

Corridor EIS Archives

From: corridoreiswebmaster@anl.gov
Sent: Monday, July 10, 2006 5:20 PM
To: Corridor EIS Archives
Subject: Preliminary Draft Corridor Map Comment M0115

Attachments: 06.07.10_Energy_Corridor_EIS_for_Monuments_M0115.doc



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Thank you for your comment, Jill Ozarski.

The comment tracking number that has been assigned to your comment is M0115. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: July 10, 2006 05:19:37PM CDT

Preliminary Draft Corridor Map Comment: M0115

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\06.07.10_Energy Corridor EIS for Monuments.doc

Comment Submitted:

Paper copy with attachments will be delivered via overnight mail.

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.

July 10, 2006

Delivered via electronic mail and overnight mail

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

Re: Comments on Preliminary Map of Potential Energy Corridors - Programmatic Environmental Impact Statement (PEIS)

To Whom It May Concern:

Please accept and fully consider these comments on behalf of The Wilderness Society. The Wilderness Society, founded in 1935, strives to deliver to future generations an unspoiled legacy of wild places. Our 250,000 members nationwide care deeply about the management of our public lands, and we appreciate the opportunity to submit these comments to the Department of Energy, the Bureau of Land Management, the U.S. Forest Service and their cooperating agencies.

My position at The Wilderness Society is to track and affect planning and management decisions at Bureau of Land Management (BLM) lands that are part of the National Landscape Conservation System (NLCS). In particular, we are concerned about preserving the special values of the new National Monuments across the Four Corners States. These Monuments are some of the best examples of "Where the West Stays Wild," and were established to preserve entire ecological, cultural, geological, and scenic landscapes. Therefore, these comments deal specifically with the proposed energy corridors that appear to affect the BLM National Monuments in Arizona and Utah. These lands are not the only areas where we have concerns, but these concerns will be addressed by The Wilderness Society and our partners under separate cover.

We submit these comments to express our specific concerns about the maps provided, and the values that could be harmed by designating an energy corridor near or within the borders of these National Monuments. The National Monuments managed by the BLM in Arizona and Utah include:

- Agua Fria (AZ);

- Grand Canyon-Parashant (AZ);
- Grand Staircase-Escalante (UT);
- Ironwood Forest (AZ);
- Sonoran Desert (AZ); and
- Vermilion Cliffs (AZ)

Our comments regarding these special public lands follow:

(1) Map scale and data do not provide sufficient information to adequately assess the effect on National Monuments

The scale and lack of data on the Preliminary Draft Maps of Potential Energy Corridors are inadequate for the public to accurately assess the exact location and effect area of the proposed corridors on the BLM National Monuments. While the June 2006 versions of the maps do identify major highways, there is little other locational information. We recommend that the next version of these preliminary maps include the Monument boundaries, and are at a sufficient scale to accurately assess the full width of the proposed corridors on various land ownership boundaries, including the Monument boundaries. Other comments from The Wilderness Society include a detailed list of information that should be made available on the maps. The agencies could use online tools and mapping technology to make this data available. To share an example, I am attaching a recent BLM map that covers a similar area as this study, but includes more locational information that better enables the public to adequately assess the impact of the proposed corridors on the ground (see attachment 1 on CD, Western Utility Group Priority Corridors with Land Use Plans, December 2002).

In addition, the maps should include other data layers that will help inform the public and make us better able to provide informed comment. Specifically, we recommend:

- The maps include the location of existing major infrastructure (and indicate the type and scale of the infrastructure), existing designated energy corridors, and other corridors under consideration. For example, in Arizona there are several major corridors being considered under different processes that will also likely affect the Monuments, including the Devers-Palo Verde No. 2 Transmission Line Project (Draft EIR/EIS online at <http://www.cpuc.ca.gov/environment/info/aspen/dpv2/dpv2.htm>).
- The maps include an explanation for the reason a particular corridor is being proposed, including for what purpose (e.g. transmitting electricity from a particular power plant to a particular market) and the width and type of corridor proposed (e.g. gas, electricity, etc). This information will help the public better understand the reason behind the location of the corridor, as well as the better understand any associated impacts, which will encourage more informed and helpful public comment.

(2) The special values at four of the National Monuments could be substantially affected by the Potential Energy Corridors

Based on the Preliminary Draft Maps of Potential Energy Corridors, it appears that Agua Fria, Grand Staircase-Escalante, Sonoran Desert, and Vermilion Cliffs National Monuments are affected. These four National Monuments were established by Presidential Proclamations issued between 1996 and 2001 under the Antiquities Act of 1906, which authorizes the President to designate National Monument status for areas possessing significant historical, scenic, and/or scientific values. The Proclamations for these Monuments identify the significant resources that merit National Monument status and call for their protection. Referred to as “objects of interest,” these resources include the landscapes of these areas, as well as numerous sensitive species, and many archaeological, geological, historic, cultural, and scenic attributes.

The Proclamations clearly state that the Monuments are created “for the purpose of protecting the objects identified above,” that “the national monument shall be the dominant reservation.” To accomplish this purpose, the Proclamation establishes specific management requirements, including prohibiting all off-road use of motorized and mechanized vehicles (except for emergency or administrative purposes) and withdrawing the Monument lands from mineral leasing and mining (subject to valid existing rights).

Pursuant to the legal authority granted by Congress in the Antiquities Act, the President designated these National Monuments for the explicit purpose of protecting and preserving identified historic and scientific objects. Accordingly, standard multiple-use principles do not apply to these Monuments, and any effort to adopt such a management approach to the detriment of historic values would be in violation of the Presidential Proclamation and the mandates of FLPMA. BLM must manage the Monuments for the protection and preservation of historic and scientific values, and only allow multiple-uses when those uses do not conflict with the directives of the Proclamations.

Several recent administrative and district court decisions reiterate BLM’s special legal obligation in managing national monuments, and the importance of the Presidential Proclamation’s designation of a national monument through the authority granted by the Antiquities Act. In an August 31, 2005 decision, Judge Sweitzer affirmed the decision by BLM to deny a request to graze cattle on lands acquired by the BLM and then encompassed in the area of the Monument designation. In this case, the Administrative Law Judge recognized that even though the Proclamation did not prohibit grazing, “to the extent BLM reasonably found that grazing would negatively impact objects of interest . . . , its decision to deny the grazing applications was in accordance with 43 C.F.R. 4100.0-8 [permitting grazing in land use plans].” Id. at __. This decision clearly states: “After the Monument was established, BLM’s primary responsibility was to manage the land within the Monument so that the objects of interest identified by the Proclamation were protected” (emphasis added).

Further, the ALJ concluded that [emphasis added]:

"After the Monument was established, BLM's primary responsibility was to manage the land within the Monument so that the objects of interest identified by the Proclamation were protected."

"Even though the Proclamation did not ban grazing on the Box O land, it still required BLM to protect the objects of interest, as identified in the Proclamation, which were present on the Box O land. Furthermore, nothing in the Proclamation requires grazing on Box O land. Accordingly, to the extent BLM reasonably found that grazing would negatively impact objects of interest . . . , its decision to deny the grazing applications was in accordance with 43 C.F.R. 4100.0-8 [permitting grazing in land use plans]."

"I agree with BLM that the multiple use mandate does not require every tract of public land to be managed for every possible use."

"More to the point, the issuance of the Proclamation, which was done in accordance with the Antiquities Act, means that the lands are no longer to be managed on a multiple use basis. . . Instead, the lands within the Monument are now to be managed primarily for the protection of the objects of interest identified in the Proclamation. Mr. Drehbol [Monument Manager] properly focused on the Proclamation, rather than the FLPMA multiple-use provisions, when he issued the grazing decisions."

This recognition of the important difference in priorities associated with management of Monument lands was echoed in a recent decision by the U.S. District Court for the District of Montana. In confirming the potential need to increase bonding requirement on a pre-existing pipeline in the Upper Missouri River Breaks National Monument, the court focused on the fact that the new management plan prepared for the National Monument differed from the previous plan for the resource area, because it was based on study and acknowledgment of the "unique natural values of the area." Montana Wilderness Association v. Fry, 408 F.Supp. 2d 1032 (D.Mont. 2006).

Depending on their type and scale, the proposed energy corridors could substantially impact the "objects of interest" in these Monuments, which would be in opposition to their purpose. I am enclosing copies of the four Proclamations for your review of the many special values that merited Monument designation, and that the agencies are thereby required to preserve.

In Arizona and Utah, we have specific concerns about the proposed corridors affecting the following National Monuments:

- **Grand Staircase-Escalante National Monument:** A proposed corridor appears to run along Johnson Canyon Road. This is rural road that does have some associated infrastructure, however the major utility infrastructure that could arrive with a energy corridor considered through this PEIS could substantially change the character of this backcountry route. A key phrase in the Proclamation describes the Monument as a "high, rugged, and remote region, where bold plateaus and multi-hued cliffs run for distances

that defy human perspective.” These high visual qualities (among many others) could be negatively impacted by substantial above-ground infrastructure.

- **Agua Fria National Monument:** A proposed corridor runs along I-17 and the western border of the Monument, however, it is unclear whether a portion of the corridor will overlap with the Monument boundaries. Again, substantial ground disturbance and infrastructure along these lands would be damaging to the scenic and cultural integrity of the site. This region is dense with prehistoric archaeological sites, as well as sensitive wildlife such as pronghorn. Any infrastructure should avoid disturbing these sensitive resources, as well as the cultural and scenic landscape where they exist. The proclamation describes: “the ancient ruins within the Monument, with their breathtaking vistas and spectacular petroglyphs, provide a link to the past, offering insights into the lives of the peoples who once inhabited this part of the desert southwest.” The visual intrusion of modern infrastructure would irrevocably harm this landscape, and ground disturbance could damage important cultural sites.
- **Sonoran Desert National Monument:** A proposed corridor runs along I-8 through the Monument, where I-8 currently provides a rare uninterrupted vista of the sonoran desert and its awe-inspiring saguaro forest for well over 20 miles. The infrastructure associated with a utility corridor would irreparably damage this visual experience, which the proclamation refers to as: “Individual saguaro plants are indeed magnificent, but a forest of these plants, together with the wide variety of trees, shrubs, and herbaceous plants that make up the forest community, is an impressive site to behold. The saguaro cactus forests within the monument are a national treasure, rivaling those within the Saguaro National Park.”
- **Vermilion Cliffs National Monument:** Although no proposed corridors appear to enter the Monument, there is one that runs to the north and northwest and could substantially impact the delicate ecology of this area, which is part of the greater Grand Canyon ecosystem. This corridor interrupts a critical migration route that was identified by the Arizona Game and Fish Department as critical for mule deer that migrate between southern Utah (Grand Staircase-Escalante National Monument) and northern Arizona’s Kaibab Plateau.¹ The mule deer in this region are known for their trophy size and status.

We recommend that you prepare another map with sufficient detail, and release it for a second more-informed public comment period, before moving on to design a range of alternatives.

We appreciate this opportunity to share the Wilderness Society’s concerns about how these corridors could impact the BLM National Monuments in Arizona and Utah. We recognize that long-term planning for energy transmission will conserve resources in the long run, and believe that by sharing information freely, we can ensure that this occurs while protecting the many values of our public lands. Please add me to your public notification list as this process

¹ Carrel, William K., Richard A. Ockenfels, and Raymond E. Schweinsburg. 1999. An Evaluation of Annual Migration Patterns of the Paunsaugunt Mule Deer Herd Between Utah and Arizona. *Arizona Game and Fish Department Technical Report 29*. Phoenix. 44 pages

continues, and feel free to contact me if you have any questions or require any additional information.

Sincerely,

Jill Ozarski
Colorado Plateau Monuments Coordinator

Attachments:

- (1) CD, Map of Western Utility Group Priority Corridors with Land Use Plans, December 2002
- (2) Presidential Proclamations designating:
 - Agua Fria National Monument
 - Grand Staircase-Escalante National Monument
 - Sonoran Desert National Monument
 - Vermilion Cliffs National Monument