

Public Hearing on
Energy Policy Act—Section 368
Energy Corridors in the West:
Draft Programmatic Environmental Impact Statement

Speakers who asked that their name and address or just their address be withheld from the public record have that information replaced by xxxxx's.

Elko, Nevada, February 5, 2008, 6:00 p.m.-8:00 p.m.

Brian Mills: Good afternoon. Thank you for joining us for a public hearing on the Draft Programmatic Environmental Impact Statement on Designating Energy Corridors on Federal Lands in the West. I'm Brian Mills from the Department of Energy. I'll serve as today's hearing officer.

Before we begin the formal hearing, Ken Miller, who is field and district manager here in Elko, will make a brief opening statement. But first, if you haven't signed in or let us know that you want to speak at this meeting, you can do so right now at the registration table. Handout materials are also available in the information table. Restrooms are located out the front of the room, in the hall. In the event of a fire or other alarm, please take your personal belongings with you and evacuate the building as quickly, quietly, and safely as possible.

With us today, representing the federal interagency team managing this work, are Ron Montagna from BLM, and Glen Parker from the Forest Service.

After we finish taking your comments, we'll stay around to answer any questions you might have. Now I'll turn the mike over to Ken.

Ken Miller: Good evening and welcome, and thank you for coming to give your comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Transport Corridors on Federal Lands in the West. As Brian said, I am Ken Miller, the district manager for Elko BLM, and we welcome you here this evening. In a few moments, you will hear a brief presentation about the document which the Department of Interior, Energy, and Agriculture are preparing to meet requirements in the Energy Policy Act of 2005. Currently, applications for rights-of-way to cross federal lands with pipelines or electric transmission infrastructure are considered on a case-by-case basis without much coordination between the various federal agencies whose lands are often involved in projects that transport energy across long distances.

In 2005, Congress directed federal agencies to address the situation by designating energy transport corridors, and also performing necessary reviews of the environmental impact designation. A programmatic EIS developed under the National Environmental Policy Act —NEPA—represents the environmental review. It is important to note that another round of site-specific NEPA analysis will be completed for each project proposed for locations in a designated corridor.

The Department of Energy, the Bureau of Land Management, and the U.S. Forest Service developed the corridor locations proposed in the Draft Programmatic Environmental Impact Statement using a three-step process which is detailed in the document itself, in a handout available on the information table, and which the presentation will describe here.

In essence, today's hearing represents Step Four in that process. Public comments will help the agencies further refine the locations of corridors so that important goals of the

project are met, balancing the need to improve energy delivery in the West with our responsibility to protect the many resources found on federal lands.

From the beginning, the agencies have been committed to this strategy, and your comments will be valuable in helping to ensure that it is carried through to the end of this planning effort. Representatives from the Department of Energy, from BLM, and the Forest Service are here to receive your comments. And, on behalf of all three agencies, thank you again for your interest and for your participation.

Brian Mills:

Thank you, Ken. We're here to receive your oral comments on the Draft Programmatic Environmental Impact Statement. You can also submit comments via the project website, by fax, or by mail. This hearing is being webcast and transcribed, so speakers are asked to speak clearly and distinctly into the microphone. If you're having trouble hearing a speaker in the room, please signal me. I'll advise the speaker accordingly. After everyone who wishes to comment has spoken, I'll close the hearing. So far, several people have requested to speak on this issue today. Each of you will have 10 minutes to make your presentation. When you have 30 seconds remaining, I'll notify you so you can wrap up.

This hearing is to take comments on a Draft Programmatic Environmental Impact Statement prepared in response to direction given by Congress to five federal agencies—Energy, Agriculture, Interior, Commerce, and Defense. Section 368 directs the secretaries to designate corridors for oil, gas, hydrogen pipe, and electric transmission lines on federal land in the 11 Western states; perform necessary environmental reviews; and incorporate these designations into land-use, land-management, or equivalent plans. A separate and distinct public process is expected to begin later this year to identify corridors in the other 39 states.

The statute requires that, when the secretaries designate these corridors, they must specify the corridor's centerline, width, and compatible uses. Congress also directed the secretaries to take into account the need for electric transmission facilities to improve reliability, relieve congestion, and enhance the capacity of the national grid to deliver electricity.

The Draft Programmatic Environmental Impact Statement proposes designating more than 6,000 miles of corridors; 62% would incorporate existing locally designated corridors and/or rights-of-way, 86% would be on BLM land, and 11% on Forest Service land. The Draft Programmatic Environmental Impact Statement identifies 166 proposed corridor segments in all 11 Western states. If all are included in the follow-on decisions, this would involve amending 165 land-use or equivalent plans.

Previously designated corridors are outlined in yellow on the project maps. Some of these are proposed for upgrade only. In the case of existing, previously designated utility corridors, amendments to land-use plans designating 368 corridors, which subject these corridors to the interagency coordination described in the Programmatic Environmental Impact Statement, and they would be assigned Section 368 criteria. Using these alone would not meet the requirements of Section 368, so we've identified an additional 2,300 miles of proposed corridors. Proposed corridors also vary in width. We use a 3,500-foot starting point to provide flexibility for siting multiple rights-of-way.

An energy corridor is defined as a parcel of land identified through a land-use planning process as a preferred location for existing and future utility rights-of-way, and that is suitable to accommodate one or more rights-of-way which are similar, identical or compatible.

Corridor designation assists in minimizing adverse impact and the proliferation of separate rights-of-way. A right-of-way is a specific land use authorization, not a change in ownership, granted to allow construction and operation of a specific project that's often linear in character, such as a utility line or roadway.

Rights-of-way permits include requirements for compatible land uses, and are not granted until a project applicant has complied with all relevant requirements including appropriate environmental review.

In November 2007, we published the Draft Programmatic Environmental Impact Statement. Comments are due February 14. We will analyze and respond to comments, and complete the task necessary to prepare a Final Programmatic Environmental Impact Statement. We expect to have that ready sometime in mid-2008. The land management agencies will be able to assign Records of Decision to designate corridors through amendments to land-use plans no sooner than 30 days after the Final Programmatic Environmental Impact Statement is issued.

The Draft Programmatic Environmental Impact Statement analyzed two alternatives—taking No Action and a Proposed Action. Choosing to adopt the No Action alternative would result in continuing ad hoc, uncoordinated development as is done now. The proposed action is the result of a three-step corridor siting process described in detail in Chapter Two in the draft. The first step was to incorporate comments provided by the public during scoping and after the draft map was released in 2006. Then the agencies worked closely with local federal land managers to accommodate local land-use priorities, incorporate local knowledge of areas, and avoid areas known to be incompatible with energy corridors. A handout summarizing the process for determining where the proposed corridors would be located is on the information table. And examples of specific corridors are also available on the project website.

We believe that the analysis of these alternatives meets the National Environmental Policy Act's requirement for a hard look. Because the proposed action does not involve any site-specific ground disturbing activities, site-specific NEPA review will be required to support all proposed projects in the 368-designated corridor.

And, today, we don't know when and where any projects will be proposed by applicants seeking to site pipe and/or transmission lines. As a result of this uncertainty, the environmental effects described in Chapter Three of the Draft Programmatic Environmental Impact Statement are necessarily more general than a site-specific analysis for a known project would be.

Comments will be most useful if they are specific, include suggested changes or methodologies, provide a rationale for your suggestions, and refer to the specific section or page number of the Draft Programmatic Environmental Impact Statement. Finally, we encourage you to submit comments via the project website. It's easy for you, it speeds our ability to get comments into the database for analysis and up on our website for public review, and it doesn't require stamps or envelopes.

I will call speakers in the order in which you have registered. Please step up to the microphone and clearly state your name and organization, if you're representing one, before making your comments. Please limit your oral comments to 10 minutes so that everyone who wants to speak today may have a chance to be heard. I will advise you when you have 30 seconds left so you can wrap up. We will repeat this process until everyone who's registered to speak has had a chance to provide comments. I'll then ask if

anyone else wishes to speak. After those people have had a change to speak up, we'll close the hearing and remind you of when comments are due and how to submit them.

If you're speaking from a prepared statement, please also leave us a copy at the registration desk. While agency representatives won't be answering questions during the hearing, we'll stay afterward to discuss the Draft Programmatic Environmental Impact Statement with you. If needed, we'll take a 15-minute break midway through our scheduled time. If there are no questions on the process we will use today, we will now begin taking your comments.

Our first speaker is Craig Smay, followed by William Davis.

Craig Smay:

My comments will be fairly brief and more in the nature of a question—

My name is Craig Smay. I am an attorney from Salt Lake City. My interest is rather general but to [inaudible] be specific to a property in San Diego County in California. I'm getting a little bit better educated about the process in the last little while. And, perhaps, my question is simply a matter of not being sufficiently informed. But the question arises for me, whether if you're going to perform subsequent EISs with respect to specific projects, what effect that has on implementing the corridor designations. For example, the law seems to say that those who wish to put a project into one of those corridors acquires the federal eminent domain card. Does the need to conduct a further EIS delay the implementation of that power? Or are you going to have the people simply going ahead while performing an EIS procedure is carried out? Further, would the federal acquisition policy act apply to exercises of the federal combination of power in those circumstances? That, if working backwards, raises the question of what the effect of approving the programmatic EIS is. Does it simply designate corridors, and then a new process begins by which you implement those as separate projects, or does it have some other more global kind of impact?

Brian Mills:

William Davis, followed by xxxxx.

William Davis:

My name is William Davis. Good evening. I don't do this very often, so please bear with me. We have a parcel of nine acres in San Diego County, about 30 miles from the coast, just inside the Cleveland National Forest and the corner of private land. It includes a valley and a couple of hills, and there's probably 20 parcels in the area. There's cul-de-sacs at the end of the road, and goes into the forest from there. We have a 69kV line that runs through the property. We have the federal corridor—the 368 corridor—following that 368 corridor. The Cleveland National Forest has 13 places—areas. About 400,000 square acres—about 400,000 acres and one is about 33,000 acres. Part of the Cleveland is also in Los Angeles County. Half of it is in San Diego County, roughly, six places that are in San Diego County. Pine Creek place is ours, and it has the only wilderness in the Cleveland in San Diego County. Remote, it's rural. Two-thirds of the 33,000 acres, about 23,000 acres, are wilderness or proposed wilderness. We've got some endangered species there—Quino Checkerspot Butterfly. There's a bald eagle nest. There's a golden eagle nest in the area. There are—it's considered backcountry motorized-use restricted. There's gates at the end of the road that go into the forest that only the firefighters and the forest rangers have. Vehicles scare animals and peacefulness. Roads will bring people into the drive-off roads. The wildfires—I don't know if they've been looked at. Sometimes they look at incidence of the wildfires instead of total acres burned. When we have what they call the Santa Ana, where the desert winds come in and it gets low, about 10%, humidity. And we had a fire that destroyed the lands in October of last year and it took out all the trees and tractors and lawn mowers and four outbuildings. So you might have one incident that would take 60,000 acres. So I'd like to take a look into, not only the

frequency of the fires but the amount of acreage that is consumed. It's a seasonal priority assistance. The line that we have going through is called Sunrise PowerLink from San Diego Gas and Electric.

Also, there's another section of Interstate 8 that has been graded. It's smooth, and I'm wondering, do they have plans to go along I-8, or has it been superseded prioritize wise, has it been it's been downgraded? I wonder, wouldn't that be a better place to put the lines along the interstate for easy access and maintenance, for firefighting and construction?

Some of the people in the area have noticed Indian artifacts, materials with the little grinding holes have been reported; I've been trying to get some of the people to report them just to save some of the land.

And, lastly, I noticed one thing I want to share. By the way, this electric line is the 115-238 that runs along the bottom of Southern California. And I notice that—I don't know if this is all right to do but I'm going to pull out this map real quick. This is Southern California—the red line is the border of California at the bottom. The yellow line that goes around here is [inaudible] and the sea level is 220 feet. There is a gap here about 12 miles of our border with Mexico that is below sea level [inaudible] the Sea of Cortez coming to the bottom of the United States. This is Mexico, this is [inaudible] the border. There's a four-mile distance between where the sea level of the United States [inaudible] then it goes into marshland and the Sea of Cortez. To my way of thinking, with global warming, we might want to think twice about running 115-238 along the bottom of the border here. It's only electric line and pipeline, and it could flood.

Brian Mills:

Thank you xxxxx followed by Jeff White.

xxxxx:

My name is xxxxx, and I'm representing Vulcan Power Company out of xxxxx, Oregon. I have some background in routing and permitting of transmission lines. Thank you for the opportunity to make a few brief comments. As pointed out in the draft preliminary EIS, corridor designation will be accomplished by amendments to existing land use plans. These amendments will involve another round of public participation, according to individual agency procedures, resulting in a time consuming process that would delay corridor designation. With reference to corridors involving any number of different agencies' field offices, the question is: How will right-of-way applications in proposed corridors be processed prior to the corridor's designation?

The second point—question: Section ES 12.2.1.2-2 referred to efforts that reduce conflict, to the extent possible, by adjusting corridor locations. Notwithstanding this process, numerous conflicts remain, for example, wilderness or wilderness study areas. Should we assume these types of conflict will be resolved mainly through an act of Congress, since many of the conflicts arose through Congressional legislation?

And, third, with all due respect, dialogue that I've had with agency personnel gives me the impression that, in a number of cases, minimal participation by key field personnel occurred in preparation of this draft. Obviously, other pressing works negated involvement of staff. It is recommended that appropriate involvement of major players at the field level be accomplished as this very important project moves forward.

Brian Mills:

Jeff White.

Jeff White:

Good evening. My name is Jeff White. I represent the Newmont Mining Corporation, North American operations. Newmont applauds the effort for coordination of a

nationwide energy transmission corridor system. However, we ask that the agencies, in proceeding with development of the Final EIS, ensure that existing mineral-related land rights are considered, and conflicts appropriately resolved in consideration with existing law. Notably this should be addressed in the affected environment section of the document, and environmental effects.

In relation to completion of the environmental document and the process, we also ask that such action not impede local agency staff activities on pending environmental analyses permitting access.

Thank you very much.

Brian Mills: Thank you. Would anyone else like to speak?

If there are no other speakers, I am now going to close the hearing. If anyone would like to speak before our scheduled time is up, I will reopen the hearing.

Thank you for joining us today to provide oral comments on the Draft Programmatic Environmental Impact Statement Proposed to Designate Energy Corridors on Federal Lands in the West. Comments on the Draft Programmatic Environmental Impact Statement are due February 14, and may be submitted online via the project website, by mail, or by fax.

All comments received by February 14 will be considered in preparing the final programmatic environmental impact statement. Comments submitted after February 14 will be considered to the degree possible.

Again, thank you.

Brian Mills: We'll reopen the hearing. The hearing is reopened.

William Davis: My name is William Davis, and the corridor, that 115-238, is a 1,000-foot wide corridor that has electric only in it. So, if it's 1,000 foot wide and the centerline is 500 feet, if there's a 500-kV line that would go in there that has, let's say, a right-of-way of 300 feet, would the centerline of the 300 foot right-of-way go in the centerline of the 1,000 foot right-of-way? Thank you.

Brian Mills: Thank you. Would anyone else like to speak? This hearing is closed unless anyone else would like to speak.

WWEC
FEB 5, 2008

DRAFT PPTS

COMMENTS
BLM MTG. ELKO

(1)

Elko, NV
WEC_NVE02

602-070-08-00
SAN DIEGO COUNTY, CA
BILL DAVIS

- NO ROADS IN THE CLEVELAND NATIONAL FOREST
 - ROADS BRING PEOPLE WHO DRIVE OFF-ROAD
 - VEHICLES SCARE ANIMALS & PEACEFULNESS
 - "BACK COUNTRY MOTORIZED USE RESTRICTED" IN PINE CREEK PLACE OF THE CN.F.
-

WILD FIRES

- 1970 FIRE, LARGE AREA BURNED
 - 69KV = TOP POWER LINE BURNED UP - LIGHTNING
 - CINNAMON/SPICE FIRE 2006
 - HARRIS FIRE - OCT 2007 (PROPERTY BURNED)
-

ROUTE I-8 SUNRISE POWERLINE PRIORITIZATION

- INTERSTATE 8 FREEWAY
- GRADED, SMOOTHED OUT HILLS
- EASY ACCESS
 - MAINTENANCE
 - FIRE FIGHTING
 - CONSTRUCTION

WWPC

BLM MTR

ELKO

(2)

Elko, NV
WEC NVE02
607-570-0800

BILL DAVIS

FEB 5, 2008

ENDANGERED SPECIES HABITAT

- QUINN CHECKER JAT BUTTERFLY
- BALD EAGLE
- GOLDEN EAGLE

AMERICAN INDIAN ARTIFACTS

MOTBARS - "MORTAR" HOLES IN THE ROCKS

BELOW SEA LEVEL

SALTON SEA - 220'

MOUTH OF CENTRAL, IMPERIAL COUNTY
WHERE IIS-738 CROSSES SOUTHERN CALIF.
IS BELOW SEA LEVEL

12 MILES OR THE U.S. BORDER
IS BELOW SEA LEVEL

William E Davis

FEB 5, 2005

SUBMITTED BY VULCAN POWER CO.

1. As pointed out in the Draft PEIS, Corridor Designation will be accomplished by Amendments to existing Land Use Plans. These amendments will involve another round of public participation according to individual agency procedures, resulting in a time-consuming process that would delay corridor designation. With reference to corridors involving any number of different agency field offices, how will ROW applications in proposed corridors be processed prior to designation?
2. Section ES.12.2.1.2 Step 2 referred to efforts that reduced conflicts to the extent possible by adjusting corridor locations. Notwithstanding this process, numerous conflicts remained (e.g. Wilderness or Wilderness Study Areas). Should we assume these types of conflicts will be resolved mainly through an act of Congress, since many of the conflicts arose through Congressional legislation?
3. With all due respect, dialogue with agency personnel gives one the impression that, in a number of cases, minimal participation by key field personnel occurred in the preparation of the Draft EIS. Obviously, other pressing work negated involvement by staff. It is recommended that appropriate involvement of major players at the field level be accomplished as this very important project moves forward.

Thank you for the opportunity to comment.

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