APPENDIX B:

SUMMARY OF PUBLIC SCOPING COMMENTS FOR THE PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, DESIGNATION OF ENERGY CORRIDORS ON FEDERAL LAND IN THE 11 WESTERN STATES (DOE/FS-0386)

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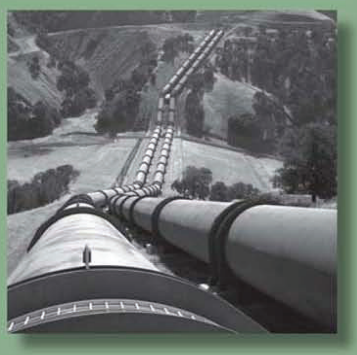

February 2006

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

Final Report

Lead Agencies

U.S. Department of Energy

U.S. Department of the Interior, Bureau of Land Management

Cooperating Agencies

U.S. Department of Agriculture, Forest Service

U.S. Department of Defense

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Final Report

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FOR THE PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT,
DESIGNATION OF ENERGY CORRIDORS ON FEDERAL LAND
***IN THE 11 WESTERN STATES* (DOE/FS-0386)**

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NOTATION

BLM	Bureau of Land Management
BMP	best management practice
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
EIS	environmental impact statement
EMF	electric and magnetic fields or electromagnetic fields
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPS	National Park Service
ORV	off-road vehicle
PEIS	programmatic environmental impact statement
ROD	record of decision
ROW	right-of-way
USFS	U.S. Forest Service

SUMMARY OF PUBLIC SCOPING COMMENTS FOR THE PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, *DESIGNATION OF ENERGY CORRIDORS ON FEDERAL LAND IN THE 11 WESTERN STATES* (DOE/EIS-0386)

1 INTRODUCTION AND BACKGROUND

Section 368 of the Energy Policy Act of 2005 (the Act), Public Law 109-58 (H.R. 6), enacted August 8, 2005, directs the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior (the Agencies), under their respective authorities, to designate corridors on federal land in 11 Western states (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming) for oil, gas, and hydrogen pipelines and electricity transmission and distribution infrastructure (energy corridors).

The Agencies have determined that designating energy corridors as required by Section 368 of the Act constitutes a major federal action that may have a significant impact on the environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA). Thus the Agencies are preparing a programmatic environmental impact statement (PEIS). Entitled *Designation of Energy Corridors on Federal Land in the 11 Western States* (DOE/EIS-0386), this PEIS will address the potential environmental impacts from the proposed action and the range of reasonable alternatives. The U.S. Department of Energy (DOE) and the U.S. Department of the Interior's Bureau of Land Management (BLM) are co-lead agencies for this effort, with the U.S. Department of Agriculture's Forest Service (USFS) and the U.S. Department of Defense (DOD) participating as cooperating agencies.

For purposes of preparing the PEIS, an energy corridor is defined as a parcel of land (often linear in character) that has been identified as being a preferred location for existing and/or future utility rights-of-way (ROWs)[1] and that is suitable for accommodating one or more ROWs that are similar, identical, or compatible. Energy corridors may accommodate multiple

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[1] Section 503 of the Federal Land Policy and Management Act (FLPMA) specifically states, "Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection **without further review**" (emphasis added). Existing ROWs that have not been designated corridors can be designated as such outside the scope of the PEIS. For example, see the Tucson Electric Power Company (TEP) Sahuarita-Nogales Transmission Line EIS (DOE/EIS-0336). Prior to completion of the EIS, the USFS designated an existing pipeline ROW that had not been previously identified as a corridor as such, and it cited this section of the FLPMA.

pipelines (such as those for oil, gas, or hydrogen), electricity transmission lines, and related infrastructure (such as access and maintenance roads, compressors, pumping stations, and other structures).

The PEIS will evaluate alternative energy corridor designations on federal lands in the 11 Western states, as well as a no action alternative under which no new energy corridors would be designated. The Agencies issuing the PEIS would, as applicable, amend their respective land use plans by designating a series of energy corridors effective upon the signing of the records of decision (RODs).

A notice of intent (NOI) to prepare the PEIS, amend relevant agency land use plans, and conduct public scoping meetings, as well as a notice of floodplain and wetlands involvement, was published in the *Federal Register* on September 28, 2005 (70 FR 56647). The Agencies advertised the opportunity for the public to become involved through a "scoping" process, in which interested parties can comment on the scope and content of the PEIS. The Agencies conducted scoping for the PEIS from September 28 to November 28, 2005. During that period, the Agencies invited the public and interested parties to provide comments for them to consider in establishing the scope and content of the PEIS. This report presents a summary of the comments that were received during the scoping period for consideration in preparing the draft PEIS. It does not present each individual comment received, nor does it present responses to the comments, conclusions, or decisions related to the content of the scoping comments.

2 SCOPING PROCESS

2.1 APPROACH

The NOI identified four methods by which the public could submit comments or suggestions to the Agencies on the proposal to designate energy corridors:

- Public scoping meetings,
- Traditional mail delivery,

- Facsimile transmission (fax), and
- Telephone.

The NOI also identified the cities in which public scoping meetings were to be held. They were held in 11 cities (one in each of the 11 potentially affected states). At each meeting location, two meetings were scheduled on the same day: one from 2:00 to 5:00 p.m., and the other from 7:00 to 9:00 p.m. The public could also provide comments or suggestions on the scope of the PEIS by using the project Web site (http://corridoreis.anl.gov/) to complete and submit a scoping comment form. The Agencies provided multiple ways to communicate about issues and submit comments in order to encourage maximum participation. All comments, regardless of how they were submitted, will receive equal consideration in the preparation of the draft PEIS.

2.2 SCOPING PARTICIPATION

A total of about 220 individuals and organizations provided comments on the scope of the PEIS. Nearly 150 organizations provided comment documents,[2] which accounted for about 80% of the all comment documents received during scoping (industry [48%]; local, state, and federal government agencies [18%]; environmental groups [8%]; and Native Americans [5%]). Individuals accounted for the other 20% of the comment documents. Comments originated from 17 states and Washington, D.C. Only 1% of the comment documents were from states outside the 11-state study area. The number of comment documents from individual states in the study area ranged from 8 (New Mexico) to 29 (California). Arizona had 23, Colorado and Utah each had 22. The number of comment documents from states not in the study area ranged from 1 (Ohio) to 7 (Texas).

Nearly 50% of the commentors used the West-wide Energy Corridor Information Center public Web site (http://corridoreis.anl.gov/) to submit comments, and 17% of these commentors also submitted their comments by using one or more of the other methods available (such as traditional mail). Since the Web site accepted only one file at a time, several commentors had to

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[2] A comment document is a written document, an email submission, or an oral presentation given during a scoping meeting that provided comments on the scope and content of the PEIS. A single comment document may contain one or more individual comments on one or more issues. In some instances, members of organizations who spoke at the public meetings also submitted written comments at the meeting and then later submitted the same written comments via regular mail and/or the project Web site (http://corridoreis.anl.gov/).

make multiple Web submittals to accommodate attachments (usually maps or figures). Submittal of comments solely via testimony at the public meetings accounted for about 30% of the comment documents received during the scoping period; an additional 13% of the commentors who testified at the meetings also submitted comment documents via one or more of the other methods available. Comment documents submitted by mail or fax accounted for about 20% of the submittals.

2.3 PUBLIC SCOPING MEETINGS

A total of 538 attendees registered for the meetings; of those, 75 provided oral comments. Of the attendees, approximately 43% were affiliated with private industry or industry associations; 36% were elected officials (or their representatives) or affiliated with federal, state, or local government; 3% were affiliated with Native American Tribes or Tribal associations; 3% were affiliated with environmental organizations; 6% were affiliated with various other organizations; and approximately 9% reported no organizational affiliation. The dates and locations of the meetings, number of registered attendees with an organizational affiliation, and number of commentors speaking at the public scoping meetings are summarized in Table 1.

3 SUMMARY OF SCOPING COMMENTS

The following text summarizes the categories of issues presented in the comments received during the scoping period. The summary does not evaluate the comments, nor does it determine or indicate which comments are viewed as being within or outside the scope of the PEIS. Inclusion of an issue is for the record only and does not imply that the comment will be addressed in the Draft PEIS. The wording is intended to categorize and summarize the substance of the comments, not reproduce the exact wording of individual comments. Individual comments may be viewed in their entirety on the West-Wide Energy Corridor EIS Information Center Web site at http://corridoreis.anl.gov/. There is a wide range of interest in and opinions about the West-wide Energy Corridor PEIS, and the comments summarized in each category illustrate the varied and, at times, contradictory issues, concerns, and desired future conditions expressed by individuals, organizations, industry, and public agencies.

TABLE 1 Scoping Meeting Summary Statistics[a]

Attendee Affiliation	Meeting Location and Date in 2005											
	Denver, CO Oct. 25	Albuquerque, NM Oct. 26	Salt Lake City, UT Oct. 26	Cheyenne, WY Oct. 27	Helena, MT Oct. 27	Boise, ID Nov. 1	Sacramento, CA Nov. 1	Las Vegas, NV Nov. 2	Portland, OR Nov. 2	Phoenix, AZ Nov. 3	Seattle, WA Nov. 3	Total no. of Registered attendees
Government	15	16	10	37	24	16	28	9	17	18	6	196
Industry	25	24	25	24	20	9	20	30	16	35	4	232
Environmental	2	0	2	1	1	2	2	4	1	0	0	15
Tribal	2	0	6	0	1	0	0	0	0	6	2	17
Other	6	2	5	2	2	3	0	4	2	3	2	31
Individual/none	4	3	13	7	3	1	1	1	1	12	1	47
Total no. of registered attendees	54	45	61	71	51	31	51	48	37	74	15	538
No. of attendees providing comments	10	5	9	4	8	4	8	10	6	9	2	75

[a] For each date, attendance figures represent the combined attendance of the two meetings held on that date.

PEIS Alternatives/General Corridor Alternatives: Comments that both supported and opposed corridor development in the Western states were received. Some commentors expressed support for the optimization criteria alternative, while others felt that the no action alternative was inappropriate because the Energy Policy Act of 2005 directs the Agencies to designate corridors on federal land in the 11 Western states. Some commentors proposed additional alternatives or modifications to the alternatives identified in the NOI; these included "environmentally protective" alternatives (such as increasing energy efficiency and/or conservation), an alternative that would consolidate existing corridors and ROWs, and an alternative that would limit new corridors to areas adjacent to federal highways and major state and municipal roads. There were also comments stating that the increased utilization alternative would be insufficient to meet the energy industry's needs, while others suggested consolidating existing corridors in favor of development.

Commentors discussed corridor selection but did not specify locations for possible corridors. Some commentors requested that new federal corridors be designated on DOD and National Park Service (NPS) lands, Tribal lands, and public lands. Some commentors requested that corridors be designated to support multiple energy transmission systems. Some commentors asked that corridor selection take into account energy delivery from Mexico and Canada, while others requested that renewable energy transmission be considered or given preference during corridor selection. Some commentors called for the exclusion of certain types of lands, such as Wilderness Areas and Wild and Scenic Rivers, from energy corridors. Others stated that current infrastructure ROWs, such as those associated with existing transmission lines, highways, and railroads, should be used to site corridors. Some commentors suggested that before new corridors are designated, energy transmission in all existing corridors and ROWs first be upgraded.

Commentors pointed out the need for new corridors to be located near existing roads to allow access for construction and maintenance equipment, and some requested that preference be given to potential corridors that include a renewable energy portfolio. Commentors also specified that the corridors be selected to address energy delivery congestion points and that the designation of corridors be consistent and coordinated with the Energy Policy Act's Section 1221 congestion study that is currently underway (see www.electricity.doe.gov/1221).

Specific Corridor Siting Suggestions: Commentors provided geographic suggestions regarding corridor siting; some identified specific existing or proposed corridors or ROWs and called for their designation as federal energy corridors. Many of these comments included maps

showing the exact locations of the existing or proposed corridors and ROWs. Some commentors requested that all current corridors and ROWs be designated as corridors.

Land Use Issues: A number of concerns related to land use were raised by commentors. Some commentors stated that the siting of corridors must consider land use and planning on private lands. Commentors expressed concern that the designation of corridors on federal lands would affect private land use and place a burden on local land use planning. Some commentors requested that corridors be located on both federal and private lands and adhere to local land use plans. Concern was also raised that the designation of corridors on federal lands would lead to eminent domain seizures of private lands located between corridor segments. Several commentors requested that the PEIS identify compatible and incompatible land uses within the new corridors, specify land use restrictions for the corridors, and require enforcement of those restrictions.

Corridor Design Specifications: Some comments were related to engineering, reliability, safety, and security aspects of corridors. Concerns were raised with regard to multiuse corridors — specifically, on the risk of placing too many facilities in a common corridor and of the potential for placing incompatible transmission systems within a common corridor. Suggested corridor widths ranged from 200 feet to more than 5 miles for electric transmission corridors, 60 feet to 2 miles for oil and gas pipelines, and 1 to 5 miles for combined corridors. Some commentors did not specify corridor widths but did suggest that the designated corridors be wide enough to accommodate multiple projects. Commentors were concerned that the designated corridors would not be wide enough to accommodate multiple energy transmission systems. Some commentors requested that during corridor design and location decisions, advances in energy transmission technology be considered. Others requested that the PEIS specify ROW vegetation management procedures.

General Environmental Impacts: Commentors expressed concern that new or expanded corridor development would result in a variety of environmental impacts and requested that analyses be conducted to identify potential impacts. Concerns included impacts to fish and wildlife; impacts to areas of high biological importance, such as sage brush habitat and wetlands; habitat fragmentation; the introduction of noxious weeds; reductions in air quality; visual impacts; and impacts to recreation. Some commentors expressed concerns that new corridors would result in increased off-road vehicle (ORV) access to, and activity in, previously inaccessible areas, which would adversely affect the environment in these areas. Some commentors recommended that the PEIS include pipeline spill analyses.

Some commentors recommended that the PEIS evaluate environmental impacts from existing and future generating facilities that would use the energy corridors. Some commentors were concerned about the safety and health effects of energy transmission corridors, including effects related to electric and magnetic fields (EMFs), interference with aviation, and pipeline leaks. Some commentors recommended that the PEIS consider the effects of corridor development on archeological, historical, cultural, and paleontological resources.

Some commentors requested that the PEIS evaluate cumulative impacts and the impacts that new energy corridors (and any increases in energy production that might result from the new corridors) might have on climate change. Commentors also requested that the PEIS evaluate potential impacts not only within the corridor but also in other federal lands (such as NPS) and nonfederal lands (state and private) adjacent to any proposed corridors.

Socioeconomic Issues: Some commentors requested the PEIS to consider the economic aspects of energy transmission that are associated with consumer costs and benefits. Commentors also recommended that the PEIS include economic analyses of the land's economic value (both use and nonuse values) to wildlife and wildlife habitats and of how these values could be impacted by new corridors. Some commentors recommended that IMPLAN, a software package and database for estimating local economic impacts, not be used for the socioeconomic impact analyses because they felt that it does not adequately address regional growth or consider the role of retirement and investments in local economies. Commentors also expressed environmental justice concerns that minority or low-income populations could be disproportionately impacted as a result of corridor siting and subsequent energy development.

Time Frame of Analyses/Planning Horizons: Some commentors stated that the scope of the PEIS needs to be long term and the PEIS needs to be flexible enough to allow for future energy needs, including energy delivery. Comments suggested planning horizons ranging from 5 to 50 years for the PEIS. Some commentors raised concerns about how the PEIS will address energy projects that either now, or in the future, may occur outside the designated corridors, while others expressed concern that the PEIS would not allow transmission projects to deviate from a designated corridor.

Mitigation of Environmental Impacts: Some commentors asked that the PEIS identify specific mitigation measures (e.g., habitat restoration following land disturbance, the establishment of wildlife crossings) and best management practices (BMPs) to be followed by future energy transmission projects using designated corridors.

Scoping and Public Participation: Several commentors expressed concern that the public was not adequately notified about the PEIS, its public comment period, and the scoping meetings. Some commentors requested that the scoping period be extended, while others asked that additional meetings and/or workshops be held to further explain the PEIS process and the scope of the particular project and to identify the corridors that will be evaluated in the PEIS. Some commentors felt that there were not enough details provided in the NOI on which to comment.

Stakeholder Coordination and Consultation/Tribal Considerations: Numerous commentors stated that during the development of new energy corridors, there must be continuous coordination and consultation with other federal, state, and local governments and agencies; industry groups; private landowners; and other stakeholders. Commentors called for Tribal governments to be consulted throughout the corridor selection process and expressed concern that the designated corridors could impact Native American religious sites, practices, or hunting activities.

Streamlining of the NEPA Review, Regulatory Compliance, and Permitting: Many commentors called for the PEIS to identify a streamlined approach to be used for conducting NEPA assessments (and other regulatory evaluations such as a biological assessment for the Endangered Species Act) and for granting permits for using the designated corridors. Commentors also requested that permits for energy transmission projects require compliance with existing federal and state laws and regulations. Some commentors requested that the PEIS address permit transfers in the event of federal land sales or land swaps. Some commentors stated that the PEIS should be robust enough to allow NEPA analyses for individual projects within the designated corridors to "tier off" the PEIS,[3] and that only environmental assessments and not additional environmental impact statements (EISs) be done for future energy transmission projects. Other commentors, however, supported further detailed assessments of proposed energy projects and requested that each future transmission project proposed for a designated corridor require an EIS. One commentor called for a separate EIS to be conducted for each 10-mile stretch of each proposed corridor, and for site-specific EISs to be done prior to the designation and approval of any corridor. Some commentors requested that the PEIS identify categorical exclusions for activities such as ROW maintenance and pipeline construction, while other commentors requested that no such categorical exclusions be included.

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3 "Tiering" refers to the incorporation, by reference, of the general discussions found in broad EISs in site-specific environmental analyses, thereby allowing the site-specific analyses to concentrate solely on site-specific issues.

Corridor Review, Refinement, and Revision following Corridor Designation: Some commentors called for the PEIS to (1) require periodic NEPA review of the designated corridors to allow for changes that might be needed in response to the use of different transmission technologies and changes in energy demands and (2) specify procedures for conducting such reviews.

Other Issues: Commentors expressed concerns that the data used to evaluate the alternatives be the best available. Some commentors called for geographic information systems to be used in the PEIS analyses. Commentors asked whether the designation of federal corridors would require the relocation of existing facilities, and whether corridor designation would require upgrades of existing generation and transmission systems. One commentor suggested that electrical transmission lines be buried, and another requested that the PEIS specify unconditional access by utilities to the Federal Pipeline and Hazardous Materials Safety Administration's National Pipeline Mapping System electronic database (http://ops.dot.gov). One commentor questioned how expanded local power generation would be factored into corridor designation. Another asked that the PEIS require users of designated corridors to pay annual fees to private landholders whose property falls within those corridors. Another expressed concern that the proposed action is another example of the loss of state and personal rights to the federal government. Some commentors also requested that discussions be conducted with Mexico and Canada to specify border locations for the transboundary delivery of energy.

4 FURTHER PUBLIC INVOLVEMENT

Additional opportunities for public involvement will be provided during the preparation of the West-wide Energy Corridor Draft PEIS. The next public comment period, which will be at least 45 days in length and include several public hearings, will begin upon publication of the Draft PEIS, anticipated for the autumn of 2006.

The Agencies appreciate the participation and comments by the public and by organizations during the scoping process and welcome their continued participation at the next stage in the PEIS process. Please continue to access the project Web site (http://corridoreis.anl.gov/) for upcoming details regarding the PEIS and future opportunities for additional public participation. Interested parties may subscribe on the Web site to receive updates on the PEIS process.