

Corridor EIS Archives

From: corridoreiswebmaster@anl.gov
Sent: Monday, July 10, 2006 2:57 PM
To: corridoreisarchives,
Subject: Preliminary Draft Corridor Map Comment M0097

Attachments: NPCA_Comments_on_Energy_Corridor_Draft_Map_7.10.06_M0097.doc



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Thank you for your comment, Craig Obey.

The comment tracking number that has been assigned to your comment is M0097. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: July 10, 2006 02:57:17PM CDT

Preliminary Draft Corridor Map Comment: M0097

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Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\bfaehner\Desktop\NPCA Comments on Energy Corridor Draft Map 7.10.06.doc

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

NATIONAL PARKS CONSERVATION ASSOCIATION

Protecting Parks for Future Generations

July 10, 2006

Office of Electricity Delivery and Energy Reliability
Room 8H-033
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585

Re: Preliminary Draft Map of Potential Energy Corridors On Federal Lands

To Whom It May Concern:

On behalf of our more than 300,000 members, the National Parks Conservation Association (NPCA) would like to thank you for the opportunity to comment on the preliminary draft map of potential energy corridors on federal lands. We recognize that increasing pressure for affordable energy—particularly under a deregulated system—means new energy facilities will be necessary. Moreover, we realize that it is no easy task identifying energy corridors to meet the requirements set forth in Section 368 of the Energy Policy Act of 2005.

NPCA agrees with the position taken by several members of Congress 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. We are pleased that the proposed energy corridors mostly follow existing energy and transportation infrastructure and federal rights-of-way.

Nonetheless, we are concerned that the location of some energy corridors and their relating resource and visual impacts could adversely impact the historic and cultural resources that make our parks so special. Visual impacts alone could have an unfavorable influence on park visitation and weaken the tourism economy of many local communities.

We are also deeply troubled that the current preliminary draft maps lack the necessary detail for such an issue of local, state and national significance. For instance, no NPS units are identified by name and Historic and National Trails, such as the Pony Express, Santa Fe, and Oregon Trails, fail to appear on the maps.

It is imperative to remember that the 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."



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We offer the following comments to further explain our concerns and ask that they be considered moving forward in the PEIS process.

Existing Legal Authorities Still in Effect

NPCA urges you to clarify the fact that the Energy Policy Act does not create any new authority to create energy corridors across National Park lands independent of the existing authorities. The statute itself is very specific, Section 368(a)(1) of the Energy Policy Act of 2005, 109 P.L. 58, 119 Stat. 593 expressly states that the Secretary of Interior, as well as other Secretaries, must “designate, **under their respective authorities**, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976).” (Bold added). Thus, the maps must not create corridors through national parks that cause resource impairment, violate the National Park Service Organic Act mandate to conserve resources, or allow oil, gas, hydrogen or other fossil fuel corridors in order to be consistent with the Act.


Existing authorities make electrical transmission and distribution rights-of way designation discretionary, and contingent upon those corridors being consistent with the National Park Service Organic Act. (See Section 8.6.4.2 of 2001 NPS Management Policies, stating that right-of-way permits are “discretionary, and conditional upon a finding by the Service that the proposed use will not cause unacceptable impacts to park resources, values, or purposes, and is not incompatible with the public interest. Also see, NPS Reference Manual 53, Appendix 5, identifying a “congressional mandate not to allow any use of NPS land that would impair or be a derogation of the values and purposes for which the park was authorized or be incompatible with the public interest, except when authorized by Congress.”) Thus, any transmission lines/distribution facilities must be approved by the respective superintendent, and found to be consistent with the mandates to conserve resources and avoid resource impairment.

Moreover, NPS has no legal authority to permit right-of-ways for other types of energy corridors. Specifically, there exists **no agency-wide statutory authority to issue right-of-way permits for oil, gas, hydrogen, or other fossil fuels transported through pipelines**. Therefore, the maps should be redrawn and a narrative should be added to indicate that none of the corridors that include such pipelines would be located in National Park Service units.

NPCA urges that the Draft West-Wide Energy Corridor PEIS clearly state that NPS lands are exempted from being designated federal energy corridors, except in those few areas where corridors already exist or for an electrical transmission line or distribution facility is found by NPS to be consistent with the NPS unit’s authorizing language, general management plan, and the NPS Organic Act. Furthermore, a corridor that includes transmission lines for oil, gas, hydrogen, or other fossil fuels will not be located in a NPS unit. This assurance is imperative due to the critical improvements that must still be made to the preliminary draft maps (see section “Preliminary Maps Need Improvement”) and may be vital during the latter implementation phase.



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LWCF Purchased Lands Are Exempted

In 1964, Congress established the Land and Water Conservation Fund (LWCF) to create and preserve recreational opportunities by using revenue from offshore oil and gas drilling. The program has been a success with over \$14.4 billion being spent on a federal-side program (over 4.7 million acres protected) and stateside program (over 3 million acres protected). The properties acquired or developed with LWCF monies are exempted without the prior written approval of the NPS Regional Director. The Regional Director's decision must be grounded in criteria outlined in the LWCF Act. See 16 U.S.C. § 4601-8 and 36 C.F.R. Part 59.

If energy corridors bisect lands acquired or developed with LWCF monies, it would constitute a "conversion" of public land to non-public uses since the energy corridor would limit the recreational value of those public lands. If a land conversion is pursued, the DOE needs to start the process by meeting with local land managers who would in turn decide whether or not to forward the conversion requests to the State for final approval by the NPS Regional Director.

The development of the Draft PEIS should discuss if the approval public land conversion is a necessary legal step before including LWCF lands as part of an energy corridor. For proposed energy corridors, the NPS or other agencies would need to provide NEPA documentation before deciding whether to approve a conversion.

NPCA is concerned that LWCF monies used to provide recreational opportunities and purchase federal lands and state and county parks could be harmed since they do not appear on the preliminary draft maps.

Preliminary Draft Maps Need Improvement


Though we appreciate the June 26 release of state-specific maps showing proposed energy corridors, the maps are still confusing and fail to provide the necessary detail required for such a major undertaking. As a result, it is extremely difficult for citizens to provide you with the "views, criticism and suggestions" that you are soliciting.

To illustrate, since NPS lands are not named on the draft state maps, most citizens would likely have to consult the Park Service's online geographic webpage (<http://www.nps.gov/applications/parksearch/geosearch.cfm>) to find the National Parks within their state. They would next have to attempt to find the same location of each park on the respective draft state map using Adobe Reader's "zoom in tool". By comparing the two maps, one might finally be able to determine if their state's national parks are impacted.

It should be noted, however, that finding smaller historic sites, such as the 73-acre Minidoka Internment National Monument in Idaho, is an especially daunting task. Furthermore, identifying NPS lands can be extremely frustrating for the public, since National Scenic and Historic Trails, Wild and Scenic Rivers, National Natural Landmarks, National Historic Landmarks don't appear on



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the maps. In sum, the above process is too difficult and confusing for the public to make informed comments. Therefore, we ask that the preliminary draft maps be improved by:

- Indicating the complete name of all NPS units on respective maps, which include National Parks, National Monuments, National Battlefields, National Preserves, National Recreation Areas, National Historic Sites, National Historic and National Scenic Trails, National Natural and Historic Landmarks, National Rivers, National Park study areas, and all other NPS units. NPS managed Wild and Scenic Rivers and Wilderness Areas should also be identified.
- Indicating the complete name of all non-NPS outstanding lands such as National Monuments, National Wildlife Refuges, National Conservation Areas, lands within the National Landscape Conservation System, Wilderness Areas, Wilderness Study Areas, Forest Service Roadless Areas and National Wild, Scenic, and Recreational Rivers.
- Identifying all federal lands and state and county parks preserved using Land and Water Conservation Fund (LWCF) monies.
- Differentiating between new and existing energy corridors. In addition, existing corridors should indicate if they already contain gas, oil and hydrogen pipelines, or electricity transmission facilities.
- Adding dotted lines over private lands and Native American reservation lands to more clearly show connections between various energy corridors crossing federal lands.
- Increasing the resolution of the maps to provide more precision so that the distance between NPS lands and energy corridors can be better determined. Providing the public with the GIS shape files that were used to create the maps would also be helpful.

Specific Energy Corridor Location Concerns


While it appears that the boundaries of most NPS units have not been bisected, NPCA is still concerned that energy corridors could visually harm historic and cultural resources prized by the American People. Our national parks and other protected public lands are already faced with rampant encroachment as America's open spaces continue to shrink.

Detrimental impacts to parks could be worsened if the 3,500-foot corridor width, which energy corridors in the preliminary draft maps are based on, were expanded. Even a 3,500-foot corridor, which is approximately two-thirds of a mile, sited outside parklands could be viewed by some park visitors as appearing as a "clear-cut" and could thus adversely impact the "visitor experience". "Special Lands Corridors", which are later discussed in the "Make Mitigation A Priority" section would help address such situations.

Another important issue involving corridor locations is the determination of how to decide if upgrading existing corridors or creating an alternative corridor is preferable to those that appear in the preliminary draft maps. Alternative corridors, like those being discussed west of Arches National Park, may in fact be more problematic than the present proposals. To reduce potential controversy,



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NPCA encourages the agencies to be open and transparent with the public regarding all discussions involving alternative routes in and around parklands and other protected federal lands.

We hope that the following specific concerns will be addressed and alternatives will be considered to protect our nation's parklands.

- **Arches National Park (Utah)**

A proposed energy corridor would be located within the Moab Canyon and pass in front of the park entrance gate and visitor center. While discreet electricity transmission lines already run through the canyon, they would likely be replaced with larger infrastructure that would likely rise above the canyon harming the park's viewshed.

- **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.

- **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.

Other NPS units where resources could be impacted include:

- **Aztec Ruins National Monument (New Mexico)**
- **Bighorn Canyon National Recreation Area (Montana/Wyoming)**
- **Canyon de Chelly National Monument (Arizona)**
- **Chiricahua National Monument (Arizona)**
- **Curecanti National Recreation Area (Colorado)**
- **Fort Bowie National Historic Site (Arizona)**
- **Glen Canyon National Recreation Area (Arizona/Utah)**
- **Grant-Kohrs National Historic Site (Montana)**



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- Hagerman Fossil Beds National Monument (Idaho)
- Hohokam Pima National Monument (Arizona)
- Joshua Tree National Park (California)
- Lassen Volcanic National Park (California)
- Lake Meade National Recreation Area (Arizona/Nevada)
- Lake Roosevelt National Recreation Area (Washington)
- Manzanar National Historic Site (California)
- Minidoka Internment National Monument (Idaho)
- Sunset Crater Volcano National Monument (Arizona)
- Wupatki National Monument (Arizona)
- Walnut Canyon National Monument (Arizona)

NPCA is also concerned that proposed energy corridors could irreparably harm other outstanding non-NPS federal lands of national ecological and historical importance. Non-NPS lands that should to the maximum extent possible be avoided include National Monuments, National Wildlife Refuges, National Conservation Areas, lands within the National Landscape Conservation System, Wilderness Areas, Wilderness Study Areas, Forest Service Roadless Areas and National Wild, Scenic, and Recreational Rivers.

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Make Mitigation A Priority

To mitigate the adverse environmental impacts associated with energy corridors, NPCA strongly recommends that the preliminary draft map and the Draft PEIS identify "Special Lands Corridors" for those designated corridors within the viewshed or within the proximity to NPS lands and other sensitive lands earlier outlined in our comments. Mitigation efforts for Special Lands Corridors should prioritize restoration and include limits on corridor widths, ground disturbance and above ground electricity transmission lines. Designated Special Lands Corridors should require that affected NPS units and other sensitive federal lands be properly consulted on the design of energy utilities in order to mitigate associated impacts. Furthermore, mitigation should be incorporated into project specific Environmental Assessments (EA) and Environmental Impact Statements (EIS) as they are developed.

We also encourage the agencies to consider using the mitigation procedures utilized in the BLM's 2005 Wind Energy Development PEIS. The Wind Energy PEIS was successful in large part because it included a broad analysis of environmental impacts, mandatory mitigation measures and provided guidelines for completing project-specific analysis. Moreover, not only did the Wind Energy PEIS exclude protected sensitive lands from wind energy and relating electricity infrastructure, it also outlined Best Management Practices (BMPs) and made them mandatory for all projects. The BMPs were composed of five stages: 1) Site Monitoring and Testing, 2) Plan of Development Preparation, 3) Construction, 4) Operation, and 5) Decommissioning. BMPs were used for each of these stages to identify and mitigate the effects of:



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- Wildlife and other ecological resources;
- Visual Resources;
- Roads and transportation;
- Noise;
- Invasive weeds and pesticide use;
- Cultural/historic resources;
- Paleontological resources;
- Hazardous materials and waste management;
- Storm water;
- Human health and Safety;
- Air Emissions; and
- Excavations and blasting activities.

Following the Wind Energy Development PEIS model would better ensure that NPS lands and other non-NPS protected lands are more carefully considered and conserved, so that careless mistakes are avoided. Additionally, mandatory BMPs would contribute to more directed and efficient planning, which could save time in the long run.

Conclusion

We firmly agree with members of Congress that the Energy Policy Act of 2005 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. Balancing conservation with the responsibility of designating energy corridors is no easy task and NPCA appreciates the agencies attempts to consolidate and site corridors along existing energy and transportation infrastructure. We will continue to stay engaged in the PEIS process to ensure that energy corridors are not established on parklands.


NPCA is also concerned that the preliminary draft maps fail to provide the clarity that such a major undertaking requires. We hope the new draft maps will be updated with the many recommendations we have provided. Additionally, NPCA would like the agencies to focus on our "Specific Energy Corridor Location Concerns" and take steps to ensure that the viewsheds and other resources of these parklands and special federal lands are not harmed. Prioritizing mitigation should play a central role towards this end.

Sincerely,

Craig Obey
Vice President for Government Affairs



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