities (Sierra Pacific Power and Nevada Power Companies) to generate, acquire, or save electricity from renewable energy systems or energy efficiency measures of not less than 20 percent (20%) by 2015. For more detail about the RPS please see Appendix I.

Renewable energy development has accelerated with the implementation of the RPS. To facilitate delivering this new energy to users it is recognized that transmission adequacy must be assessed, limitations identified and new electrical interconnects proposed. The Renewable Energy Transmission Access Advisory Committee ("RETAAC" or "the Committee") initiated this process of review. Wind, solar, geothermal and biomass potential was examined using the best available databases and models. Available transmission access was compared to these renewable energy zones and areas of constraint were overlaid on the resulting maps. Three recommendations were made by the committee:

**#1 The Governor's Office support the construction of transmission lines and collector systems to enable access for renewable energy development in each of the identified Renewable Energy Zones (See Fig 1, 2 and 3)**

There are renewable energy zones that have enough resource density to require transmission lines and collector systems. The collector system located, where feasible, within 25 miles of the sites within the zone so that developers can build their own radial line to the collector system.

**#2 The Governor's Office support the construction of a transmission line to connect the state's northern and southern electric grids of sufficient capacity to provide Nevada Power with their non solar renewable energy requirements from the abundant geothermal and wind resources in northern Nevada and provide Sierra Pacific Power access to the abundant solar resources in southern Nevada.**

Given that the northern and southern grids are not electrically interconnected and the location of certain resources are unique to either the north or south of the state, a connection between the two grids would allow for greater use of the renewable energy potential. There is a planned transmission line that would interconnect the north and the south already in the two utilities' respective resource plans called the Eastern Nevada Transmission Interconnection (EN-ti) by the Ely Energy Center (Sierra Pacific).

**#3 Initiate Phase II of the RETAAC to define the environmental and physical feasibility issues, costs and potential financing mechanisms associated with the recommended transmission routes beginning in first quarter 2008 with a completion date of December 31, 2008.**

Challenges are introduced when new rights-of-way are sought for new construction. Further analysis must be done to investigate the constraints and routes that can accommodate construction of transmission lines while avoiding constraint areas. Also, further study of the cost to build the proposed transmission lines and the potential of the renewable energy zones must be performed to arrive at a cost benefit that would ultimately rank the lines and perhaps identify ones that are not feasible. Finally, Phase II must address the means of financing the building of the transmission lines and collector systems contemplated here in this Phase I report.

## Identification of Renewable Energy Zones

Committee developed three maps (attached):

Renewable Energy Zones and Transmission Interconnects Map (Fig. 1)

Renewable Energy and Transmission Constraints Map (Fig. 2)

Military Airspace and Radar Interference Constraints Map (Fig. 3)

As seen in Figure 1, committee defined

- Six geothermal zones, and
- Four solar zones,
- Twelve wind zones, and
- Four biomass zones

The exact megawatt potential of these zones is not identified in the final report due to lack of sufficient information. Using map information and expert opinion and experience, the zones were prioritized from highest to lowest probable potential.

## Transmission Needs Analysis –Access to the Grid

Access to the grid already exists for geothermal zone 4, solar zone 2, wind zones 4, 9, 10 and 11, and biomass zone 2 and 4.

Committee identified **thirteen possible transmission links** to connect the renewable energy zones to Sierra's transmission grid (see table 1, next page and attached Fig. 1).

Committee made below assumptions:

- the minimum voltage for effective transmission of renewable energy is 230 kV (The 230 kV lines can deliver electricity between 300 MW and 500 MW)
- A typical renewable project generation capacity of 30 MW or greater
- Identified zones approximately 25 miles or further from existing transmission lines because a transmission line of 25 miles or less would be cost justified.

For the transmission need analysis:

- Network or distribution upgrades were not addressed.
- State public power utilities, rural cooperatives, General Improvement Districts and other agencies' transmission systems information was not readily available to this Committee and were not considered in the report. This is particularly important since a portion of the state's renewable resources do not lie within Sierra Pacific and Nevada Power service territories.
- Deliverability, line capacity, cost, siting and other considerations were not investigated as part of their analysis.
- The proposed transmission links on Figure 1 show possible electrical interconnections, not specific geographic corridors.

**Table 1. Transmission Links Detail**

Line #	Zone(s) Covered	Starting Point Zone	Ending Point City (substation)
1	Wind 8, Geothermal 2	Geothermal 2, Wind 8	Alturas, CA (Hilltop)
2	Wind 8, Geothermal 2	Geothermal 2, Wind 8	Lovelock, NV (Oreana)
3	Wind 7	Wind 7	Doyle, CA (Ft. Sage)
4	Wind 7	Wind 7	Wadsworth, NV (Tracy)
5	Wind 6, Biomass 1	Wind 6, Biomass 1	Carson City, NV (Blackhawk)
6	Geothermal 1	Geothermal 1	Lovelock, NV (Oreana)
7	Geothermal 1	Geothermal 1	Yerington, NV (Ft. Churchill)
8	Geothermal 3, Wind 12, Solar 1	Yerington (Ft. Churchill)	Las Vegas, NV (Northwest)
9	Wind 2, Wind 3, Biomass 3	Wind 3	Ely, NV (Robinson Summit)
10	Solar 3, Wind 2, Biomass 3	Solar 3	Ely, NV (Robinson Summit)
11	Solar 4, Geothermal 5	Solar 4, Geothermal 5	Ely, NV (Robinson Summit)
12	Wind 1, Geothermal 6	Wind 1, Geothermal 6	Ely, NV (Robinson Summit)
13	Wind 5	Wind 5	Cortez, NV (Cortez)

Committee also evaluated certain constraints such as environmental and right of way (ROW), land stakeholders, and military airspace training (see pages 10 – 15 of the final report, Figures 2 and 3).

Figure 1, 2 & 3 are posted at <http://gov.state.nv.us/Energy/FinalReport.htm>

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:36 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50488

**Attachments:** Submitted\_Comments\_on\_Draft\_PEIS\_for\_Energy\_Corridors\_WVEC50488.doc



Submitted\_Comments\_on\_Draft\_PEIS...

Thank you for your comment, Kim Heimsath.

The comment tracking number that has been assigned to your comment is WVEC50488. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:35:29PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50488

First Name: Kim  
Last Name: Heimsath  
Organization: Questar  
Address: P.O. Box 45360  
City: Salt Lake City  
State: UT  
Zip: 84145  
Country: USA  
Email: kim.heimsath@questar.com  
Privacy Preference: Don't withhold name or address from public record  
Attachment: J:\ESS\ENVIRON\GENERAL\Submitted Comments on Draft PEIS for Energy Corridors.doc

Comment Submitted:  
This file was also fax'd on 2/14/2008.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.



Questar Gas Company  
 Questar Pipeline Company  
 1140 West 200 South  
 P.O. Box 45360  
 Salt Lake City, UT 84145-0360

February 14, 2008

West-wide Energy Corridor DEIS  
 Argonne National Laboratory  
 9700 S. Cass Avenue  
 Building 900, Mail Stop 4  
 Argonne, IL 60439  
 Fax: (866) 542-5904

Dear Project Managers:

Questar Gas Company (a natural gas distribution company) and Questar Pipeline Company (a natural gas transmission company), regulated subsidiaries of Questar Corporation, have reviewed the West-wide Energy Corridor Draft EIS and submit these comments and proposed changes.

- “As directed by the agency POC [point of contact], projects should include a public education and outreach component regarding cultural resources such as public presentation, news article, publication, or display.” (p.2-31).

*This condition should (and currently typically does) only apply if there is a finding of adverse effect to a cultural resource that is eligible for listing on the National Registry of Historic Places.*

Proposed change: As directed by the agency POC [point of contact], projects that may adversely affect cultural resources and that are eligible for listing on the National Registry of Historic Places should include a public education and outreach component regarding cultural resources such as public presentation, news article, publication, or display.

50488-001
  
- “The applicant should not create excessive slopes during excavation. Areas of steep slopes, biological soil crusts, erodible soil, and stream channel crossings would often require site-specific and specialized construction techniques by the applicant...” (p. 2-32).

*It is sometimes necessary to create a temporary steep slope during construction that is then recontoured to match site topography. Possible mitigation for impacts to biological soil crusts are unproven, costly, and should not be included as a condition for management of a designated utility corridor*

Proposed change: Areas of steep slopes, erodible soil, and stream channel crossings may often require site-specific and specialized construction techniques by the applicant...

50488-002
  
- “The applicant should cover construction materials and stockpiled soils if these are sources of fugitive dust.” (p. 2-32).

*Covering large areas of stockpiled soils is cost prohibitive and infeasible.*

Proposed change: Delete entire condition.

50488-003

- "The applicant should water land before and during surface clearing or excavation activities. Areas where blasting would occur should be covered with mats." (p. 2-32).  
*The use of water for dust control often conflicts with other uses, such as protection of endangered fish. New blasting techniques generate no more fugitive dust than other construction activities.*

50488-004

Proposed change: The applicant should use water or other dust suppressant to control excessive fugitive dust when necessary.
  
- "Cultural resources inventory procedures should include development of a project research design sufficient to support the evaluation of cultural resources encountered in the APE." (p. 2-33)  
*Development of a project research design could be very time consuming and may not be necessary to support the evaluation of cultural resources encountered in the APE.*

50488-005

Proposed change: Cultural resources inventory procedures should be adequate to support the evaluation of cultural resources encountered in the APE.
  
- "The applicant should provide secondary containment for all on-site hazardous materials and waste storage, including fuel." (p.2-34).  
*This condition does not indicate the size of container. Secondary containment should be provided for drums or tanks of hazardous materials used at the project.*

50488-006

Proposed change: The applicant should provide secondary containment for all drums or tanks holding hazardous substances, including fuels and wastes.
  
- "Synthetic membranes or other material could be placed at the bottom of spoil piles to prevent or minimize infiltration of possibly contaminated water to underlying aquifers. (PHMSA 2006)" (p. 3-98).  
*This appears to have been taken from PHMSA, with the implication that the spoils are contaminated. If soils are not contaminated, there is no reason for placing soils on a protective membrane.*

50488-007

Proposed change: If spoils are suspected or known to be contaminated with hazardous materials, the spoils should be segregated and synthetic membranes or other material should be placed underneath the spoils pile to prevent or minimize infiltration of potentially contaminated water to underlying aquifers.
  
- "Entry and exit pits should be constructed to trap sediments from entering into streams at stream crossings. Prerequisites to excavating the entry and exit pits should include: Locating the entry and exit pits far enough from stream banks and at a sufficient elevation to avoid inundation by storm flow stream levels and to minimize excessive migration of ground water into the entry or exit pits ..." (p. 3-99).  
*Entry and exit pits, to our knowledge, are only used when conducting HDD or boring operations. To ensure a proper bore, pits are located a sufficient distance from the stream. This prerequisite isn't necessary. (Prerequisites that follow are applicable.)*

50488-008

Proposed change: Delete condition.

- "Where avoidance to impacts to wetlands or riparian areas is not possible, compensatory mitigation should be provided. Such mitigation should be developed and approved in coordination with federal, state, and local resource agencies." (p. 3-221).

*Mitigation has generally only been required where permanent impacts to a wetland are required.*

Proposed change: Where wetlands or riparian areas are permanently impacted by a project, compensatory mitigation should be provided.

50488-009
  
- "Directional drilling for pipeline installation should be used for wetland, stream, water body, and riparian crossings....Trench crossings should be conducted only during no-flow periods on dry substrates" (p. 3-223).

*This condition could be interpreted to mean that HDD is required at all flowing waterbody crossings or wetlands. The crossing method (open cut, dam and pump, flume, HDD, etc.) should be determined by the project proponent who is most familiar with the site conditions and pros/cons of each method and discussed with agency personnel.*

Proposed change: Directional drilling for pipeline installation should be considered, where feasible, for wetland, stream, water body and riparian crossings. ... Trench crossings should be conducted using a dry crossing method (dam and pump or flume) during periods of low flow. The project site conditions should be reviewed by project personnel to determine what crossing method (open cut, dam and pump, flume, directional drilling) will be most effective.

50488-010
  
- "Weed-free mulch, matting, or other erosion control measures should be used on all exposed soils immediately following seeding, or within 48 hours of disturbance when not immediately seeded on areas within 300 feet of a wetland, stream, or other water resources." (p. 3-224).

*This condition does not take into account site conditions (i.e. relatively flat terrain) or the type of waterbody (i.e. the water resource is a small, dry wash). Erosion control measures should be determined based on site-specific conditions rather than a general requirement for all projects based an arbitrary distance of 300 ft.*

Proposed change: Generally weed-free mulch, matting, or other erosion control measures should be used on all exposed soils immediately following seeding, or within 48 hours of disturbance when not immediately seeded on areas adjacent to a wetland, stream, or other water resources. Alternative erosion controls may be utilized.

50488-011
  
- "Any pipelines that cross rivers or streams containing sensitive aquatic species should have block or check valves on both sides of the river to minimize the amount of product that could be released into waterways due to leaks. Pipelines should be constructed of double-walled pipe at river crossings." (p. 3-227).

*This condition should be clarified to state that it is intended for liquids lines and not natural gas pipelines.*

Proposed change: Any liquid pipelines that cross rivers or streams containing

50488-012



- |   |                              |
|---|------------------------------|
| <p>sensitive aquatic species should have block or check valves on both sides of the river to minimize the amount of product that could be released into waterways due to leaks. Liquid pipelines should be constructed...</p>   | <p>50488-012<br/>(cont.)</p> |
| <ul style="list-style-type: none"> <li>• "Locations that are heavily utilized by migratory birds should be avoided." (p. 3-229).<br/><br/><i>This statement doesn't define "locations."</i><br/><u>Proposed change:</u> Known nesting or roosting areas that are heavily utilized by migratory birds should be avoided.</li> </ul>  | <p>50488-013</p>             |
| <ul style="list-style-type: none"> <li>• "Construction activities should be restricted in riparian areas from early March through mid-August to avoid the active nesting and brood-rearing period for bird species..." (p. 3-231).<br/><br/><i>Restrictions should only apply if nesting birds are present and the restricted period should be based on the bird species that are present.</i><br/><u>Proposed change:</u> Construction activities in riparian areas should be planned to avoid active nesting and brood-rearing of bird species present, as identified by project biological surveys.</li> </ul>   | <p>50488-014</p>             |
| <ul style="list-style-type: none"> <li>• "Access roads should be closed to unauthorized vehicular use." (p. 3-231).<br/><br/><i>This should address temporary or newly created access roads. Most access roads that are used during a project are public roads that are not possible to close.</i><br/><u>Proposed change:</u> Temporary or project-created access roads should be closed to unauthorized vehicular use.</li> </ul>   | <p>50488-015</p>             |
| <ul style="list-style-type: none"> <li>• "Open trenches can impede seasonal big game movements and alter their distribution. Therefore, limitations on the length or distribution of open trenches may be imposed by the land owner or administrator." (p. 3-231).<br/><br/><i>Open trench windows (usually 10-days) are currently being enforced in Wyoming and not in other areas. This type of condition is expensive and strategically difficult to implement in a project; it could be interpreted to mean that open trench windows are required for all projects.</i><br/><u>Proposed change:</u> Open trenches could impede seasonal big game movements and alter their distribution. Open trenches should be backfilled as quickly as is reasonable in these situations.</li> </ul> | <p>50488-016</p>             |

Thank you for the opportunity to comment on the DEIS.

Sincerely,

Kimberley Heimsath  
Director, Environmental and Safety Services

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:36 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50489

**Attachments:** NTHP.WEC.Ltr.Final.02-14-08\_WVEC50489.pdf



NTHP.WEC.Ltr.Final  
.02-14-08\_WW...

Thank you for your comment, Michael Smith.

The comment tracking number that has been assigned to your comment is WVEC50489. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:36:04PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50489

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February 14, 2008

ELECTRONICALLY SUBMITTED  
AND VIA FIRST-CLASS MAIL

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

**Re: Comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Corridors on Federal Land in the 11 Western States.**

To Whom It May Concern:

On behalf of the National Trust for Historic Preservation (National Trust), we appreciate the opportunity to comment on the Draft Programmatic Environmental Impact Statement (Draft PEIS) for the designation of Energy Corridors on federal lands in the 11 Western states. We recognize the need for reasonable, reliable, and efficient transmission of energy, and we also support the concept of collocating different types of energy transmission projects across federal land through the designation of corridors, as a means of reducing the proliferation of such projects. We commend the Bureau of Land Management (BLM), Department of Energy (DOE), and other agencies (collectively "Agencies") for their extraordinary effort in pulling together the Draft PEIS and for their effort to avoid locating corridors within specially designated lands, such as National Parks and Monuments.

Nevertheless, the process of designating these corridors must fully consider the designation's impact on significant historic and natural features, and must provide for a range of alternatives that reflects multiple options through or by which to achieve the corridor objective. It is critical that the Agencies fully comply with the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), as required by Section 368 of the Energy Policy Act of 2005 (EPAAct), 42 U.S.C. § 15926. It is important to evaluate the potential consequences on cultural and natural resources associated with designating specific energy corridors on federal land, particularly to inform future siting of specific projects within the corridors. As discussed below, we believe there are several shortcomings with the Draft PEIS, which the Agencies should revise and correct. We hope that our comments and recommendations can help improve the Draft PEIS and lead to a greater understanding about the impacts to cultural and natural resources.

**Interests of the National Trust.** Congress chartered the National Trust in 1949 as a private nonprofit organization to "facilitate public participation" in historic preservation, and to further the purposes of federal historic preservation laws. 16 U.S.C. §§ 461, 468. With the strong

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support of our 287,000 members around the country, the National Trust works to protect significant historic sites and to advocate historic preservation as a fundamental value in programs and policies at all levels of government. In addition to our headquarters in Washington, D.C., we have nine regional and field offices throughout the country, including a Western Office in San Francisco, a Mountain/Plains Office in Denver, and a Southwest Office in Fort Worth, Texas, which are responsive to concerns in the areas affected by the corridor designations. The National Trust also operates 30 historic sites open to the public.

The Draft PEIS states that “Section 368 directs the Agencies to take into account the need for upgraded and new infrastructure and to take actions to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy.” Draft PEIS at ES-2. While the plain meaning of Section 368 does imply a need to enhance and improve the transmission of energy, there are only four clear directives: (1) designate west-wide corridors on federal lands; (2) comply with any environmental laws; (3) create a process for “expedit[ing] applications;” and (4) improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity. Importantly, the statute indicates that the Agencies must “perform any environmental reviews that may be required to complete the designation of such corridors.” EPA Act, § 368(a)(2). Congress also required the agencies to “expedite applications” for specific projects within the designated corridors, “taking into account prior analyses and environmental reviews undertaken during the designation of such corridors.” *Id.* § 368(c)(2). Taken together, these mandates direct the Agencies to designate corridors through required environmental review procedures with the intention of adequately informing future site-specific projects, so that those projects may be carried out in an expedited manner.

50489-001  
 (cont.)

**1. The Agencies’ Premise – that the Designation Does Nothing – Fatally Corrupts the Entire Draft PEIS.**

In general, the National Trust is concerned that the Agencies have misrepresented the impact of the corridor designation. Throughout the Draft PEIS, the Agencies reiterate the unsupported conclusion that the designation will not have any environmental impacts because the designation does not approve site-specific activities.<sup>1</sup> *See, e.g.*, Draft PEIS at ES-19, ES-20, 2-38. For example, the Agencies state that “designating an energy corridor with a defined corridor centerline and width would not mean that the Agency is approving any specific project. Each proposed energy project would be subject to a project-specific [NEPA] review.” *Id.* at Text Box 1-1; *see also id.* at 1-2. However, this repeated theme ignores the legal consequences of the corridor designation, and could lead to a “shell-game” approach to approving transmission projects with little meaningful consideration of the environmental impacts. The Agencies cannot

50489-002

<sup>1</sup> This conclusion is contrary to common practices in transportation corridor planning or designation processes vetted through NEPA, where Tier 1 or programmatic environmental documents typically analyze impacts to known environmental, cultural, and socio-economic resources. *See, e.g.*, Riverside County (CA) Integrated Project, Community and Environmental Transportation Acceptability Process (<http://www.rcip.org/transportation.htm>); Aroostook County (ME) Transportation Study (<http://www.vhb.com/aroostook/description.asp>); I-81 (VA) Corridor Improvement Study (<http://www.virginiadot.org/projects/constSTAN-I-81-environment.asp>). Detailed impacts for individual projects identified in the studies are evaluated in more detail at a Tier 2 stage of the NEPA process.

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hide from the clear and explicit result of the corridor designation – the creation of a well-defined corridor on federal lands as the “preferred” location for transmission projects, within which the Agencies will utilize an expedited process for approving projects. Moreover, the corridors will directly influence the location of transmission projects on adjacent state and private lands.

The Agencies attempt to support their “no impacts” conclusion by stating that energy transmission applicants could seek approval of any project outside of the corridors, rather than utilizing a designated corridor. Id. at 2-39. However, this argument is directly contradicted by the statement that energy applicants will “benefit” from the corridor designations because of the “expedited process” afforded by the PEIS. Id. at 1-12, 2-39. Indeed, this was the whole purpose of Section 368. Moreover, the Agencies lean heavily on the premise that in the course of approving specific projects the local federal land manager may require a proponent to move a project outside the designated corridors in order to protect resources identified during the site-specific review process. See id. Unfortunately, there is simply no support or assurance that such steps will take place. The fact is the potential energy applicants and the public are led to believe that this corridor designation process is intended to identify appropriate, “preferred” corridor locations for these projects. Local decisionmaking for site-specific projects will be heavily biased by this energy corridor designation, and thus, extremely unlikely require an applicant to move or substantially alter the boundaries of a designated corridor.

50489-002  
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The consequence of the Agencies’ presumption that the corridor designation will have no impact seems to corrupt the entire Draft PEIS, leaving the analysis of impacts, examination of potential alternatives, and discussion of mitigation measures (in the form of interagency operating procedures (IOPs) or best management practices) inadequate to meet the statutory obligations of NEPA and the NHPA. Future projects tiering to the PEIS, in turn, will have little, if any, specific environmental information to draw from. In short, we strongly disagree with the Agencies’ unsupported assurances that the designation will have no impact, and we find it very improbable for the Agencies to pursue a final decision under these assurances. We believe the Agencies must correct this misleading assumption about the impact of the designation of energy corridors through a Supplemental Draft PEIS.

**2. The Tiering Process Afforded by NEPA Presumes that the Agency Does Some Analysis at the Programmatic Level.**

We are concerned that the limited scope of the environmental analysis in the Draft PEIS is inadequate to truly inform future site-specific reviews within the corridors to be designated. BLM’s position – that the designation of corridors has no impact, and therefore it is appropriate to substantially limit the analysis of reasonably foreseeable consequences associated with the designation – is contrary to the purpose and intent of the tiering process expressed in the NEPA regulations.

50489-003

Tiering is encouraged as a means to “eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review.” 40 C.F.R. § 1502.20. Tiering is appropriate if an agency is moving from a program, plan, or policy EIS to a

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site-specific EIS or Environmental Assessment (EA). Id. § 1508.28(a). The NEPA regulations suggest that the level of detail within a programmatic EIS must correspond with the action being approved, and the limitations on future alternatives for site-specific actions tiered to the programmatic EIS. Id. The Ninth Circuit Court of Appeals in ‘Ilio’ulaokalani Coalition v. Rumsfeld found that “[a] programmatic EIS must provide sufficient detail to foster informed decision-making, but an agency need not fully evaluate site-specific impacts until a critical decision has been made to act on site development.” 464 F.3d 1083, 1094 (9th Cir. 2006) (internal quotations omitted). Although the Agencies are not approving site-specific energy rights-of-way (ROWs), they are committing very specific locations to an expedited process for approving ROWs.

Because the Agencies have identified specific locations for the energy corridors, NEPA requires a more thorough discussion about the potential consequences. Contrary to the repeated position of the Agencies, the Draft PEIS can and should be much more descriptive about the specific cultural and tribal resources within the proposed designated corridors and the potential consequences to these cultural resources. Certainly, we believe this information will not only help to support the Agencies’ decision, but will also help to ensure that proposals for future site-specific projects requesting approval have adequate environmental documents and analysis to tier to. Congress implicitly required greater detail now by directing the Agencies to use the designated corridors to expedite site-specific projects. Less detailed information about cultural resources, and the consequences of the designation and future projects on those resources, means that the Agencies would need to do more analysis at the site-specific level.

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It is worth mentioning that if BLM were seeking to approve the energy corridors through its resource management planning (RMP) process, which requires compliance with NEPA, it would provide information about the specific cultural resources at risk, provide an environmental analysis of impacts, and potentially examine different corridor locations through a reasonable range of alternatives. This specific information would help to inform the public about potential impacts associated with future ROW proposals and guide BLM and future project proponents in the environmental review process.

### **3. The Draft PEIS Fails to Consider a Reasonable Range of Alternatives.**

The Agencies’ examination of only one action alternative in the Draft PEIS raises serious concern about whether the Draft PEIS satisfies NEPA’s requirement to consider a reasonable range of alternatives. The National Trust specifically questions: (1) the presumption that only one alternative can accomplish the purpose and need of Section 368 of the EAct, and (2) the failure to document how the Agencies selected the proposed alternative. As discussed below, we believe the Agencies should examine additional alternatives in a supplemental Draft PEIS.

50489-004

The alternative requirement is the “heart of the environmental impact statement.” 40 C.F.R. § 1502.14. An agency’s “duty under NEPA is to study alternatives that appear reasonable and appropriate for study at the time of drafting the EIS, as well as significant alternatives suggested by other agencies or the public during the comment period.” Roosevelt Campobello Int’l Park v.

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U.S. EPA, 684 F.2d 1041, 1047 (1st Cir. 1982). The purpose of the alternative requirement is to prevent the impact statement from becoming a “foreordained formality.” Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991). Whether an alternative is “reasonable” or not turns on whether it will accomplish the stated purpose for the project. Custer County Action Ass’n v. Garvey, 256 F.3d 1024, 1041 (10th Cir. 2001).

First, the Draft PEIS does not provide support for the Agencies’ conclusion that only one alternative can accomplish the purpose and need under Section 368. Our concern is not simply the lack of alternatives examined, but rather a lack of support for the Agencies’ rejection of all other potential alternatives as unreasonable. An agency has discretion to define the goals of a project, but “may not define the goals of its projects so narrowly that only its preferred alternative will meet those goals.” Env’tl. Prot. Info. Ctr. v. U.S. Forest Serv., 234 Fed. Appx. 440 (9th Cir. 2007) (citing City of Carmel-by-the-Sea v. U.S. Dep’t of Transp., 123 F.3d 1142, 1155 (9th Cir. 1997)). Although an agency does not have to evaluate alternatives that do not meet the minimum criteria or purpose and need, see, e.g., City of Alexandria v. Slater, 198 F.3d 862 (D.C. Cir. 1999); Seattle Audubon Soc’y v. Moseley, 80 F.3d 1401, 1405 (9th Cir. 1996), it must provide a reasonable explanation for deciding not to study an alternative.<sup>2</sup>

In this case, the Draft PEIS briefly discusses and rejects several alternatives. See Draft PEIS at 2-34 to 38; see also id. at 2-34 (“Alternatives, which were considered but eliminated from further study, were each examined with regard to how well they would meet the purpose and need of Section 368, how well they would support designation of federal energy corridors, and how they would address the energy transmission issues of the electricity transmission grid in the West.”). Although we recognize that the Agencies condensed the number of corridors during Step 2 of the corridor identification process, there is no reason articulated as to why an alternative with a smaller number of corridors would not serve Section 368’s purpose and need. Further, the Draft PEIS does not evaluate whether there is a potential corridor system that would minimize impacts to cultural and natural resources to the maximum extent possible. There are no alternatives to compare the one proposed action alternative against. As a result, the public is simply left with the Agencies’ conclusory statement that anything less than what is offered and evaluated in the Draft PEIS would not satisfy the purpose and need. We do not dispute Section 368’s mandate to designate energy corridors on federal lands. That much is clear. However, we disagree with the assumption that only one alternative can meet this directive. Certainly, an alternative that provides for fewer corridor miles seems reasonable, and, therefore, should be examined in the context of the PEIS.

Secondly, the Agencies used a three-step process to determine the proposed location of energy corridors, but the Draft PEIS provides little information about how the corridors were condensed, other than to state that the Agencies attempted to avoid specially designated lands. Step 1 developed an unrestricted West-wide network focused on connecting supply with demand

<sup>2</sup> Simmons v. U.S. Army Corps of Engineers, 120 F.3d 664, 670 (7th Cir. 1997) (Army Corps erred by rejecting an alternative development with only “conclusory statements”); see also Native Ecosystems Council v. U.S. Forest Serv., 428 F.3d 1233, 1246 (9th Cir. 2005) (NEPA’s regulations do not “impose[] a numerical requirement . . . [for] reasonableness,” but the agency must consider and appropriately explain “as to why an alternative was eliminated”).

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(cont.)

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centers (and presumably the energy industry's interests) without any consideration of physical, environmental, or regulatory constraints. Draft PEIS at 2-16. Step 2 narrowed the unrestricted energy corridors in a way that was "consistent with the unrestricted conceptual West-wide energy transport" and to "[m]eet the Section 368 requirement of designating corridors only on federal lands." *Id.* at 2-18-22. Step 2 also sought to avoid important natural and cultural resources and specially designated areas such as National Parks and Monuments, National Historic Trails, wilderness areas, etc. Step 3 sought the input of local land managers, state historic preservation officers (SHPOs), and other federal and state officers to further identify sensitive resources to avoid and refine the corridors identified in Step 2. *See id.* at 2-25. The end result is 6,055 miles of energy corridors ranging in width from 200 feet to 5 miles. *Id.* at 2-2.

The National Trust does commend the Agencies for their effort to avoid National Parks and Monuments and other specially designated lands, and we certainly does not want to trivialize the complexity of the action proposed in the Draft PEIS. However, we are concerned by the lack of public information about how the Agencies condensed these unrestricted corridors. The unrestricted map from Step 1 is the basis for the proposed corridors put forth in Step 3. The public is left with the unchallenged assumption that all of the Step 1 suggestions for corridors were valid or necessary. Furthermore, the public is led to believe, without adequate information, that the one action alternative is the only alternative that will meet the purpose and need of Section 368.

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**Recommendation:**

The National Trust strongly urges the Agencies to prepare a supplemental Draft PEIS in which other reasonable, less extensive alternatives are provided, including a conservation alternative. Additionally, the Agencies should prepare an alternative that phases energy corridor designations, i.e., focuses on the critical congestion areas and/or most important corridors. Congress did not suggest that only one alternative should be examined, nor did it imply that the Agencies could ignore the need to balance energy corridors against the cultural and natural resources. A reasonable range of alternatives will afford the public an opportunity to participate in the decisionmaking process with adequate information about the decisions being made and the choices considered.

**4. The Draft PEIS Provides an Inadequate Analysis of the Direct, Indirect and Cumulative Impacts Associated with the Proposed Energy Corridor Designation.**

The Agencies' analysis of environmental consequences does not adequately evaluate direct, indirect, or cumulative impacts on historic and cultural resources associated with the designation. NEPA requires the agency to describe and evaluate the direct and indirect environmental consequences of the proposed action. 40 C.F.R. § 1502.16(a), (b); *see also Custer County Action Ass'n v. Garvey*, 256 F.3d 1024, 1035 (10th Cir. 2001). The CEQ's NEPA regulations define indirect impacts as those that are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(b). If the

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Agencies are uncertain of relevant environmental information, or the information is unavailable, the Agencies' ability to prepare an adequate impact statement may be jeopardized. "Reasonable forecasting" is an implicit agency duty under NEPA. Scientists' Inst. for Public Info. v. Atomic Energy Comm'n, 481 F.2d 1079, 1092 (D.C. Cir. 1973). Federal agencies are responsible for predicting environmental effects of proposals, even if those effects are not fully known. Id.; see also Save Our Ecosystems v. Clark, 747 F.2d 1240, 1246 n.9 (9th Cir. 1984) ("Reasonable forecasting and speculation is . . . implicit in NEPA, and we must reject any attempt by agencies to shirk their responsibilities under NEPA by labeling any and all discussion of future environmental effects as 'crystal ball inquiry.'").

**A. Direct and Indirect Impacts Analysis.**

We have several concerns about the lack of specific information in the Draft PEIS about direct and indirect consequences on historic resources and sites that are culturally significant to Indian tribes. First, as discussed above, the Agencies have taken the position that "[n]o direct environmental impacts are expected to occur as a result of corridor designation and land use plan amendment," Draft PEIS at ES-19, and that the corridor designations "are not expected to affect cultural resources in the 11 western states," id. at 3-268. Based on these assertions, the Draft PEIS only quantifies the number of currently identified resources within one mile of the preliminary corridor centerlines. However, the quantified number represents only a small portion of the potentially affected resources, because only 7 percent of the proposed corridors have been surveyed for cultural resources. Id. at 3-268 (Table 3.10-4); see also id. at Appendix R. Furthermore, in some places, this would not even be enough to cover the entire corridor. Although the Draft PEIS states that "some corridor locations were altered to avoid key cultural resource areas," there is no discussion about the specific cultural resources.

Additionally, the discussion about direct and indirect impacts on National Historic Trails (NHTs) is insufficient, especially given that the Agencies know exactly where the proposed corridors will intersect trails. See id. at 3-271 (Table 3.10-5) and Appendix G. The Draft PEIS identifies 12 NHTs likely to be crossed by the proposed corridors, and states that "historic trails . . . do not retain their integrity in all locations." Yet, the Draft PEIS does not analyze whether and to what extent the proposed corridor designations will directly or indirectly affect locations where historic trails have retained their integrity, including any "high potential route segments."

Under the National Trails System Act (Trails Act), "high potential route segments" are defined in part as "segments of a trail . . . having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route." 16 U.S.C. § 1251(2). The Trails Act directs land management agencies like BLM to identify any high potential route segments under their jurisdiction and to develop a plan for protecting their historic values. Id. § 1244(f)(1), (3). Unfortunately, the Draft PEIS does not indicate whether the proposed corridors would directly or indirectly affect high potential route segments, even

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though several of the corridors appear to cross or run adjacent to several of these segments.<sup>3</sup> Furthermore, the Draft PEIS fails to discuss whether the proposed designations are consistent with the protection plans developed by federal land management agencies for high potential route segments. For example, in the comprehensive management plan for the El Camino Real de Tierra Adentro NHT, BLM designated 97,873 acres of land as Visual Resource Management (VRM) Class II<sup>4</sup> to protect the visual integrity of high potential route segments in the Jornada del Muerto. *Id.* at 28. However, the Draft PEIS omits any discussion of whether the proposed corridor in the Jornada is consistent with this designation. *Id.* Further, the Draft PEIS briefly describes the Agencies' efforts to site corridors to avoid pristine sections of the NHTs and to co-locate the corridors with present infrastructure. *See id.* at Appendix G. However, the conclusion in the Draft PEIS that the designation will not affect NHTs is inaccurately premised on the assumption that the designation will have no impact.

Because the corridor designation will establish specific boundaries as the "preferred" location for energy ROW's, and sets in motion an "expedited" process for approving ROWs within these corridors, the Agencies must recognize that there will be consequences to cultural resources resulting from the designation. Further, the Agencies should produce better, more specific information about the resources within the designated corridors, so that the public and the Agencies can fully understand the consequences associated with the proposed action. Regarding the NHTs, the Agencies should provide a detailed discussion of the locations crossed by the proposed corridors, as well as the corridors that do not cross NHTs, but may be visually intrusive to a nearby trail. Overall, the Draft PEIS currently leaves the public guessing about the tradeoff being made to sacrifice cultural resources in favor of dedicating these specific corridors to energy transmission.

Second, the Draft PEIS provides insufficient detail about indirect impacts on cultural resources as a direct result of the corridor designation. Indeed, the Draft PEIS explicitly states that an evaluation of impacts for future site-specific projects would be "speculative and neither practicable nor possible." *Id.* at 1-16. The Draft PEIS examines only generically the impacts associated with potential development in the corridors. *Id.* at 3-271-273. Yet, the exact location and width of the proposed corridors are known, and it seems probable that the Agencies know the specific types of projects likely to occur in each corridor. The Draft PEIS does not even mention, much less examine, the reasonable connection between corridor designation and the development of energy projects. In fact, the Agencies clearly indicate that they consulted energy companies during Steps 1 and 2 of the project to get a sense of the companies' wish list for energy corridor locations. Such desires were no doubt tied to long-term plans for specific energy

<sup>3</sup> *See, e.g.*, Map G9 (depicting a proposed corridor in New Mexico's Jornada del Muerto); National Park Service & Bureau of Land Management, El Camino Real de Tierra Adentro National Historic Trail Comprehensive Management Plan Appendix F 227-54 (identifying high potential route segments in the Jornada del Muerto).

<sup>4</sup> According to the BLM Manual, the objectives of VRM Class II are: "to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape." BLM Manual 8341.

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projects. *See, e.g.,* Arizona Public Service Company, *Overview: Transwest Energy Project (TWE)*, at <https://transwest.azpsoc.com/> (last visited Feb. 14, 2008) (discussing a proposed energy project that would involve the construction of two 500-kV transmission lines from Wyoming to northern Arizona within proposed energy corridors). One could reasonably assume that designated corridors will increase the development of energy projects. *Id.* at 2-18-24. In spite of this information, the Agencies maintain that a discussion about impacts is “speculative.” *See id.* at ES-9. We believe it is “reasonably foreseeable,” if not almost entirely certain, that energy companies will seek to utilize the expedited approval process within the designated corridors. Because it is at least conceivable that the entire corridor may be or is currently being used, the Agencies should provide more specific information about how such development scenarios will affect identified resources.

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Additionally, the Draft PEIS’s evaluation of indirect impacts on cultural resources downplays the strong connection between corridor designations on federal lands and the location and siting of energy transmission projects on private and state lands. It is reasonably foreseeable that the proposed corridor designation will directly dictate development on private and state lands, and as a consequence, lead to indirect impacts on cultural and tribal resources. What are the consequences of the corridor designations in conjunction with the siting of electric transmission lines pursuant to Section 1221 of the EAct? This environmental consideration should occur in the context of the Draft PEIS.

#### **B. Cumulative Impacts Analysis.**

We are also concerned about the inadequate evaluation of cumulative impacts on cultural and tribal resources. Cumulative impacts are the compounding of an action on “other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions.” 40 C.F.R. § 1508.7 (emphasis added). These impacts “can result from individually minor but collectively significant actions taking place over a period of time.” *Id.* Cumulative effects are defined as those “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” *Id.* § 1508.8(b). These effects “include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” *Id.* (emphasis added). As summarized in *Muckleshoot Indian Tribe v. U.S. Forest Service*, “an EIS must ‘catalogue adequately the relevant past projects in the area.’” 177 F.3d 800, 809–10 (9th Cir. 1999) (quoting *City of Carmel-By-The-Sea v. U.S. Dep’t of Transp.*, 123 F.3d 1142, 1160 (9th Cir. 1997) (citations omitted)). The PEIS must discuss “‘how [future] projects together with the proposed . . . project will affect [the environment] . . . [and] must analyze the combined effects of the actions in sufficient detail to be ‘useful to the decisionmaker in deciding whether, or how, to alter the program to lessen cumulative impacts.’” *Id.* More detail is therefore required in describing the cumulative effects of a proposed action with other proposed actions.

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The Draft PEIS provides extensive data and statistics about the various activities associated with energy development on public lands, as well as types of activities that may be viewed

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cumulatively with the energy corridor designation. See Draft PEIS at 4-1 to 24. We appreciate the addition of this information as it is helpful in understanding the collective activities that may drive future energy transmission projects. Notwithstanding this data, there is very little detail about the cumulative impacts that reasonably may occur as a result of the corridor designation. See id. at 4-24-28, 4-38. In particular, we are concerned about the lack of analysis as to how corridor designations will induce energy development, such as coal extraction and production, oil and gas production, and even renewable energy production. Simply evaluating current activities is not a true consideration of the induced effects of the designation, since current production must be relying on current energy transmission capacity. The question to examine is whether a designated corridor with an expedited approval process will induce new and/or increased development, and what are the potential cumulative impacts of such an increase? The designation of energy corridors on federal lands will also have significant indirect impacts on non-federal lands, consequences that the Draft PEIS does not consider.

50489-006  
(cont.)

**Recommendation:**

We strongly recommend that the Agencies gather and examine more specific information about the direct, indirect, and cumulative impacts to historic and cultural resources and TCPs. Such impacts should include those associated with the reasonably foreseeable activities likely to occur as a result of the corridor designation. Greater discussion about these impacts will help to better inform the public about the cultural resources potentially affected by the corridors, will potentially lead to better protections for these resources, and will help to provide better environmental information which future projects can tier from.

**5. The Interagency Operating Procedures (IOPs).**

The National Trust recognizes the value and importance of IOPs to the designation of energy corridors and the future site-specific actions associated with the corridors. We commend the Agencies for making the concept of IOPs an important part of the PEIS. Notwithstanding this effort, we have several comments and concerns regarding the IOPs and their future application, particularly as they relate to cultural resources and compliance with Section 106 of the NHPA.

First, it is unclear how the IOPs coordinate with the standards required when coordinating Section 106 with NEPA, 36 C.F.R. § 800.8. More specifically, how are the Agencies dealing with the “phased identification” process set forth in 36 C.F.R. § 800.4(b)(2)? The IOPs do state that the appropriate agency “must” comply with Section 106 for project planning and construction. However, this does not substitute for Section 106 compliance in the current PEIS process. We suggest that the Draft PEIS be more specific about the coordination of the Agencies’ current Section 106 efforts within the IOPs. Additionally, since the PEIS will apply to several agencies, it would be beneficial to provide more specific information in the IOPs as to how the various agencies will meet the obligations of Section 106, including directions on how to identify and involve consulting parties. Standards established for compliance through detailed IOPs would ensure consistency in the application of Section 106 to future projects.

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Second, the Agencies should take this opportunity to develop more explicit IOPs aimed at protecting significant cultural resources and TCPs that are especially sensitive to intrusions. For example, traditional cultural properties (TCPs) can be significantly disrupted or destroyed by development and intrusions, and these resources are often much less discrete than physical historic sites. Identification of TCPs is almost entirely dependent on adequate consultation with Indian tribes, which requires that the Agencies provide sufficiently detailed information about a proposed project. Although the IOPs mention compliance with Section 106 and the necessity to initiate government-to-government consultation with affected Tribes, it is essential to identify TCPs as early as possible.

Third, it is not clear whether all of the IOPs are mandatory for all future actions. See Draft PEIS at 2-26. Will agency field offices reviewing specific proposals within designated corridors have the discretion to pick and choose IOPs? *Id.* at 2-26 to -27 (“The IOPs would be considered during the application and permitting process as well as during project construction and operation.”). For instance, IOPs 29 through 35 indicate that the appropriate agency “should” take specific actions, such as the creation of a cultural resource management plan (CRMP). *Id.* at 2-30 to -31. These IOPs should be mandatory, not optional.

Finally, Section 368 of EPAct directs the Agencies to expedite approval for projects within the designated corridors. How will expedited approval coordinate with the listed IOPs, which suggest the need to fully comply with statutes like Section 106 of the NHPA? Draft PEIS at 2-27. The IOPs seem to provide direction, but will the pressure to expedite site-specific proposals override the IOPs?

**Recommendation:**

The National Trust recommends that the Agencies clarify and expand the IOPs as discussed above.

**6. National Historic Preservation Act Concerns.**

The National Trust is concerned about the Agencies’ approach to their obligations under Section 106 of the NHPA. It appears that the Agencies have elected to coordinate Section 106 compliance with NEPA pursuant to 36 C.F.R. § 800.8.<sup>5</sup> However, it is not clear to us that the Draft PEIS meets the standards set forth in 36 C.F.R. § 800.8(c)(1)(i)-(v). These standards require an agency to: (i) identify consulting parties; (ii) identify and assess historic properties affected by the undertaking, consistent with 36 C.F.R. §§ 800.4 – 800.5; (iii) consult with the SHPO/Tribal Historic Preservation Officer (THPO), Indian tribes, ACHP, and other consulting parties, throughout the NEPA process; (iv) involve the public; and (v) develop measures to avoid, minimize, or mitigate any adverse effects of the undertaking on historic properties and

<sup>5</sup> We did not know about the Agencies’ intent to coordinate Section 106 with the NEPA process in November 2007 when the BLM forwarded a string of correspondence between BLM and ACHP from February 2, 2007 through July 20, 2007.

50489-007  
 (cont.)

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describe them in the Draft EIS. *Id.* Below we describe in detail the specific nature of our concerns as they relate to the standards in 36 C.F.R. § 800.8, and we offer recommendations to improve or correct these concerns.

First, we are concerned that the Agencies have failed to invite interested parties to participate as consulting parties. On August 1, 2006 and September 13, 2006, the Agencies held informal meetings with the ACHP, the National Trust, the National Conference of State Historic Preservation Officers (NCSHPO), and the National Association of Tribal Historic Preservation Officers (NATHPO) to discuss the West-wide Energy Corridors and to define the process for Section 106 compliance. In that meeting, the Agencies expressed their intention to prepare “program comments” pursuant to 36 C.F.R. § 800.14(e). The National Trust and the ACHP recommended against such an approach. We did not hear a final decision about how the Agencies would comply with Section 106 until November 2007, after notification that the Draft PEIS was finalized. On November 14, 2007, BLM provided us with correspondence between BLM and the Advisory Council dating back to early 2007, which stated the Agencies’ intent to use the NEPA process to satisfy Section 106.<sup>6</sup> On November 29, 2007, the Agencies briefed the National Trust about the Draft PEIS. We appreciate BLM’s effort in particular to reach out to us in August and September 2006 and again in November 2007, but we are concerned about the belated timing of the notice regarding the Agencies’ intention to use § 800.8 of the regulations, i.e., after the Draft PEIS was published. Such a lack of notification, especially to other potentially interested organizations and individuals, does not seem to comport with the notification requirements in the ACHP’s Section 106 regulations.

Second, we believe the Draft PEIS does not sufficiently explain how it will identify and evaluate cultural resources through a “phased” process.<sup>7</sup> Under 36 C.F.R. § 800.8(c)(1)(ii), an agency must seek to identify and evaluate historic properties as provided for in § 800.4 and § 800.5. Identification and evaluation is a process that includes a dialogue with consulting parties to determine what resources are present within an area of potential effects and whether the identified resources will be adversely affected. The regulations permit an agency to use “phased identification” when evaluating large land use or corridor decisions. 36 C.F.R. § 800.4(b)(2). However, an agency utilizing “phased identification” must establish a process for completing the

<sup>6</sup> Letter from James Abbott (BLM) to John Nau (ACHP) (Feb. 2, 2007); Letter from Reid Nelson (ACHP) to Abbott (Mar. 15, 2007); and Letter from Michael Nedd (BLM) to Nelson (July 20, 2007).

<sup>7</sup> A “phased identification” process does not mean that the Agencies can simply defer all of their Section 106 responsibilities until an applicant seeks approval of site-specific projects within the corridors. The timing requirements of the Section 106 regulations state that an agency can complete “nondestructive project planning activities” before completing Section 106. However, if those planning activities “restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking’s adverse effects on historic properties,” as is the case here, then prior compliance with Section 106 is required. 36 C.F.R. § 800.8; see also *Yerger v. Robertson*, 981 F.2d 460 (9th Cir. 1992). The Energy Corridor designation may be a “nondestructive project planning activity,” but the programmatic decisions made within the PEIS could have the unintended consequence of foreclosing the Agencies’ ability to truly consider a sufficient range of alternatives associated with future energy transmission decisions within the corridors. This would be especially true once one project is approved within the 200-foot to 5-mile-wide corridor.

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requirements of § 800.4 and § 800.5. See id. The Draft PEIS suggests that the Agencies are using phased compliance. See Draft PEIS at 3-260. Unfortunately, there is no discussion about a “phased identification” process. The Draft PEIS simply states:

this PEIS represents the first phase of the Section 106 process, and compliance is focused on consultation and the programmatic definition of resources that might be affected, the types of effects that might be anticipated, and recommendations for agencies to avoid, minimize, or mitigate adverse effects if development does occur within the energy corridors. Full compliance with Section 106 would occur when specific proposals for corridor development are acted upon.

Id. It is not clear how the Agencies are phasing the identification process for the PEIS decision to designate corridors. Based on the limited nature of the cultural resource information provided, it is important that the PEIS provide a specific process outlining how and when the identification and evaluation process will take place. Although the IOPs allude to a directive about future compliance with Section 106, it also is not explicit how the IOPs will coordinate with the review associated with the PEIS. We believe that a well-defined process for completing phased identification and evaluation and completion of Section 106 should be detailed in the PEIS and should be made mandatory through incorporation into the Record of Decision. Like the IOPs, such explicit requirements could not only provide consistency within and between various agencies, but could help to achieve one of Section 368’s stated purposes – expediting the approval process.

The third standard for coordinating the Section 106 process with NEPA is the need to consult with the SHPO/THPO, Indian tribes, the ACHIP, and other consulting parties throughout the NEPA process. Similar to our concerns with the first standard, coordination with other consulting parties here has been very limited. We understand that the Agencies did reach out to the SHPOs and many Indian tribes, but, this consultation seems to have taken an approach of “give us the information you have,” or “here’s what we have, please provide us with additional information you have.” Either way, we are concerned about the lack of dialogue occurring between the Agencies and the SHPOs and Indian tribes. Further, we are concerned that no consultation opportunity occurred between the Agencies and other consulting parties. Does this consultation with interested parties require more than simply what is required through the publication participation process for NEPA? If the Agencies plan to do this through the PEIS process, it is not clear. The information provided was presumably added to the Agencies’ own information to form the generic discussion about resources and impacts in the Draft PEIS.

We are concerned that the Draft PEIS does not sufficiently address the fifth standard, which requires the Agencies to develop measures to avoid, minimize or mitigate adverse effects.<sup>8</sup> As discussed above, there is simply an inadequate discussion about what the Agencies are doing to

<sup>8</sup> The fourth standard requires the Agencies to “involve the public in accordance with the agency’s published NEPA procedures.” 36 C.F.R. § 800.8(c)(1)(iv). The Agencies appear to be following the public participation process required by NEPA.

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(cont.)

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establish measures to avoid, minimize, or mitigate adverse effects in the Draft PEIS. Part of the problem is the Draft PEIS's insufficient discussion about specific resources and the potential impacts to those resources, as discussed above. While the Agencies provide IOPs as mitigation measures for site-specific actions, these measures do not provide enough detail to proactively focus on how the Agencies can consistently deal with future impacts. Greater detail in the PEIS lead to better decisions about site-specific projects and the protection of cultural resources, more consistently in the completion of the Section 106 process, and potentially would increase the Agencies' ability to expedite future project approvals.

**Recommendation:**

Since it is not explicit in the Draft EIS, please clarify whether the Agencies are coordinating their Section 106 obligations through the NEPA process. If so, we strongly urge the Agencies to reconsider how they are satisfying the standards required by 36 C.F.R. § 800.8(c)(1)(i)-(v), including: (1) notification to the public and potential consulting parties; (2) a more explicit process for meeting the Section 106 identification and evaluation requirements; (3) defining a more specific timeline for consultation between the Agencies and potential consulting parties; (4) more clarity on how the Agencies are coordinating and consulting with SHPOs and Indian tribes both within the context of the PEIS and in the future; and (5) greater specificity about measures to avoid, minimize or mitigate potential adverse effects. We also recommend that the Agencies provide more specific IOPs for cultural resources that focus on establishing a process for meeting the future requirements of Section 106, as discussed above.

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(cont.)

Additionally, in our comments on the Preliminary Maps, we strongly recommended that the Agencies pursue a programmatic agreement (PA) to outline an appropriate process for addressing Section 106 for this action, and establish an identified process for dealing with future site-specific actions associated with this complex, expansive project. Further, a PA could be constructed in a way that helps to expedite future projects. We continue to believe that a PA would be the best approach for compliance with Section 106 in this case.

**7. Specific Cultural Resources Directly Affected by the Proposed Corridors.**

We have identified several specially designated lands or significant cultural resources that are currently within the proposed energy corridors. We strongly urge that the Agencies take a closer look at these corridors, and, if necessary, alter the proposed corridors to adequately protect these areas or cultural resources.

- Multimodal corridor 112-226 passes within five miles of the north, west, and south bounds of the Minidoka Internment National Monument. Established in 2001, the Minidoka Internment National Monument is the site of one of ten relocation centers for people of Japanese ancestry during World War II. The Monument recently completed a general management plan, and is in the process of establishing visitor services and expanding the size of the Monument. The surrounding agricultural cultural landscape at the Monument is an important component of its significance and interpretive planning,

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and visual intrusions from energy corridor construction could adversely affect the Monument.

- Multimodal corridors 36-228, 36-112, and 29-36 parallel approximately 186 miles of the Oregon National Historic Trail in Idaho southwest of Boise, with five points of intersection. Multimodal corridor 250-521 similarly parallels approximately 75 miles of the Oregon National Historic Trail in Oregon, with seven points of intersection. More analysis of the condition, visitation, and interpretive or recreational use of these segments of the Oregon Trail should be conducted to quantify the potential effects of the corridor location on the historic trail.
- Numerous corridors parallel or intersect with the Old Spanish National Historic Trail in southern California (108-267), northern Arizona (113-116), and southern Nevada (224-225, 37-39, 39-231, and 39-113). Designated in 2002, the Old Spanish National Historic Trail marks a route of trade and travel from Santa Fe to Los Angeles. BLM and the National Park Service are currently preparing a comprehensive management plan for the trail. More analysis of the condition of the trail and agency plans for interpretive or recreational use of these segments of the trail should be conducted to ensure that allowable development in the energy corridors does not adversely affect the historic trail.
- Multimodal corridor 61-207 abuts the north and northeast bounds of the Agua Fria National Monument in Arizona. A unit of the BLM's National Landscape Conservation System, the Agua Fria National Monument contains more than 400 documented historic and archaeological sites spanning 2,000 years of human history. More analysis on indirect impacts to the Monument or outlying resources should be conducted.
- In Utah, the location of Corridor 116-206 closely parallels Heritage Highway 89 in Utah, a historically significant area. Highway 89 is the backbone of the new Mormon Pioneer National Heritage Area (MPNHA) that encourages heritage tourism, hosts educational programs, and supports economic development and community revitalization. Spanning 250 miles, from the small town of Fairview, Utah, southward to the Arizona border, the area encompassed by the Mormon Pioneer National Heritage Area includes outstanding examples of historical, cultural, and natural resources shaped by Mormon pioneers. The landscape, architecture, traditions, beliefs, folk life, products, and events throughout the MPNHA convey the heritage of pioneer settlement and the compelling story of how the early settlers interacted with Native Americans, with the environment, and with established entities and organizations while establishing cities and towns in a harsh yet spectacular natural environment. The designation of a corridor here is inappropriate and will encourage the development of uses that are incompatible with the goals of the Heritage Area, including the protection of the landscape and of historic resources.
- In Wyoming, we are concerned about several (?) National Historic Trails located near (?) Corridors 55-240 and 121-240. Viewsheds and viewscapes are among the defining

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(cont.)

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features of the trail segments, and a number of trail segments appear to be adversely impacted by both corridors. As discussed more generally in the NEPA section above, the Draft PEIS does not clearly identify and evaluate the NHT crossings.

**Recommendation:**

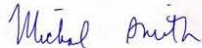
We recommend that you consider moving or removing these identified corridors of concern, because of their proximity to specially designated cultural resources.

**Conclusion**

In conclusion, the National Trust appreciates the opportunity to raise concerns about the Draft PEIS for the proposed designation of West-wide Energy Corridors. Again, we understand the complexity of Congress' directive, and we do commend the Agencies for their efforts. However, we believe the Draft PEIS should be revised and improved to sufficiently meet the obligations of NEPA and Section 106 of the NHPA. Our suggestions could greatly improve the Draft PEIS and lead to a document that achieves the purposes of Section 368 of the EPAct, while ensuring the protection of sensitive cultural and natural resources.

The National Trust looks forward to reviewing the Final PEIS and participating in the Section 106 process. If you have any questions regarding our comments, please feel free to contact me directly at (202) 588-6035.

Respectfully submitted,



Michael Smith  
 Assistant General Counsel

50489-009  
 (cont.)

50489-010

Cc: Kate Winthrop, Acting Historic Preservation Officer, BLM  
 Reid Nelson, ACHP, Washington, DC  
 Michael Kaczor, Federal Preservation Officer, U.S. Forest Service  
 Nancy Schamu, Executive Director, NCSHPO  
 Bambi Krause, Executive Director, NATHPO  
 Barb Pahl, Mountains/Plains Regional Director, NTHP  
 Daniel Carey, Southwest Regional Director, NTHP  
 Anthea Hartig, Western Regional Director, NTHP

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**From:** coridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:44 PM  
**To:** mail\_coridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50490

Thank you for your comment, Nejem Raheem.

The comment tracking number that has been assigned to your comment is WVEC50490. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:44:14PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50490

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Privacy Preference: Don't withhold name or address from public record

Comment Submitted:

As a concerned citizen of New Mexico, I would like to comment on the West-wide energy corridor PEIS. This project seems ill-conceived. I am worried that this will destroy our fragile landscape and negatively impact our wildlife. I object as a person who enjoys the outdoors and who finds great joy in seeing wildlife and knowing that they are there. That thousands of miles of trees would be cut down, that hundreds of species would be displaced, and all for energy corridors that ought to run where current corridors exist seems pointless. I would feel differently if I knew that this was a project which specifically benefited solar and wind power producers, as I feel that is a very important industry which needs support in the early stages. However, since this project will inevitably help coal and maybe even nuclear produced power, it seems to add insult to injury. I am gravely concerned that this project would allow "fast-track" approval of utility and power line projects within the corridor. This would nullify state and federal environmental laws, which are there because the people should be heard and because otherwise bad projects might go through. This entire project should be brought before the public and subjected to public scrutiny. I think there should be an extension of the hearing period, and that each individual project should have to go through a thorough and complete NEPA process, rather than fast-tracking or doing entire portions of the country at a time. We should focus on renewable energy and energy efficiency to meet the needs of the growing populations in the West.

50490-001

50490-002

50490-003

50490-004

50490-005

Questions about submitting comments over the Web? Contact us at:  
coridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:45 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50491

**Attachments:** RETA\_Comments\_to\_DOE\_WVEC50491.pdf



RETA\_Comments\_t  
DOE\_WVEC50491

Thank you for your comment, Lisa Szot.

The comment tracking number that has been assigned to your comment is WVEC50491. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:44:30PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50491

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Privacy Preference: Don't withhold name or address from public record  
Attachment: C:\DOE\West Wide Corridors\Comments\RETA Comments to DOE.pdf

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.



February 14, 2008

Note: Delivered via fax and electronically to: <http://corridoreis.anl.gov>

West-wide Energy Corridor PEIS  
Argonne National Laboratory  
9700 S. Cass Avenue  
Building 900, Mail Stop 4  
Argonne, IL 60439  
Fax: (866) 542-5904

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

The New Mexico Renewable Energy Transmission Authority (RETA) appreciates this opportunity to comment on the Department of Energy's ("DOE") Programmatic Environmental Impact Statement ("PEIS") that was prepared in accordance with Section 368 of the Energy Policy Act of 2005.

The State of New Mexico from the Governor through each agency is committed to the development of New Mexico's enormous renewable energy resources, and we believe it is vital that the transmission system develop the capability to deliver power from these newly developed resources to growing load centers in the Western Interconnection.

To spur that goal the State recently enacted laws to create the New Mexico Renewable Energy Transmission Authority (RETA). RETA was created in 2007 by the state legislature as an instrumentality of the State of New Mexico. RETA is governed by a board vested with the ability to issue revenue bonds to finance electric transmission projects that plan to draw at least 30 percent of their energy from renewable sources. The Authority is also responsible for planning, financing, building, maintaining, and operating electric transmission and related facilities and may investigate and establish corridors for electric transmission in order to help deliver New Mexico's world-class renewable energy resources to market. New Mexico is diligently working toward developing renewable energy resources and getting those products to the market.

RETA supports the comments that you will receive from the New Mexico Energy, Minerals and Natural Resources Department (EMNRD) and respectfully requests that full consideration be given to their submittal.

50491-001

New Mexico Renewable Energy Transmission Authority  
207 Shelby Street • Santa Fe, New Mexico 87501  
Phone (505) 992-9627 • Fax (505) 992-9635

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Page 2

The creation of federally designated routes should help in meeting the State's goals but the corridors that DOE has shown do not accommodate transmission to facilitate the future development of New Mexico's solar, wind and geothermal resources. As stated in EMNRD's comments the draft PEIS incorporates some, but not all, of the corridors recommended by EMNRD. EMNRD's energy corridors map (attached) recommends corridors that are not included in the PEIS. The limited focus of the EIS fails to deal with any assistance that federal land management agencies could provide to help the wind resources get their electricity to market. We urge the federal agencies to reconsider the corridors proposed in the EMNRD's comments.

50491-002

RETA believes it is important to explicitly address state energy laws and policies relating to transmission corridor planning to ensure that DOE's designation of transmission corridors both complements these efforts and leverages New Mexico's state expertise. DOE must recognize the feature and regional differences in the operational characteristics, planning considerations and energy policies of the Western Interconnection. These corridors need to blend seamlessly into state and regional energy strategies, being carefully coordinated so as to avoid any unnecessary overlap and to allow transmission infrastructure investments to be made in the near term.

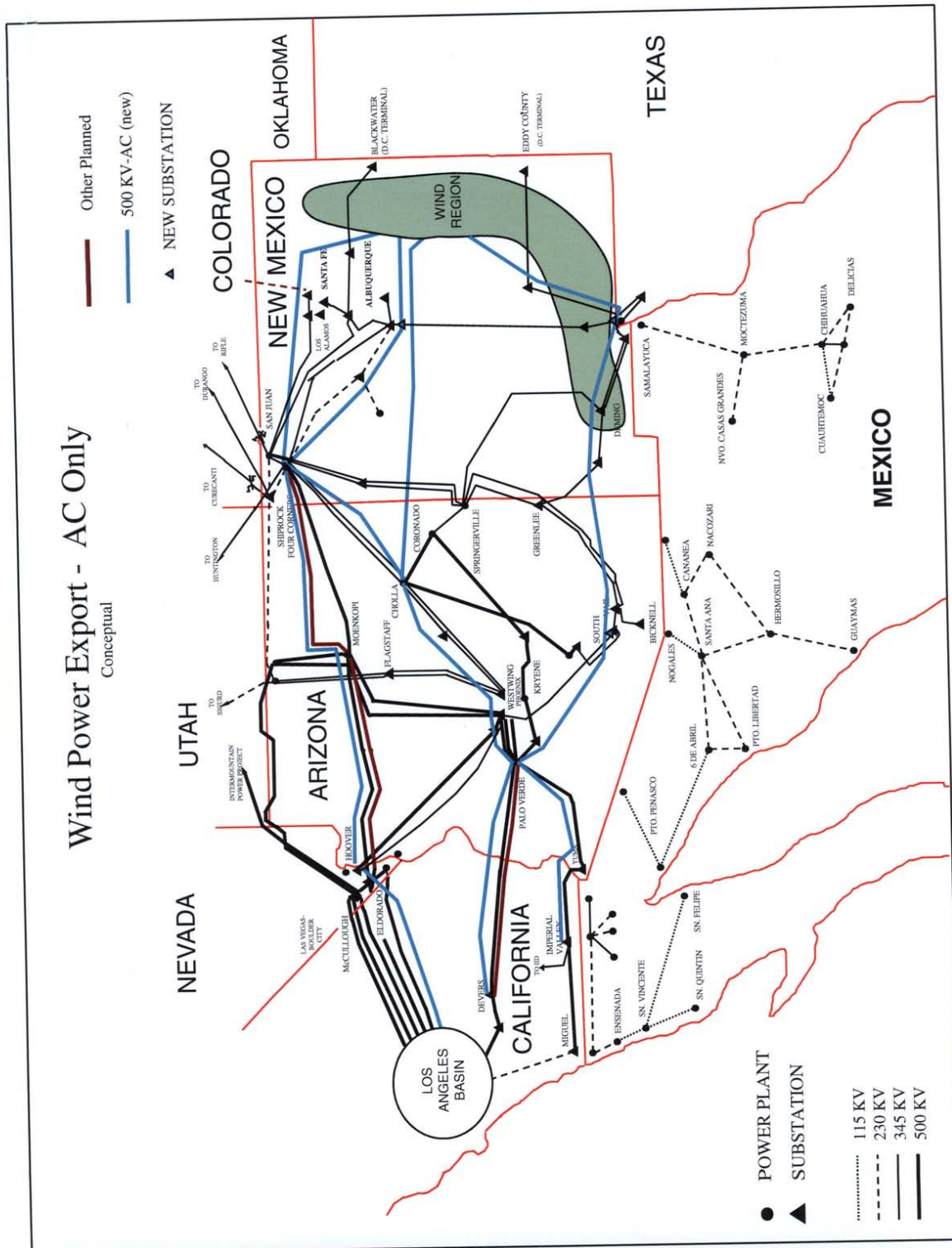
50491-003

RETA looks forward to working with DOE and other Federal Agencies as New Mexico continues its efforts to stimulate development of needed transmission assets in the Western Interconnection.

Sincerely,



Lisa A. Szot  
Executive Director



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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:48 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50492

**Attachments:** CTUIR\_DNR\_Energy\_Cooridor\_PEIS\_Comments\_2\_14\_2008\_WVEC50492.pdf



CTUIR\_DNR\_Energ  
y\_Cooridor\_PEIS...

Thank you for your comment, Eric Quaempts.

The comment tracking number that has been assigned to your comment is WVEC50492. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:47:43PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50492

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Privacy Preference: Don't withhold name or address from public record  
Attachment: C:\Documents and Settings\AudieH\Desktop\CTUIR DNR Energy Corridor PEIS  
Comments 2 14 2008.pdf

**Comment Submitted:**

Attached are the comments of the Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources on the West-wide Energy Corridor Programmatic Environmental Impact Statement.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.





**CONFEDERATED TRIBES**  
of the  
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**Department of Natural Resources**  
**ADMINISTRATION**  
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Area code 541 Phone 276-3447 FAX 276-3317



February 14, 2008

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

**Submitted Electronically to <http://corridoreis.anl.gov/involve/comments/index.cfm>**

Dear Energy Corridor DEIS Team:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to comment on the West-wide Energy Corridor Programmatic Environmental Impact Statement (PEIS). After careful review, the CTUIR DNR recommends withdrawing the corridor areas planned in the Tollgate/Lookingglass Creek area. This area has significant cultural resource issues which we have documented with the Forest Service over the last decade or more. Furthermore, Lookingglass Creek has extremely steep slopes and fragile soils which could be damaged by development. There are a number of tribal projects attempting to protect, enhance and restore the fisheries in Lookingglass Creek and the Grande Ronde watershed which could be jeopardized by expanded development in the area.

The CTUIR has supported energy development in the past that does not adversely impact tribal treaty-reserved rights or interests. DNR has found that treaty rights are often only considered as an afterthought in most environmental analyses. This is true for this PEIS. The document primarily equates treaty rights with cultural resources. Treaty rights and cultural resources are related, but concern distinctly different areas of law. For example, places associated with the exercise of treaty rights are likely cultural resources. However, treaty rights themselves, and the agency's responsibility to protect the resources associated with those rights, are not explicitly addressed in the cultural resource laws. The 1,100-page PEIS mentions treaty rights in only the most cursory terms. The PEIS refers to "tribal resources" almost exclusively as meaning cultural resources or traditional cultural properties. The "tribal resources" section of the PEIS does include "traditional hunting, fishing, and gathering places; traditionally important plant and animal species and their habitats," but it only devotes three sentences to the significance of traditional fisheries. The PEIS must be revised to address the impacts to treaty rights. It should describe the trust responsibilities of the United States to protect tribal trust resources, and how

50492-001

CTUIR DNR-Energy Corridor PEIS Comments  
February 14, 2008, Page 2 of 3

that obligation will be fulfilled. It should describe how impacts will be mitigated, and not simply conclude that they will be at some future date.

The CTUIR DNR requests that segment 227-249 be removed from consideration as a possible energy corridor. This corridor, adjacent to Lookingglass Creek, will involve construction along many rivers, including the Grande Ronde. The reference tables do not contain Lookingglass Creek as one of the water bodies crossed by the corridor. This may be due to the fact that the crossing is on private lands; however, the crossing has a potential to, and likely will, impact Lookingglass Creek and the Grand Ronde River, two significant waterbodies which are integral to salmon and fisheries recovery efforts of the CTUIR. Also, the geography around Lookingglass Creek is steep and fragile. Finally, development along this corridor will likely impact a site that is of religious and cultural significance to the CTUIR. The site is less than a mile north of this segment of the corridor. The CTUIR has brought this particular site to the attention of the Forest Service archaeologists, forest supervisors and staff for over a decade. The CTUIR Board of Trustees has, on numerous occasions, opposed development in this area and continues to do so.

50492-001  
(cont.)

Notwithstanding our foregoing concerns regarding treaty rights, the PEIS generally considers impacts to cultural resources reasonably well. However, there are some issues which require correction. For instance, the PEIS uses the term "traditional cultural properties (TCPs)." When referring to traditional sites of tribes, the CTUIR DNR prefers the term "properties of traditional religious and cultural importance to an Indian tribe" found in Section 101(d)(6)(A) of the National Historic Preservation Act (NHPA). 16 USC § 470a(d)(6)(A). The regulations implementing the NHPA refer to these sites a little differently, calling them at times "historic properties of religious and cultural significance to an Indian tribe." 36 CFR 800.14(b)(2). The term Traditional Cultural Property originated in guidance published by the National Park Service regarding historic properties of traditional religious and cultural importance. NPS, Bulletin 38. If the PEIS is referring to sites of traditional significance to non-tribal groups, then the term Traditional Cultural Property may be appropriate.

50492-002

In 2003, the Columbia River Inter-Tribal Fish Commission, on behalf of the CTUIR and the other three Treaty Tribes, developed Tribal Energy Vision (TEV)<sup>1</sup>. It recommends that distributed energy generation occur closer to consumption, significantly reducing the transmission expense. TEV, Page vi. This is a logical alternative to constructing lengthy, costly corridors. The energy corridor environmental analysis should consider this approach more fully.

50492-003

There are a few technical problems with the PEIS. For instance, the PEIS states (on page Q-37) that "[t]he Oregon treaties did not include traditional fishing and hunting rights (Beckham 1990; Marino 1990)." This is incorrect. Many Oregon treaties included traditional fishing and hunting rights. Unless they were extinguished by Congress, tribes retain those rights. Such tribes include the CTUIR, Warm Springs and Klamath. In addition, Table 3.10-3 fails to include homesteads, Civilian Conservation Corps Camps and logging sites in the list of major cultural areas and historic period site types for Oregon. On page 3-274, the PEIS states that mitigation plans "shall be developed in consultation with SHPO and other relevant parties," but it should

50492-004

50492-005

<sup>1</sup> The TEV is available at <http://www.CRITFC.org> or [http://www.critfc.org/legal/energy\\_fin.html](http://www.critfc.org/legal/energy_fin.html)

CTUIR DNR-Energy Corridor PEIS Comments  
February 14, 2008, Page 3 of 3

also specifically include affected tribes, as is required under the NHPA. On page 3-276, the PEIS says that “[t]ribal sacred and cultural sites may be found significant and eligible for the” National Register of Historic Places. The more appropriate term for these sites is “historic properties of religious and cultural significance to an Indian tribe” as explained above. The term “sacred sites” is not used in the NHPA. It is, however, used in Executive Order 13007. As a general rule, the CTUIR DNR prefers to address these sites under the NHPA rather than the Executive Order because the NHPA has a statutory exemption from the Freedom of Information Act regarding sensitive information.

50492-005  
(cont.)

The PEIS indicates that the designation of corridors will not affect cultural resources. See Sec. 3.10.4.2. This is misleading and disingenuous. Indeed, finalizing the PEIS and identifying corridors will not directly impact cultural resources, but this is only the first step in a process that will culminate in the construction of the energy corridors. Signing the ROD, alone, won’t “impact” cultural resources, but it will commit federal resources toward the pursuit of construction, which will directly impact cultural resources. This document is an environmental impact statement required by the National Environmental Policy Act prior to energy corridor development. Once the corridor is developed, expansion and extension of the corridor becomes far more likely. Energy transmission corridors impact a wide variety of treaty-reserved resources. Transmission lines create travel corridors which can impact wildlife migration. When corridors are created or expanded, public trespass on rights of way increases. Corridors and related roads are used by the public for recreation, hunting, fishing, hiking, and looting archaeological sites. The PEIS indicates that 39% of the proposed corridors do not occur adjacent to an existing transmission or transportation right of way, but does not indicate how many of these rights of way are developed.

50492-006

The CTUIR DNR formally requests consultation regarding further revisions to and development of this EIS, including consultation on the current draft. Please contact Audie Huber, Intergovernmental Affairs Manager, DNR, at (541) 966-2334 to discuss this meeting. Concurrently, we have requested assistance in arranging consultation with the Forest Service Tribal Relations Staff Assistant for Forest Service Region 6, Gary Harris, who also is the Tribal Relations staff for the Oregon and Washington Bureau of Land Management offices. My understanding is that requests from Mr. Harris to the Argonne National Laboratory have not been answered. Finally, if you have any questions regarding this letter, please feel free to contact me.

50492-007

Sincerely,

  
Eric Quampts, Director  
Department of Natural Resources

Cc: CTUIR Fish and Wildlife Committee  
CTUIR Cultural Resources Commission

---

**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:49 PM  
**To:** mail\_corridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50493

Thank you for your comment, Robert Stokes.

The comment tracking number that has been assigned to your comment is WVEC50493. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:48:47PM CDT

Energy Corridor Draft Programmatic EIS  
 Draft Comment: WVEC50493

First Name: Robert  
 Last Name: Stokes  
 Organization: Elko County, Nevada  
 Address: 569 Court Street  
 City: Elko  
 State: NV  
 Zip: 89801  
 Country: USA  
 Email: rstokes@elkocountynv.net  
 Privacy Preference: Don't withhold name or address from public record

Comment Submitted:  
 Elko County Board of Commissioners  
 Elko, Nevada

The Elko County Board of Commissioners supports the concept of the energy corridors planning process. Elko County feels that these right of ways are an appropriate part of a wise multiple use management policy of public lands in our area. 50493-001

The Commission has a few issues for consideration as the programmatic EIS is developed.

These comments are directed to Map D5. The mining industry is a major component of Elko County's economy. We request that mitigation of impacts to mineral deposits be considered as corridor routing is being determined. Additionally, we request that any ongoing or current permitting or environmental studies not be delayed by this process. 50493-002

On Map D5, the proposed corridor between Wells, Nevada and West Wendover, Nevada indicates burial of all uses. We do not understand this designation since there is already an overhead electrical transmission line in the area. 50493-003

Finally, we understand that these energy corridors are not directly designed for water pipelines. Elko County is very concerned if these energy corridors are used to facilitate water pipelines to transport water from Elko County to other areas of Nevada or other states. 50493-004

Elko County thanks you for the opportunity to comment.

Robert Stokes  
 Elko County Manager

Questions about submitting comments over the Web? Contact us at:  
 corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
 at (630)252-6182.

---

**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 5:59 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WWECD50494

**Attachments:** WVEC\_WWECD50494.pdf



WWEC\_WWECD50494.pdf (824 KB)

Thank you for your comment, Ona Segundo.

The comment tracking number that has been assigned to your comment is WWECD50494. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 05:58:56PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WWECD50494

First Name: Ona  
Last Name: Segundo  
Organization: Kaibab Band of Paiute Indians  
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Email: osegundo@kaibabpaiute-nsn.gov  
Privacy Preference: Don't withhold name or address from public record  
Attachment: C:\Documents and Settings\patrickc\My Documents\BLM\WVEC.pdf

Comment Submitted:  
We tried faxing our comments and have been reduced to email.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.

# Kaibab Band of Paiute Indians

February 11, 2008



Argonne National Laboratory  
9700 S. Cass Avenue  
Building 900, Mail Stop 4  
Argonne, IL 60439  
Fax: (866)542-5904

Re: West-wide Energy Corridor DEIS

The Kaibab Band of Paiute Indians appreciates this opportunity to submit comments on the West-wide Energy Corridor Draft Environmental Impact Statement (DEIS). The comments, questions, and concerns in this letter represent a consolidation or summary of those received from various tribal staff and resource specialists after their review of this DEIS.

- Tribal consent must absolutely be negotiated directly with affected tribes regardless of the consequences to project proponents – this is the central tenet of a free-market. Project proponents should be able to make energy corridors around lands from which they have not been able to purchase ROWs with the stipulation that appropriate consideration and consultation for cultural concerns must still be given on aboriginal territories.

50494-001

Our Recommended Revision: Section 1221 of the Energy Policy Act of 2005 must be eliminated from consideration in all corridor actions, as it makes a mockery of tribal sovereignty.

- Transmission Line #113-116 crosses within the Kaibab Band of Southern Paiutes tribal reservation and throughout this region, occurs in a very culturally sensitive area. The existing line was never studied ethnographically and remains a concern for our Band.

50494-002

Our Recommended Revision: Any changes, additions, or designations as a West-wide Energy Corridor to existing Transmission Line #113-116 (Navajo-McCulloch) will need the full cooperation of (and negotiated compensation to) the Kaibab Band of Southern Paiutes.

- Proposed corridor 116-206 appears to derive from coal burning plants in central Utah and would channel energy southward to the existing Navajo-McCulloch line with the ultimate destination

50494-003

### Tribal Affairs

HC 65 Box 2  
Pipe Spring, Arizona 86022

Phone (928) 643-7245  
Fax (928) 643-7260

of Las Vegas. The proposed corridor does not follow any existing roads and would heavily impact the cultural resources of our peoples. Existing power corridors provide a more direct and efficient route with far less transmission loss and no potential for impacts of important land resources.

50494-003  
(cont.)

Our Recommended Revision: Delete proposed corridor in its entirety from Map E-7 Transmission line # 116-206 running from east of Fredonia, Arizona to central Utah.

- Alternatives were not studied to take into account other methods of meeting power needs. The cheapest power that causes the least impacts in all respects is increased conservation. Simply keeping a resource "cheap" and readily available does not promote conservation but instead, encourages waste.

50494-004

Our Recommended Revision: Fully explore an alternative for energy conservation and compare it to the other alternatives as required by the NEPA process.

We hope that these comments are helpful. We wish to continue with consultation to the fullest extent. Please keep us on the mailing list for this proposed project, and let us know of any further opportunities to provide consultation and input. We look forward to learning how our comments were addressed in the revised EIS.

Sincerely,



Ona M. Segundo  
Chairwoman  
Kaibab Band of Paiute Indians

---

**From:** coridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 6:07 PM  
**To:** mail\_coridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50495

Thank you for your comment, .

The comment tracking number that has been assigned to your comment is WVEC50495. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 06:06:35PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50495

First Name:  
Middle Initial:  
Last Name:  
Address:  
City:  
State: MT  
Zip:  
Country: USA  
Email:  
Privacy Preference: Withhold name and address from public record

Comment Submitted:

I am very much in support of North West Energy making the Western Energy Grid transmission line go through Deer Lodge County. I believe this will be such a great boost to the economy in this part of the state. We need this type of industry to help us with the problems we have with being a SuperFund site. We cannot get an industry or other business to commit to coming here because of the cost of clean-up. This energy corridor would be a much needed boost to this area.

50495-001

Questions about submitting comments over the Web? Contact us at:  
coridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.



---

**From:** coridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 6:12 PM  
**To:** mail\_coridoreisarchives; coridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50496

**Attachments:** West\_Wide\_PEIS\_2.14.08\_WVEC50496.doc



West\_Wide\_PEIS\_2  
.14.08\_WVEC50...

Thank you for your comment, Bryan Faehner.

The comment tracking number that has been assigned to your comment is WVEC50496. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 06:11:42PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50496

First Name: Bryan  
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Last Name: Faehner  
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Privacy Preference: Don't withhold name or address from public record  
Attachment: H:\Energy Corridors\West Wide DPEIS\West Wide PEIS 2.14.08.doc

Questions about submitting comments over the Web? Contact us at:  
coridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster  
at (630)252-6182.

## NATIONAL PARKS CONSERVATION ASSOCIATION

*Protecting Parks for Future Generations*

February 14, 2008

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

**Re: Comments for the Draft West-wide Energy Corridor Programmatic Environmental Impact Statement (DOE/EIS-0386)**

To Whom It May Concern:

On behalf of our more than 340,000 members, the National Parks Conservation Association (NPCA) would like to thank you for the opportunity to comment on the Draft West-wide Programmatic Environmental Impact Statement (PEIS), Designation of Energy Corridors on Federal Land in the 11 Western States. As reference, NPCA commented on the preliminary draft maps on July 10, 2006. Our members care deeply for America's shared natural and cultural heritage that is preserved by units of the National Park System and other Park Service affiliated areas.

NPCA strongly believes that the Energy Policy Act was not intended to alter existing law with respect to energy related rights-of-way crossing NPS lands, which can only occur with explicit congressional approval.

While we are pleased that the proposed energy corridors generally avoid parklands and often follow existing energy and transportation infrastructure and federal rights-of-way, we believe that the agencies have failed to fully comply with the various provisions of the National Environmental Protection Act (NEPA) and other legal requirements that ensure the protection of our national park heritage. NPCA is very concerned by proposed corridors that would pass adjacent to parklands thereby degrading the scenic views that America's national parks are famous for. Many of the proposed energy corridors would intersect and thereby degrade units of the National Trails System.

We are troubled that the energy corridors would act as giant extension cords between many of our country's dirtiest coal power plants and make it easier for new dirty coal power plants to become operable. Already a third of the Western national parks designated as Class One areas under the Clean Air Act fail to meet standards set fourth by the Environmental Protection Agency.

50496-001



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**National Parks Conservation Association  
Bryan Faehner**

**February 12, 2008  
Page 2**

NPCA is also concerned that the Draft PEIS does not:

- State that the DOE will complete an EIS for each energy infrastructure proposal within designated energy corridors or make any commitment whatsoever to provide opportunities for public comment if environmental assessments are prepared;
- Demonstrate corridors are needed or justified;
- Explain how they plan to comply with the Endangered Species Act and National Historic Preservation Act; and
- Acknowledge that the 6,000 miles of corridors under the proposal will have considerable environmental impacts and will facilitate oil and gas development on federal lands across the Western landscape.

In order for these concerns to be addressed, NPCA recommends that the agencies work to develop a supplemental draft PEIS before completing a final PEIS. A supplemental is sorely needed so that the NEPA process and the agencies legal responsibilities best serve the public and the final record of decision is sustainable.

50496-001  
(cont.)

We would like to remind the agencies that the National Park Service is unique in that it has a single-use mandate unlike other public land management agencies. In fact, America's great admiration for its national parks is due in part to the agency's clear mandate to "conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."<sup>1</sup>

We offer the following comments to explain our views on the Draft PEIS and ask that they be considered in the PEIS process.

#### **I. Agencies Failed to Comply with National Environmental Protection Act**

The courts have determined that the scope of National Environmental Protection Act (NEPA) analysis must be appropriate to the scope of the proposed action.<sup>2</sup> That stated, the designation of approximately 6,000 miles of corridors that would affect nearly 3 million acres of federal lands is a major agency action that would noticeably affect the Western landscape and its environment. Due to the sheer scale and scope of such an agency action, the agencies should be providing the public with a thorough analysis of the potential impacts and an opportunity to comment on a full range of alternatives.

50496-002


Unfortunately, the Draft PEIS completely fails to comply with 40 C.F.R. § 1502.14, which instructs the agencies to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. *See* 40 C.F.R. § 1502.14(a) and 1508.25(c). "An agency must look at

<sup>1</sup> 16 U.S.C 1

<sup>2</sup> *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1078 (9<sup>th</sup> Cir. 2002)



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**National Parks Conservation Association**  
**Bryan Faehner**

**February 12, 2008**  
**Page 3**

every reasonable alternative, with the range dictated by the nature and scope of the proposed action.”<sup>3</sup> An agency violates NEPA by failing to “rigorously explore and objectively evaluate all reasonable alternatives” to the proposed action.<sup>4</sup> This evaluation extends to considering more environmentally protective alternatives and mitigation measures.<sup>5</sup>

We recommend that the agencies review 40 C.F.R. § 1502.14 to better understand why we are disappointed in their failure to include a full range of alternatives.

**40 C.F.R. § 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 (§1502.15) and the Environmental Consequences (§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 decision maker 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.

NEPA requires that an actual “range” of alternatives be considered, such that the Act will “preclude agencies from defining the objectives of their actions in terms so unreasonably narrow

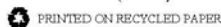
<sup>3</sup> Northwest Env'tl Defense Center v. Bonneville Power Admin., 117 F.3d 1520, 1538 (9<sup>th</sup> Cir. 1997).

<sup>4</sup> City of Tenakee Springs v. Clough, 915 F.2d 1308, 1310 (9<sup>th</sup> Cir. 1990) (quoting 40 C.F.R. § 1502.14).

<sup>5</sup> *See, e.g., Kootenai Tribe of Idaho v. Veneman*, 313 F.3d 1094, 1122-1123 (9<sup>th</sup> Cir. 2002) (and cases cited therein).



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50496-002  
 (cont.)

**National Parks Conservation Association**  
**Bryan Faehner**

**February 12, 2008**  
**Page 4**

that they can be accomplished by only one alternative (i.e. the applicant's proposed project)."<sup>6</sup> This requirement prevents the EIS from becoming "a foreordained formality."<sup>7</sup> The Draft PEIS spends pages describing the numerous alternatives that were proposed by the public, as well as additional alternatives identified during scoping, and explaining why *none* of those merited full consideration.

By only thoroughly considering one alternative, the proposed action, the agencies have reduced the Draft PEIS to a "foreordained formality" and improperly limited the alternatives under consideration. This limitation has especially damaging effects because NEPA analysis for projects within the designated corridors will inevitably be limited to a single proposed action when projects are actually proposed. Because the PEIS has identified the corridor locations as acceptable for pipelines, power lines and related facilities, it will be virtually impossible for the agencies or the public to urge consideration of alternative locations or additional mitigation measures in connection with specific projects.

Since the "no action" alternative does not comply with the requirements of Section 368 of the Energy Policy Act, which instruct the agencies to designate energy corridors, the Draft PEIS—in effect—has no true alternatives. NPCA believes that this is unacceptable. A plain reading of 42 USC § 4332 would lead one to believe that the agencies must provide more than one option (i.e. alternatives) in a PEIS.

50496-002  
(cont.)

NPCA recommends that the Final Draft PEIS includes a full range of alternatives that includes:

- A "Renewable Energy Source Alternative" that would maximize access for renewable and clean energy. This alternative would support state renewable portfolio standards by helping to bring the clean energy sources to market;
- An "Existing Infrastructure Alternative" that would designate energy corridors only on those locations that already contain energy infrastructure. This alternative would focus on upgrading infrastructure on locations that have already been impacted; and
- Maps that "connect the dots" with non-federal lands including tribal, state, county and private to accurately access the impacts of the proposed corridors.

## II. Agencies Failed to Comply with Endangered Species Act

The Endangered Species Act (ESA) requires that all federal agencies consult with the U.S. Fish and Wildlife Service (FWS) to "insure that any action authorized, funded, or carried out" by the agency "is not likely to jeopardize the continued existence of any threatened or endangered species."<sup>8</sup> This requirement is intended to allow the FWS to develop alternatives to proposals

50496-003


<sup>6</sup> *Colorado Environmental Coalition v. Dombeck*, 185 F.3d 1162, 1174 (10<sup>th</sup> Cir. 1999), citing *Simmons v. United States Corps of Engineers*, 120 F.3d 664, 669 (7<sup>th</sup> Cir. 1997).

<sup>7</sup> *City of New York v. Department of Transp.*, 715 F.2d 732, 743 (2<sup>nd</sup> Cir. 1983). *See also, Davis v. Mineta*, 302 F.3d 1104 (10<sup>th</sup> Cir. 2002).

<sup>8</sup> 16 U.S.C. §1536(a)(2)



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**National Parks Conservation Association**  
**Bryan Faehner**

**February 12, 2008**  
**Page 5**

that jeopardize the existence of listed species. In this case, the agencies decided not to consult with the FWS because they believe the designation of energy corridors will have “no effect” on listed species and critical habitat, because it would be too difficult to assess potential impacts on listed species.

The agencies’ conclusion is contraverted by the Draft PEIS, which identifies hundreds of species in the areas where corridors may be designated, identified the impacts to species from construction and operation of facilities in the corridors, and acknowledges that “[p]ortions of the corridors would likely include areas occupied by listed species or within critical habit.” Draft PEIS, p. 1-14 and Tables 3.8-5 (identifying listed species), Table 3.8-8 (identifying impacts to wildlife from construction of energy transport facilities), Table 3.8-9 (identifying impacts to wildlife from operation of energy transport facilities) and Table 3.8-10 (identifying impacts to threatened, endangered and other special status species from construction and operation of facilities). Further, the National Marine Fisheries Service (NMFS) has disagreed with the agencies’ conclusion, sending in formal comments to emphasize that:

- Designation “may affect” listed species;
- The Draft PEIS has not presented any reason to discount likely adverse affects on listed species; and
- Consultation under the ESA is required.

The agencies have refused to adhere to the recommendations of the NMFS constituting a refusal to comply with the ESA.

### III. Agencies Failed to Comply with the National Historic Preservation Act

We are also concerned by the lack of action taken by the agencies to meet the requirements of Section 106 of the National Historic Preservation Act (NHPA). Under the NHPA, federal agencies must “take into account” any effects that proposed projects might have on historic and cultural resources. The NHPA requires federal agencies to consider potential impacts on historic districts, sites, buildings, structures, and objects that are listed on or eligible for the National Register of Historic Places “prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license.”<sup>9</sup> The Act also allows the Advisory Council on Historic Preservation an opportunity to comment on proposed projects.<sup>10</sup> These actions must take place early in the planning process so that developed alternatives avoid damaging America’s cultural and historic resources.


The agencies claim that they have fulfilled their Section 106 requirements through an overview of the types of cultural resources that could be found in the areas where corridors are designated and a general data request to agencies with management responsibilities, but note that the data

<sup>9</sup> 36 C.F.R. § 800.1(c)

<sup>10</sup> 16 U.S.C. § 470(f)



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50496-003  
 (cont.)

50496-004

National Parks Conservation Association  
Bryan Faehner

February 12, 2008  
Page 6

received was not consistent or complete; in fact, one state did not respond at all to the inquiries. Draft PEIS, pp. 3-263, 3-266, Appendix R (Cultural Resources Data Request). Further, State Historic Preservation Officers were not given the opportunity to review changes to corridor locations based on data received. Appendix R, p. R-3.

50496-004  
(cont.)

**IV. Famous Park Scenery At Risk**

America's national parks and other National Park Service sites deserve the best possible protection so that they remain "unimpaired for the enjoyment of future generations."<sup>11</sup> Unfortunately, the Draft PEIS lacks the necessary analysis addressing how the designation of energy corridors will impact world famous park scenery. NPCA is concerned by the direct and cumulative impacts of oil and gas development that will increase across the Western landscape. Over the past decade, the Southwest has experienced a tremendous boom in oil and gas development affecting many national parks including Canyonlands National Park, Arches National Park, Dinosaur National Monument, Glen Canyon National Recreation Area and other units of the National Park System and affiliated sites. These energy development projects not only threaten park viewsheds, but also air quality, wildlife corridors, and the ability of visitors to view the stars and natural dark sky.

50496-005

We remind the agencies that the National Park Service is required by law to "conserve the scenery."<sup>12</sup> Thus, we are disappointed that the Draft PEIS does not include a viewshed analysis for units of the National Park System and affiliated areas that are impacted by the designation of energy corridors. Figure 1. and Figure 2. of the Appendix illustrates how modeling can be used to ensure that the impairment of park viewsheds does not occur.

Below are a few units we are particularly concerned about.

• **Arches National Park (Utah)**

NPCA is concerned by corridor 66-212, which passes adjacent to the park's west boundary. After conducting our own viewshed analysis (see Figure 1 of Appendix) it appears this corridor will impact the outstanding and famous scenery of Arches National Park. While there is limited transmission and pipeline infrastructure in place at the proposed location for the new corridor, we feel that widening the current width of the corridor, heightening powerlines, or any other additional infrastructure would be inappropriate. However, we are open to having the agencies bury the transmission lines as an alternative.

50496-006

A better alternative for the agencies to consider is re-routing corridor 66-212 East along the I-70 corridor to connect to the energy corridor in western Colorado (132-136). There is no compelling reason to have this proposed corridor impact sensitive natural resources,

<sup>11</sup> 16 U.S.C. 1  
<sup>12</sup> 16 U.S.C. 1



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- Arches National Park, the Colorado River, and private property owners and the viewshed in Moab where there is an alternative corridor in Colorado, slightly east of this proposed corridor, to which the Moab corridor would eventually merge with anyway. 50496-006 (cont.)
- **Mojave National Preserve (California)**  
Two new energy corridors are proposed, one of which follows Interstate 15 along the preserve's northern boundary and another that follows Interstate 40 along the southern boundary. The erection of new electricity transmission lines along I-15 would adversely affect the viewshed in many areas in the northern portion of the Preserve, including Ivanpah Valley, Soda Lake, Ivanpah Mountains, and Clark Mountains. Similarly, a new corridor along I-40 would affect visitors in the southern portion of Mojave, including the Granite and Providence Mountains. Furthermore, it is not clear that the creation of two new energy corridors adjacent to the Preserve is necessary, especially when transmission lines already exist nearby and within Mojave. The Draft PEIS should analyze whether upgrading the capacity of existing corridors can satisfy the need for increased capacity, as well as the advantages and disadvantages of designating new corridors versus upgrading existing corridors. NPCA recommends burying any powerlines sited within the corridors to limit visual impacts on the preserve. 50496-007
  - **Dinosaur National Monument (Colorado)**  
Corridor 126-218 passes within a mile of Dinosaur's border and continues north to intersect with several proposed wilderness areas (see Figure 2. in the Appendix). The need for such a corridor in this area is not clear from the Draft PEIS. The agencies should provide the information that was used to show how the need for specific corridors was demonstrated as well as the limits used in each corridor's designation. We recommend burying any powerlines sited within the corridor to limit visual impacts on the monument. 50496-008
  - **Craters of the Moon National Monument (Idaho)**  
A proposed energy corridor, which would likely expand an existing electricity transmission line, could further damage the viewshed and wilderness qualities of the southern half of the Wapi lava flow. This fascinating geologic area now mostly managed by the Park Service was earlier a BLM Wilderness Study Area. The Park Service has since managed the area as if it were part of the National Wilderness Preservation System. NPCA is concerned that proposed corridor could negatively influence its designation as a Wilderness Area. We recommend burying any powerlines sited within the corridor to limit visual impacts on the monument. 50496-009
  - **Joshua Tree National Park (California)**  
A proposed energy corridor would run adjacent to the park's southern boundary. Visitors exiting the park from the Box Canyon Road could see considerable energy infrastructure just outside the park boundary if the energy corridor is sited at its current location. Furthermore, powerline towers will lead to higher incidents of Raven nesting and cause 50496-010



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increased predation of Federally threatened Desert Tortoises. NPCA recommends burying any powerlines sited within the corridor to limit visual impacts on the park.

50496-010  
(cont.)

#### V. Air Quality Will Further Degrade Global Warming Impacts Will Worsen As A Result of the Designation of Energy Corridors

The designation of energy corridors will enhance transmission of oil, gas, and electricity produced from dirty coal power plants. Figure 3. of the Appendix, clearly shows how proposed energy corridors would link existing and proposed coal power plants. Because the proposed energy corridors will mostly benefit oil, gas, and coal development rather than alternative and renewable energy sources such as wind, geothermal, and solar projects, it is important to consider the impacts of those energy sources on parklands in the West.

Units of the National Park System nationwide are already experiencing stress from a changing climate. Some examples, in western states, include:

- **Fluctuation of water levels--lake level decline.**  
Warming temperatures and a changing climate have caused less precipitation and an increase in evaporation rates of our lakes and their tributaries- causing a decline in the level of water present. For example, Zion NP experiences an increase in drought conditions, drastically changing the ecosystem that has survived for centuries.
- **Increase in wildfire frequency and magnitude.**  
Rising temperatures and less precipitation has increased the length of the fire season and has provided more favorable conditions for fire to burn more rapidly. A change in ground-cover flora caused by the invasion of nonnative species also promotes the spread of wildfire.
  - **Saguaro NP:** Invasive grasses are replacing native plants, which now fuel wildfires--an activity that historically was rare.
  - **Yosemite NP:** Drought has increased the severity of fires and the insect damage.
  - **Sequoia & Kings Canyon NP:** Increased wildfires will contribute to more airborne particulates and smoke in a park that already has some of the worst air pollution in the National Park System.
- **Displacement of habitat.**  
Changing climate trends will change the vegetative cover-type of ecosystems. Not only will the vegetation change, but also the other biotic inhabitants that depend on it will need to relocate to find suitable surviving conditions.
  - **Joshua Tree NP:** More than 90% of the Joshua Trees will be gone within a century.
  - **Rocky Mountain NP:** Tree species are taking over high elevation alpine tundra, putting animal species that have adapted to this ecosystem at great risk.

50496-011



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- **Increase in vulnerability and susceptibility of ecosystems to pests and invasive/non-native species.**

Global warming promotes the existence of species not normally found in an ecosystem by providing a favorable living setting. These species compete for the resources necessary to survive and wipe out the native species that are unable to adapt as rapidly to the changing conditions.

- **Yellowstone NP:** Whitebark pine infestations have killed thousands of trees—dramatically decreasing the availability of the pine nut, which is a food source for the grizzly.
- **Great Smoky Mountains NP:** Insect pests unleashed by warming threaten rare and ancient forests.

50496-011  
(cont.)

- **Straining to address a positive visitor experience.**

Global warming will affect a visitor's experience in several ways. The safety of individuals may become threatened, as well as a decline of activities available that one would normally pursue in a park setting. For example, 70-90% of the snow pack at North Cascades NP could disappear by the end of this century, threatening winter sports.

#### Class One Areas Under Clean Air Act In Peril

There are 32 western park units that are classified as Class One areas (out of 48 Class One national parks total), meaning that they were granted special protection in the Clean Air Act to uphold the most favorable clean air quality conditions and can never be redesignated to a less protective classification. One of its expressed purposes is "to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value."

Unfortunately, about one-third of the Class One areas in the West fail to meet the standards established by the EPA. Below is a list of the western national park units that are classified as Class One Areas. Those parks that are in bold text currently fail to meet EPA standards. (It is important to note that the EPA standards include only these pollutants: particulate matter 2.5 & 10, carbon monoxide, sulfur dioxide, and 8-hr ozone. They do NOT include levels of: carbon dioxide, mercury or nitrogenous oxides—all of which are green house gases and made readily available to the environment through coal-fired power plant emissions.)


50496-012

Class One areas include:

- Arches National Park (Utah)
- Bandelier National Monument (New Mexico)
- Black Canyon of the Gunnison National Park (Colorado)
- Bryce Canyon National Park (Utah)



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- Canyonlands National Park (Utah)
- Capitol Reef National Park (Utah)
- Carlsbad Caverns National Park (New Mexico)
- **Chiricahua National Monument (Arizona)**
- **Crater Lake National Park (Oregon)**
- Craters of the Moon National Monument (Idaho)
- **Glacier National Park (Montana)**
- **Grand Canyon National Park (Arizona)**
- Grand Teton National Park (Wyoming)
- Great Sand Dunes National Monument (Colorado)
- **Joshua Tree National Park (California)**
- **Kings Canyon National Park (California)**
- Lassen Volcanic National Park (California)
- Lava Beds National Monument (California)
- Mesa Verde National Park (Colorado)
- Mount Rainier National Park (Washington)
- North Cascades National Park (Washington)
- Olympic National Park (Washington)
- Petrified Forest National Park (Arizona)
- Pinnacles National Monument (California)
- **Point Reyes National Seashore (California)**
- Redwood National Park (California)
- **Rocky Mountain National Park (Colorado)**
- **Saguaro National Park (Arizona)**

50496-012  
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- **Sequoia National Park (California)**
- Yellowstone National Park (Wyoming/Montana/Idaho)
- **Yosemite National Park (California)**
- Zion National Park (Utah)

**Park Service Pollution Abatement Programs Will Be Offset By More Pollution**

NPCA is concerned that the air pollution that would be increased by the designation of energy corridors would far offset the pollution savings made by the National Park Service's Climate Friendly Parks (CFP) Program. So far four western park units has set precedence to significantly reduce their carbon emissions. They include: Rocky Mountain, Glacier, Zion, and Yosemite. The Climate Friendly Parks (CFP) Program, a collaboration of the National Park Service and the U.S. Environmental Protection Agency, provides national parks with management tools and resources to address climate change. The program aims to provide national parks with comprehensive support to address climate change both within park boundaries and the surrounding community.<sup>13</sup>

Providing additional corridors that connect energy sites will only promote the usage and consumption of more energy, and therefore will justify the need for more sources to be built. This will only increase the greenhouse gas emissions in these areas of Class One protection status, further violating the statutes of the Clean Air Act. Examples of policy initiatives and procedures that the western members of the CFP Program are implementing include:

- **Glacier National Park (Montana)**: The park plans to reduce emissions through such innovative ideas as the use of "Red Bicycles" for employees to commute between out-buildings, the expansion of the famous "Jammers" (aka "red buses") shuttle system along the Going to the Sun Road, and a collaboration with historical preservation specialists to achieve maximum energy efficiency in the park's many historical buildings.<sup>14</sup>
- **Rocky Mountain National Park (Colorado)**: Developing and expanding the park's shuttle system, replacing park vehicles with the best available technology, completing a full energy efficient lighting retrofit throughout park buildings and developing a mandatory climate change training for park staff and has also taken a leadership role on climate change education and outreach.


Realizing that the park will experience some of the impacts of climate change regardless of the actions that are taken now, the park has also begun an active discussion about

<sup>13</sup> <http://www.nps.gov/climatefriendlyparks/explore/index.html>

<sup>14</sup> <http://www.nps.gov/climatefriendlyparks/parks/glacier.html>



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incorporating climate change impacts into long-term resource management strategies. The first step will be a workshop for area scientists and managers to identify species and ecosystems at risk.<sup>15</sup>

- **Yosemite National Park (California):** Implemented monitoring programs, conducted a visitor vehicle criteria air pollutant (CAP) emissions study, and purchased hybrid-electric buses in an effort to address CAP emissions. As Yosemite NP's efforts to reduce emissions broadened to include GHG emissions, the park also installed photovoltaic systems, solar cells, and fuel cells. Yosemite NP's Environmental Management System, known as the Yosemite Environmental System (YES) program, has established YES teams that identified areas of environmental impact within the park.<sup>16</sup>
- **Zion National Park (Utah):** Zion park employees abide by an environmental commitment statement that enables concessionaires, partners, suppliers, vendors, contractors, and visitors to participate in environmental leadership practices that reach beyond protection and conservation to actually enhance park resources.<sup>17</sup>

50496-012  
(cont.)

**Corridors Don't Support State Renewable Portfolio Standard Goals**

Many states have created renewable portfolio standards that require their states to obtain a minimum percentage of their power from renewable energy resources by a certain date. Currently there are 24 states plus the District of Columbia that have renewable portfolio standards in place. Together these states account for more than half of the electricity sales in the United States.

Four other states, Illinois, Missouri, Virginia, and Vermont, have non-binding goals for adoption of renewable energy instead of an RPS.<sup>18</sup> As of June 2007, the western states that have established RPS include:

State	Amount	Year	Organization Administering RPS
Arizona	15%	2025	Arizona Corporation Commission
California	20%	2010	California Energy Commission
Colorado	20%	2020	Colorado Public Utilities Commission
Montana	15%	2015	Montana Public Service Commission
New Mexico	20%	2020	New Mexico Public Regulation Commission

50496-013

<sup>15</sup> <http://www.nps.gov/climatefriendlyparks/parks/rockymountain.html>  
<sup>16</sup> <http://www.nps.gov/climatefriendlyparks/parks/yosemite.html>  
<sup>17</sup> <http://www.nps.gov/climatefriendlyparks/parks/zion.html>  
<sup>18</sup> [http://www.eere.energy.gov/states/maps/renewable\\_portfolio\\_states.cfm](http://www.eere.energy.gov/states/maps/renewable_portfolio_states.cfm)



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Nevada	20%	2015	Public Utilities Commission of Nevada
Oregon	25%	2025	Oregon Energy Office
Washington	15%	2020	Washington Secretary of State

50496-013  
(cont.)

NPCA believes that the draft PEIS should acknowledge state renewable portfolio standards and discuss how the designation of energy corridors will affect applicable states working to reduce energy use from dirty coal power plants and from other polluting fossil fuels.

#### **VI. Conclusion**

By failing to provide a full range of alternatives and adequately address the environmental impacts of the Draft PEIS, the agencies are ignoring the National Environmental Policy Act. By failing to take account of the corridors' impacts upon historic resources, the Draft PEIS conflicts with Section 106 of the National Historic Preservation Act. By failing to undergo consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act, the agencies are violating Section 7 of this landmark Act designed to protect wildlife.

In summary, the Draft PEIS does a poor job of implementing Section 368 of the Energy Policy Act and puts our national heritage and environmental and human health at risk. Furthermore, the impact of 6,000 miles of designated energy corridors, and the subsequent construction of energy infrastructure, would provide a severe challenge for the National Park Service to "conserve the scenery and the natural and historic objects and the wildlife therein."<sup>19</sup>

50496-014

We recommend that the agencies work on developing a supplemental draft PEIS before completing a final PEIS. A supplemental is sorely needed so that the NEPA process and the agencies legal responsibilities best serve the public and the final record of decision is sustainable.

NPCA thanks you for this opportunity to express our views.


Sincerely,

Bryan Faehner  
Legislative Representative

<sup>19</sup> Park Service Organic Act of 1916, 16 U.S.C. § 1



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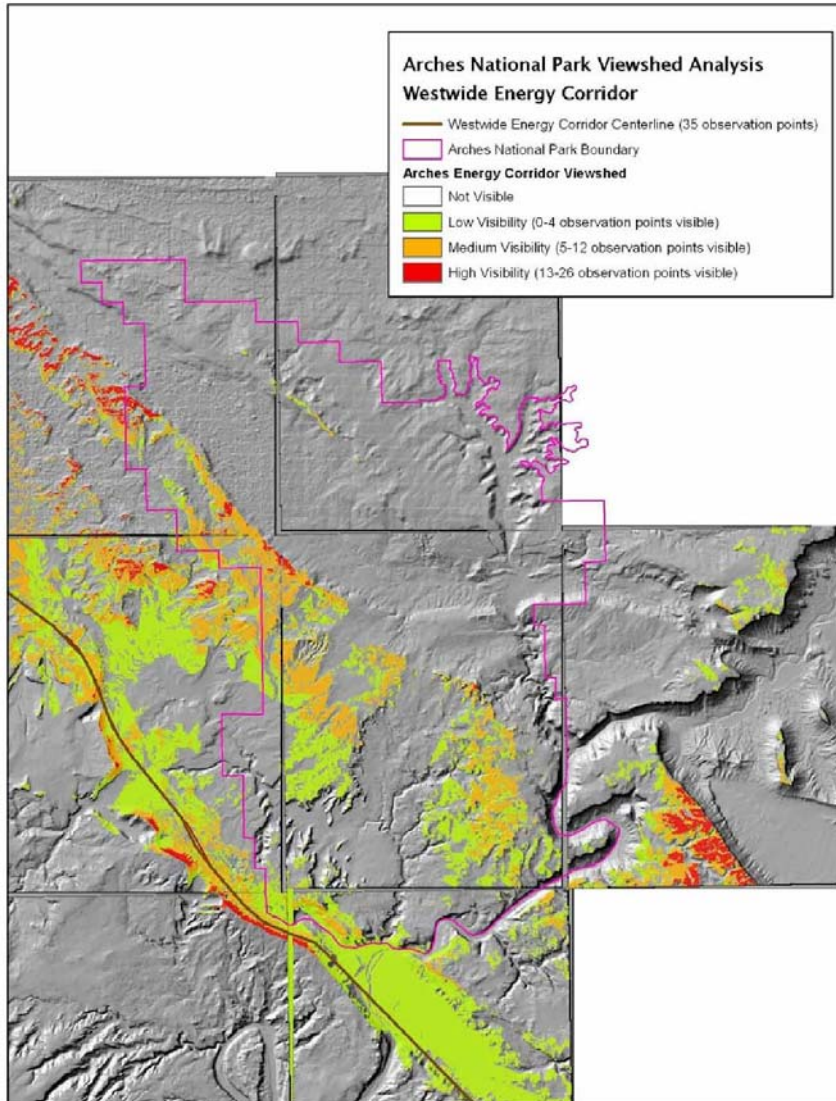
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VII. Appendix

Figure 1. The Viewshed of Arches National Park is Threatened



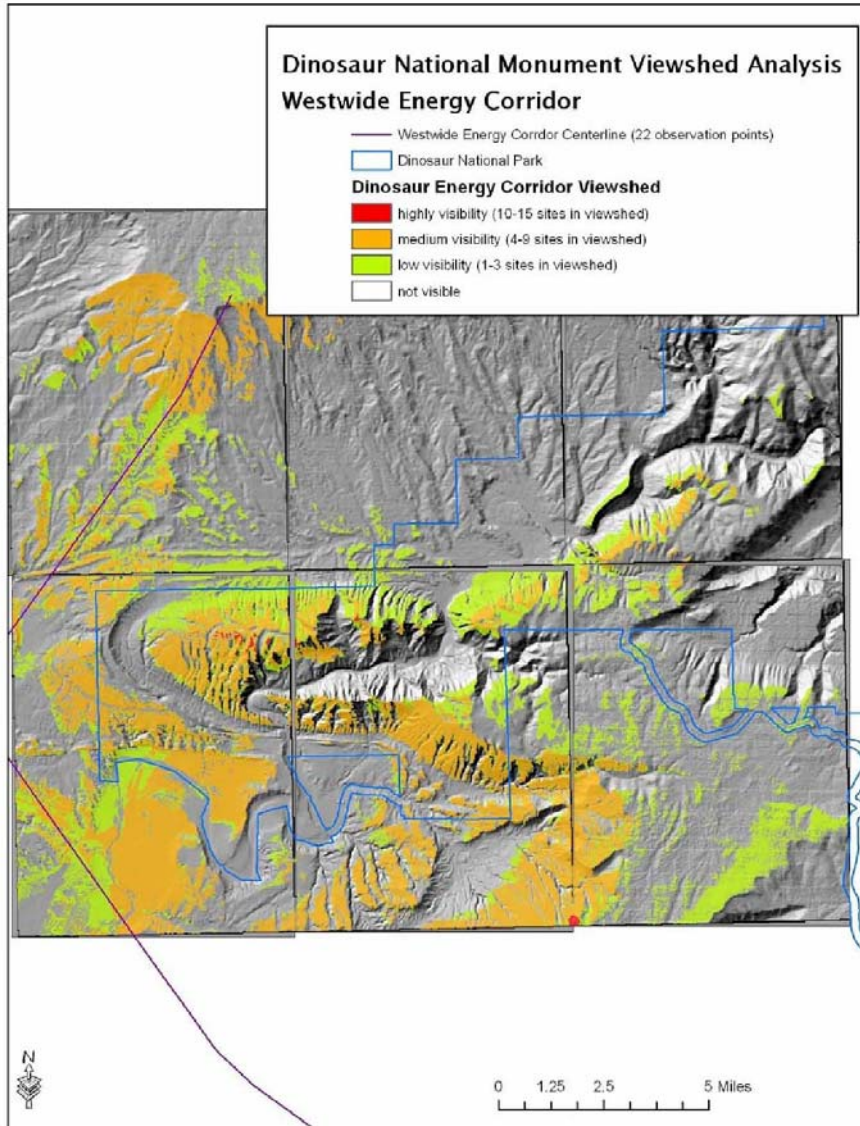
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Figure 2. The Viewshed of Dinosaur National Monument Will Be Impacted



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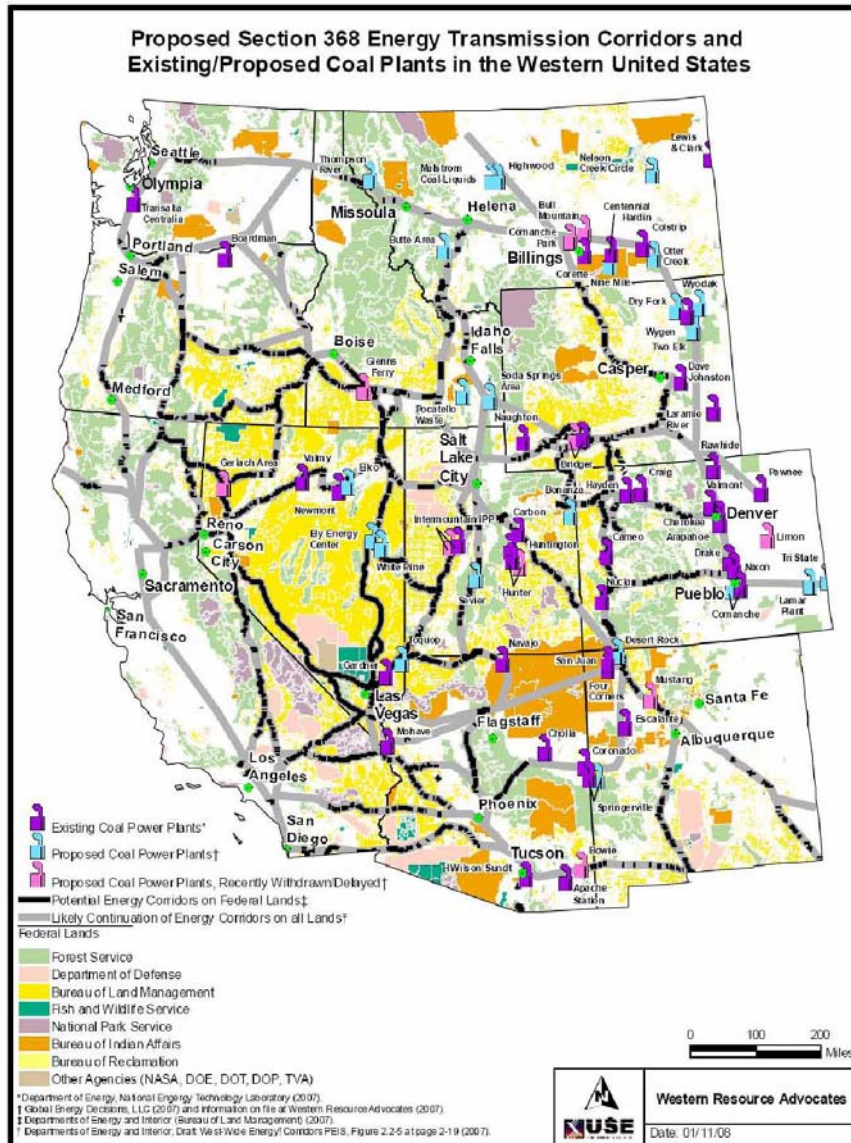
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Figure 3. Energy Corridors Link Dirty Coal Power Plants



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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 6:14 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVEC50497

**Attachments:** Feb\_14\_2008\_-\_Dine\_CARE\_&\_SJCA\_Comments\_WVEC50497.pdf



Feb\_14\_2008\_-\_Di  
ne\_CARE\_&\_SJCA...

Thank you for your comment, Dailan Long.

The comment tracking number that has been assigned to your comment is WVEC50497. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 06:13:42PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVEC50497

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Questions about submitting comments over the Web? Contact us at:  
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at (630)252-6182.

February 14, 2008

*Submitted via electronic mail (pdf) and U.S. mail*

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To Whom It May Concern:

Diné Citizens Against Ruining Our Environment (Diné CARE) and San Juan Citizens Alliance (SJCA) respectfully submit the following comments concerning the West-Wide Energy Corridor Draft Environmental Impact Statement (DEIS). Diné CARE and SJCA comments are focused specifically on implications of the DEIS on the Four Corners region (an area comprised of portions of Arizona, Utah, Colorado and New Mexico). The comments also reflect observations made by Diné CARE at the January 23, 2007 meeting in Window Rock, Arizona, Navajo Nation concerning the West-Wide Energy Corridor DEIS.

Diné CARE is an all-Navajo, non-profit, grassroots environmental organization, based within the Navajo homeland. Diné CARE strives to educate and advocate for traditional Navajo teachings to protect and provide a voice for all life forms. Our main goal is to empower local and traditional people to organize, speak out and determine the proper use and protection of the environment.

SJCA is a non-profit organization, with over 500 members in the Four Corners region, actively involved in energy development oversight; advocating for cleaner air quality and better stewardship of our natural systems; promoting reduced energy consumption, energy efficiency and renewable energy; and working for improvements to community health.

**Insufficient Purpose and Need**

First and foremost, the West-Wide Energy Corridor DEIS fails to convey any clarity for the project purpose and need. The result is that the proposed action in the DEIS is to condemn 3,500 foot wide corridors for future development associated with coal-fired power plants, utility transmission, pipelines and other right-of-way (ROW) proposals. In the Four Corners region there are already developed ROW corridors that are more than sufficient for energy transport projects (for example, Trans-Colorado, Transwestern, MAPCO). The purpose of an EIS under the National Environmental Policy Act (NEPA) is addressed in 40 Code of Federal Regulations (CFR) § 1502.1:

50497-001

The primary purpose of an environmental impact statement is to serve as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment....An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

The West-Wide Energy Corridor DEIS exists merely as a disclosure document that states that the project is needed for ROWs across federal lands. In the Four Corners region, the landscape is a checkerboard of Federal, tribal (allotted and tribal trust), private and state surface ownership that precludes any continuous corridors from being established that would meet the stated purpose and need of the West-Wide Energy Corridor DEIS. For example, the proposed corridors exhibited in the West-Wide Energy Corridor DEIS stop when they hit the Navajo Nation. How could this be when the corridors require contiguous linear function as the primary purpose and need of providing energy transport? The January 23, 2008 meeting in Window Rock reinforced that the DEIS has not been sufficiently developed to describe the purpose and need for the project on potential impacts to the Navajo Nation. Further, the DEIS fails to make the case for any jurisdiction over Southern Ute Tribal land, Jicarilla Apache Tribal Land, Ute Mountain Ute Tribal Land, state of New Mexico land, state of Utah land, state of Arizona land, state of Colorado land and private land. Does the federal government plan on using eminent domain in all cases where the federal land energy corridors abut the multitude of other surface land ownership? Without specific details about the precise purpose and need for these energy corridors, there is no way to determine the extent of impacts to the Four Corners region, including economic, environmental and social justice issues.

50497-001  
(cont.)

**Ill-defined Scope and Evident Segmentation**

NEPA (40 C.F.R. § 1508) clearly states the following concerning Major Federal actions requiring the preparation of environmental impact statements:

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (Sec. 1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

50497-002

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new agency programs or regulations (Sec. 1508.18). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decision-making.

The President's Council on Environmental Quality (CEQ) is quite clear on providing guidance to lead Federal agencies on avoiding segmenting a proposed action to avoid the application of NEPA, or to avoid a more detailed assessment of the environmental effects of the overall action. The following sections of NEPA discuss scope and include the concepts of connected and cumulative actions under 40 CFR § 1508 (a):

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (Secs. 1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(a) Actions (other than unconnected single actions) which may be:

Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

It is evident that the West-Wide Energy Corridor DEIS fails to meet requirements on connected actions (coal-fired power plants, refineries, major pipelines and transmission lines) that are segmented in the current analysis. The West-Wide Energy Corridor DEIS is a disingenuous attempt to avoid taking a "hard look" at the impacts of energy development that are already overwhelming the Four Corners region while claiming corridors of land for future energy development.

50497-002  
(cont.)

**Failure to Consider Reasonable Range of Alternatives**

Council On Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR Parts 1500-1508 guidance on Alternatives including the proposed action for an EIS are set forth under 40 CFR § 1502.14:

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (1502.15) and the Environmental Consequences (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 the reviewers may evaluate the their comparative merits.
- (c) Include reasonable alternatives not within the jurisdiction of the lead agency.
- (d) Include the alternative of the no action.

The West-Wide Energy Corridor DEIS is clearly deficient in failing to present a reasonable range of Alternatives which would allow the public comparative analysis of proposed energy corridors. In addition, the lack of any defensible impact analysis of the proposed energy corridors makes the impact analysis content of the DEIS moot.

**Failure to Accurately Address Cumulative Impacts in the DEIS**

Many of the conclusions set forth in the DEIS concerning impacts to resources have no supporting data because the purpose and need for the project is ill defined. It appears that the energy corridors line up with areas of western lands already impacted by significant oil and gas exploration and development, and coal-fired power plants/coal mining. Indeed, this is the case in the Four Corners region.

Again, considerations under NEPA include the concept of cumulative actions under 40 CFR § 1508 (a):

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (40 CFR § 1502.20 and 1508.28)...

Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

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(cont.)

50497-004

Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

Given the rapid streamlined energy development in the Four Corners region (expedited by the Energy Policy Act of 2005 and directives to Federal agencies to prioritize energy development on public lands), the cumulative impacts in this DEIS have not been adequately disclosed or analyzed. The Environmental Consequences sections of the DEIS are completely deficient without the cumulative impact analysis, as well as lacking accurate assessment of direct, indirect and connected actions. The Four Corners region already has 18,000 existing natural gas wells and 10,000 newly "approved" natural gas wells in the Bureau of Land Management (BLM), Farmington Field Area, thousands of natural gas wells in the San Juan National Forest, thousands of natural gas compressors and Central Delivery Points for natural gas, hundreds of thousands of miles of ROW corridors for pipelines and powerlines, and access roads that spider over the entire region. In addition, the two existing coal-fired power plants (San Juan Generating Station and Four Corners Power Plant) remain two of the highest polluting coal plants in the Western United States. A proposal for a third coal-fired power plant in the region, Desert Rock Energy Project, confirms that the Four Corners region is being used an energy sacrifice zone with little to no regard to the impacts on people who live here.

50497-004  
(cont.)

#### **Insufficient Explanation of Financial Considerations in the DEIS**

As proposed, the energy corridors would cross state, tribal and private land with no clear description of financial compensation/negotiations, contractual negotiations concerning royalties (where applicable), consideration of devaluation of non-public lands, and no accounting for Indian Trust Assets. As the Federal government is surely aware, accounting for Indian Trust Assets associated with mineral development is a huge legal issue that remains unresolved. In addition, there are significant ROW issues across tribal lands that require oversight and prescribed negotiations before energy corridors can be established. Private landowners in the Four Corners area are under siege from natural gas development and particularly susceptible to split estate where surface ownership and mineral ownership conflict. The DEIS completely fails to analyze economic impacts to tribes, private landowners, and states as a result of implementing the energy corridors. The DEIS should be re-scoped to disclose to the public the financial implications of these proposed energy corridor gifts to the energy industry.

50497-005

#### **DEIS Maps are Inadequate**

The maps in the DEIS did not provide enough detail for Diné CARE or SJCA to ascertain the areas that would be impacted by the proposed action in the DEIS. The fact that the corridors stop on tribal lands in the Four Corners region is sufficient to demonstrate the inadequacy of evaluating the proposed action.

50497-006

### **Insufficient Consultation and Coordination**

Diné CARE personnel raised numerous questions at the January 23, 2008 meeting that could not be answered, including, where the corridors go on tribal land, who has been consulted, how the project would impact cultural use and what alternatives have been developed. These questions remain unanswered. There were no evident Navajo Nation or Bureau of Indian Affairs (BIA) officials at the meeting who could provide any answers on the actions items proposed in the West-Wide Energy Corridor DEIS or provide representation for Navajo Nation interests associated with the energy corridors. There was no attempt to provide translation for Navajo speaking citizens who attended the meeting in Window Rock. Department of Energy officials at the Window Rock meeting were unable to provide substantive answers to citizens concerning the proposed action on Navajo land.

50497-007  
(cont.)

Further, there appears to have been no real attempt to develop Cooperating Agency status with tribal entities that have a vested interest in the outcome of the West-Wide Energy Corridor DEIS or follow established negotiating practices that normally occur under government-to-government relations. Diné CARE and SJCA request that Memorandum of Understandings be developed for the West-Wide Energy Corridor that include all Cooperating Agencies in the Four Corners region. In addition, we believe that the BLM and Forest Service in the Four Corners region need improved representation in describing the Affected Environment in the DEIS that accurately reflects existing environmental conditions.

### **Failure to Evaluate Environmental Justice and Evaluate Existing Disproportionate Impacts to Citizens of the Four Corners Region**

The DEIS fails to properly evaluate Environmental Justice as defined under Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." There are already disproportionate health impacts borne by the people of the Four Corners region who have been subject to high toxics emitted by Four Corners Power Plant and San Juan Generating Station; wastes at Navajo, San Juan and La Plata coal mines; Giant Refinery toxic dumping in the San Juan River; the legacy of uranium mining and refining; and thousands of other "clustered" pollution sources. There are also disproportionate impacts to the citizens of the Four Corners region associated with land use and visual impacts. On the Navajo Nation, these impacts include loss of grazing rights, loss of customary use areas, and loss of home-site leases.

50497-008

The proposed action in the West-Wide Energy Corridor DEIS would prohibit multiple use of public lands in the proposed corridors taking even more land out of the public domain for energy development.

A recent document by EPA Office of Inspector General (agency that oversees compliance with the executive order on environmental justice) states the following:

Our survey results showed that EPA program and regional offices have not performed environmental justice reviews in accordance with Executive Order



12898. Respondents stated that EPA senior management has not sufficiently directed program and regional offices to conduct environment justice reviews. Also, respondents expressed a need for further guidance on conducting these reviews, including protocols, a framework, or additional directions. Until these program and regional offices perform reviews, the Agency cannot determine whether its programs cause disproportionately high and adverse human health or environmental effects on minority and low-income populations.<sup>1</sup>

Additionally, EPA regulations specifically prohibit the air program from,

choos[ing] a site or location of a facility that has the purpose or effect of ... subjecting [individuals] to discrimination under any program or activity to which this part applies on the grounds of race, color, or national origin or sex; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of this subpart.

[Or]

use criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.<sup>2</sup>

Diné CARE and SJCA request that that the next version of the West-Wide Energy Corridor DEIS provide a full EPA assessment on environmental justice with oversight from the EPA Office of Inspector General.

Diné CARE opposes any tribal member relocation for the designation of energy corridors on tribal lands. The Navajo Nation and its constituents have not been consulted about the processes, negotiations, compensations and full details about energy corridors that touch the nation's border. It is not clear where the energy corridors would extend through the Navajo Nation neither is there any indication that designating energy corridors is being evaluated through the tribe's rights of way processes. There is insufficient, and lack thereof, material made available to tribal officials to make a determination that the designation of energy corridors is in the best interest of the tribe. The agency has failed to consult with Tribal officials, planning committees and their constituents about the designation of corridors on tribal lands.

To designate corridors that border tribal lands without providing full information to how energy corridors will connect is placing an undue burden on the Navajo Nation whose constituents have been relocated in the pursuit of energy development on tribal lands. The West-Wide Energy Corridor DEIS also fails to provide details about the connected actions where tribal members

<sup>1</sup> Evaluation Report: EPA Needs to Conduct Environmental Justice Reviews of its Programs, Policies and Activities (Report No. 2006-P-00034) September 18, 2006

<sup>2</sup> 40 CFR §7.35(b)

have either been relocated or will be potentially relocated for energy corridors that do not benefit Navajo communities with compensation or electrification, perpetuating the disproportionate impacts well-known in the Four Corners region.

Moreover, the federal agency has failed to provide detailed documents in the tribal language about energy corridors, comment periods and public hearing dates to Navajo tribal members. The agency did not provide hard copies to individual tribal members who do not have access to computers and electronic services such as Internet connections and public notices were unnoticeable in local media. There are many tribal members without electricity and sufficient documents and information were not provided to local government chapters and agencies to properly inform them as well. This lack of information disallows tribal members to provide valuable comments on the West-Wide Energy Corridor DEIS. In addition, any reasonable undertaking concerning energy corridors on the Navajo Nation that tie into federal energy corridors requires meetings throughout the Navajo Nation to reach affected parties (rather than one marginally informative meeting in Window Rock held in the afternoon).

50497-008  
(cont.)

**Failure to comply with the National Historic Preservation Act and the Native American Grave Protection and Repatriation Act**

The failure of the West-Wide Energy Corridor DEIS to accurately describe the energy corridors and the segmented nature of the proposal results in the conclusion that the project fails to legally meet the requirements of the National Historic Preservation Act (NHPA) and the Native American Grave Protection and Repatriation Act (NAGPRA) (25 U.S.C. §3002). Diné CARE and SJCA note the extensive archaeological resources, cultural resources and significant traditional cultural properties that would be found in any energy corridor proposed in the Four Corners region. In addition, the DEIS completely fails to meet Section 106 NHPA consultation requirements including states, tribes and other entities. On Navajo Nation land, this will require consultation with the Navajo Nation Historic Preservation Division before activities such as surveying can occur (for any proposed corridor on Navajo Nation land). Please revise the Draft EIS to adequately meet the requirements of NHPA and NAGPRA.

50497-009

**Failure to comply with Endangered Species Act**

The on-site and off-site impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats must be analyzed in all of the energy corridors and buffer zones. Compliance requirements with Section 7 of the Endangered Species Act (ESA), 16 U.S.C. § 1536 and its implementing regulations at 50 CFR § 402 are necessary through USFWS for the proposed action, connected actions and cumulative effects in the West-Wide Energy Corridor DEIS. In addition, the Navajo Nation Fish and Wildlife Department must be consulted on any potential action concerning the Navajo Nation and potential impacts to species listed under the Navajo Endangered Species List (NESL). In our opinion, the West-Wide Energy Corridor DEIS fails to meet requirements of fulfilling ESA Section 7 compliance, NESL compliance, and associated analysis of impacts to the biotic environment in the Four Corners region.

50497-010

**Failure to Accurately Analyze Air Quality Impacts and Unresolved Significant Air Quality and Visibility Impacts from any Alternative in the DEIS**

The proposed action of establishing energy corridors in the Four Corners region would adversely impact air quality and visibility that has already been severely degraded by energy development projects. Since the energy corridors are only needed for coal fired power plants, natural gas infrastructure and transmission lines, it is obvious that air quality condition would be expected to get worse here (through connected actions) if the West-Wide Energy Corridor project is approved. Until the connected actions are adequately brought into the West-Wide Energy Corridor DEIS, the document is virtually of no value.

50497-011  
(cont.)**Conclusion**

It is apparent that the West-Wide Energy Corridor DEIS has been inadequately scoped and prepared in its current form. The complete lack of analysis concerning connected actions and cumulative impacts from existing and reasonably foreseeable energy development results in the document being fatally deficient and segmented. Please give more consideration to the potential impacts of this project on communities and people of the Four Corners region who deserve far better when asked to participate in evaluating the impacts of exponentially increasing energy development projects in the region. We are completely opposed to implementation of the energy corridors as described in the West-Wide Energy Corridor DEIS due to degradation and loss of public lands with emphasis on continued reliance on coal-generated electricity, and inappropriate condemnation of tribal and private lands. Thank you for the opportunity to comment on the DEIS.

50497-012

Sincerely,

*s/Dailan J. Long*

Dailan J. Long  
Community Organizer  
Diné CARE  
P.O. Box 7692  
Newcomb, New Mexico 87455  
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*s/Mike Eisenfeld*

Mike Eisenfeld  
New Mexico Energy Coordinator  
San Juan Citizens Alliance  
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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 6:15 PM  
**To:** mail\_corridoreisarchives; corridoreiswebmaster@anl.gov  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVECD50498

**Attachments:** County\_of\_San\_Diego\_2\_14\_08\_comments\_WVECD50498.pdf



County\_of\_San\_Die  
go\_2\_14\_08\_co...

Thank you for your comment, Dahvia Lynch.

The comment tracking number that has been assigned to your comment is WVECD50498. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 06:15:12PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVECD50498

First Name: Dahvia  
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Attachment: H:\MSCP\Energy\Nat Interest Trans Corridors\EIR\_EIS\County\_of\_San\_Diego\_2\_14\_08\_comments.pdf

Comment Submitted:  
Please see the attached comments from the County of San Diego Department of Planning and Land Use Interim Director, Eric Gibson.

A hard copy of these comments has been submitted, as well.

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.



**County of San Diego**

**ERIC GIBSON**  
INTERIM DIRECTOR

**DEPARTMENT OF PLANNING AND LAND USE**

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
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February 14, 2008

Mr. David Meyer  
Department of Energy  
Office of Electric Delivery and Energy Reliability  
1000 Independence Avenue, Southwest  
Washington, DC 20585

**RE: PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, DESIGNATION OF ENERGY CORRIDORS ON FEDERAL LAND IN THE 11 WESTERN STATES (DOE/ EIS-0386)**

Dear Mr. Meyer,

Thank you for the opportunity to comment on the Programmatic Environmental Impact Statement for the Designation of Energy Corridors on Federal Land in the 11 Western States (the EIS).

Per our comments submitted on July 6, 2007 (see attached), the County of San Diego's primary interests are to ensure that; 1) state and local land use and planning authority is retained, 2) future energy needs are met in the most beneficial manner possible, 3) that all potential land use, environmental, economic, and other impacts of any future energy projects are adequately considered, and 4) that the County of San Diego and other interested parties are noticed and provided with the opportunity to fully engage in a comprehensive federal planning process.

50498-001

Please note that the County of San Diego would like a response from the Department of Energy (DOE) regarding several requests for specific information noted in our letter submitted on July 6, 2007 that were not addressed in the EIS for this project. These include the following:

50498-002

- "The County of San Diego would like more detailed information regarding the data sources utilized to identify the need for the Southwest Area Corridor."

- "In addition, the County would like information resulting from the California Public Utilities Commission (CPUC) General Proceeding regarding the Sunrise Powerlink (Proceeding A0608010) to be considered in evaluating the need for a Southwest Area Corridor that includes San Diego County." Has this been considered?
- "The County of San Diego would like written information regarding the process that states will be expected to follow in terms of evaluating the significance of a location within a National Electric Transmission Corridor under CEQA."
- "...should a project meet the conditions for possible exercise of the Federal Energy Regulatory Commission's (FERC) siting authority, what consideration would be given to a potential project's location within a National Electric Transmission Corridor relative to other considerations examined in the state project review process? The County of San Diego would like written information regarding FERCs planned decision-making process in such an instance."

50498-002  
(cont.)

In addition, please find specific comments regarding the EIS for the Designation of Energy Corridors on Federal Land in the 11 Western States (the EIS) noted below.

Environmental Impacts (ES-4)

The County understands that the proposed corridor designations would not approve any site-specific activities or projects or prejudice the environmental impacts of individual projects. However, as stated previously, the County would like clarification regarding the process that states will be expected to follow in terms of evaluating the significance of a location within a National Electric Transmission Corridor under CEQA. The County is particularly concerned about impacts to visual resources and community character in rural communities.

50498-003

Energy Corridors on non-Federal Lands (ES-5, ES-9)

The EIS states that "...the Proposed Action of designating Section 368 corridors would pertain only to federal lands, not private lands...Applicants would be required to identify preferred Project-specific routes across and plan for gaining authorization to cross private lands. Project applicants would secure authorization to cross private lands. Project applicants would secure authorizations across private lands in the same manner that they currently do, independent of the application process for corridors on federal lands."

50498-004

Is it anticipated that a complimentary process be established at the state or local level to expedite proposals on non-Federal lands that link Federal lands within the designated National Interest Energy Corridor? It is difficult to establish the potential effectiveness of such corridors without concurrent measures to address the development of energy transmission projects across private lands that link these areas. The County does not support measures that may potentially reduce the local or state authority to fully review and make final determinations regarding proposed energy projects on non-Federal lands.

Impacts to Listed Species and Critical Habitat (ES-6)

Due to the broad geographic application and highly programmatic nature of the Proposed Action, the County of San Diego concurs with the "no-effect" assessment noted in the EIS (ES-6). It is clear that necessary agency consultation and environmental review will occur in accord with standard practice for any specific proposal within the National Interest Energy Corridors. However, the question remains as to the weight that the findings of such analysis and consultation will carry when compared to the national interest determined when considering specific energy transmission projects within the designated corridors.

50498-005

A clear process should be established to weigh impacts to listed species and designated Critical Habitat against economic or other benefits anticipated from approving projects within these corridors. Impacts to listed species and Critical Habitat should be weighed heavily in this scenario. Economic factors should not be the dominant consideration in analyzing the feasibility of alternatives that do not affect listed species or Critical Habitat. Less impactful alternatives should be thoroughly analyzed and considered.

Groundwater Resources (4-35, 4-36)

Proposed segment 115-238 energy corridor traverses through the County of San Diego among private lands within communities that are completely groundwater dependent and have no ability to obtain imported water. Nearly half of the 115-238 energy corridor in our County has the designation of multi-modal (includes oil, gas, and/or hydrogen lines), which crosses (from east to west) the groundwater dependent communities of Jacumba, Boulevard, and Campo. It is crucial that groundwater quality not be impacted by the potential placement of any oil, gas, or hydrogen pipelines in these areas. A fuel spill could pose major groundwater quality impacts to adjacent residential, commercial, and other well users. The County strongly recommends that the multi-modal corridor not be utilized for underground piping of fuel, unless findings can be made that would ensure there would be no water quality impacts to the groundwater dependent communities adjacent to the fuel lines.

50498-006

Thank you for your consideration of the County of San Diego's comments. We appreciate your ongoing efforts to keep the County of San Diego fully informed of any changes associated with or opportunities to comment on this project. Please feel free to contact me or to contact Dahvia Lynch, LUEG Program Manager at (858) 694-3075 if we may be of further assistance.

Sincerely,



ERIC GIBSON, Interim Director



## County of San Diego

ERIC GIBSON  
INTERIM DIRECTOR

### DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666  
INFORMATION (858) 694-2960  
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July 6, 2007

Mr. David Meyer  
Department of Energy  
Office of Electric Delivery and Energy Reliability  
1000 Independence Avenue, Southwest  
Washington, DC 20585

#### **DRAFT NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR DESIGNATION- SOUTHWEST AREA NATIONAL CORRIDOR**

Dear Mr. Meyer,

Thank you for the opportunity to comment on the United States Department of Energy's (DOE) draft National Interest Electric Transmission Corridors.

The County of San Diego's primary interests are to ensure that; 1) state and local land use and planning authorities are retained, 2) future energy needs are met in the most beneficial manner possible, 3) that all potential land use, environmental, economic, and other impacts of any future energy projects are adequately considered, and 4) that the County of San Diego and other interested parties are noticed and provided with the opportunity to fully engage in a comprehensive federal planning process.

Below are the County of San Diego's specific comments and/ or questions regarding the DOE's proposed designation of the draft Southwest Area Corridor, which encompasses all of San Diego County.

**1) The Southwest Area National Corridor Designation may be duplicative of or inconsistent with existing energy planning efforts.** The County of San Diego recognizes the importance of planning for effective long-term energy development and distribution throughout the nation. However, the additional layer of federal planning and decision-making authority provided via the Energy Policy Act of 2005 and the pursuant



designation of national interest electric transmission corridors could potentially duplicate or even undermine existing state and local planning efforts.

The County is working to ensure that San Diego County's long-term energy needs are met through several existing state and local planning processes. Specifically, the County has worked with the San Diego Association of Governments (SANDAG) in the development of the Regional Energy Strategy (2003) and continues to plan for regional energy needs through SANDAG's Energy Working Group. The County is also participating in the California Energy Commission's (CEC) corridor designation process per Senate Bill 1059 (SB-1059).

**2) The proposed draft Southwest Area National Corridor may be unnecessary.**

According to the DOE Congestion Study, the application of the Southwest Area National Corridor is based on information obtained through "...examination of historical studies of transmission corridors, existing studies of transmission expansion needs, and... region-wide modeling...". The County of San Diego would like more detailed information regarding the data sources utilized to identify the need for the Southwest Area Corridor.

In addition, the County would like information resulting from the California Public Utilities Commission (CPUC) General Proceeding regarding the Sunrise Powerlink (Proceeding A0608010) to be considered in evaluating the need for a Southwest Area Corridor that includes San Diego County. Much of the information presented in this Proceeding calls into question the need for additional power transmission in this region. The CPUC is currently examining this information to determine whether additional energy corridors, including the Sunrise Powerlink, are necessary to meet future energy needs in the San Diego area.

**3) How will location within a designated National Electric Transmission Corridor be weighed against other environmental, economic and other considerations in the state evaluation process?** The DOE Frequently Asked Questions (April 26, 2007) document on this topic indicates that "National Environmental Policy Act (NEPA) review is not required for the designation of a National Corridor under FPA section 216(a)(2)...". The DOE also indicates that it will not utilize its authority to determine if a particular corridor "...must, or even should, be built...".

While states generally retain siting authority, it is appropriate that a project's location within an adopted National Electric Transmission Corridor would be considered in the state evaluation of a given project. The County of San Diego would like written information regarding the process that states will be expected to follow in terms of evaluating the significance of location within a National Electric Transmission Corridor under CEQA.


However, should a project meet the conditions for possible exercise of the Federal Energy Regulatory Commission's (FERC) siting authority, what consideration would be given to a potential project's location within a National Electric Transmission Corridor relative to other considerations examined in the state project review process? The

County of San Diego would like written information regarding FERCs planned decision-making process in such an instance.

**4) The County of San Diego and other affected jurisdictions should be directly notified regarding federal energy-related planning processes.** The County of San Diego would like to be a part of any planning process related to federal corridors, including initiation of the National Environmental Policy Act (NEPA) process in the case of a FERC siting procedure. The County of San Diego and other affected jurisdictions should be directly contacted regarding these matters.

Thank you for your consideration of the County of San Diego's comments. Please feel free to contact me or Dahvia Lynch, LUEG Program Manager at (858) 694-3075 if we may be of further assistance.

Sincerely,

  
ERIC GIBSON, Interim Director  
Department of Planning and Land Use

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**From:** corridoreiswebmaster@anl.gov  
**Sent:** Thursday, February 14, 2008 6:25 PM  
**To:** mail\_corridoreisarchives  
**Subject:** Energy Corridor Draft Programmatic EIS Comment WVECD50499

Thank you for your comment, Tony Lucero.

The comment tracking number that has been assigned to your comment is WVECD50499. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 06:24:34PM CDT

Energy Corridor Draft Programmatic EIS  
Draft Comment: WVECD50499

First Name: Tony  
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State: NM  
Zip: 87043  
Country: USA  
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:  
TO SECRETARIES OF AGRICULTURE, COMERCE, DEFENSE, 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 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.

50499-001

Questions about submitting comments over the Web? Contact us at:  
corridoreiswebmaster@anl.gov or call the Energy Corridor Draft Programmatic EIS Webmaster at (630)252-6182.