

WEC_00206



United States Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4169



JAN 25 2008

Memorandum

To: Mr. Donald Sutherland,
Division of Environmental and Cultural Resources Management
Bureau of Indian Affairs, 2051 Mercator Drive, Reston, Virginia 20191

From: Stanley Speaks, Regional Director

Subject: Westwide Energy Corridor Draft Programmatic Environmental Impact Statement

Thank you for the opportunity to comment on the above listed subject matter.

The Bureau of Indian Affairs, Northwest Regional Office (BIA), service area includes forty-five (45) federally recognized Indian tribes located in Washington, Oregon, Idaho, Montana, and Alaska. The proposed Project area has a significant amount of environmentally and culturally sensitive sites, including lifeway material harvest sites, religious sites, fishing sites, sacred sites, and burial sites.

The Westwide Energy Corridor Draft Programmatic Environmental Impact Statement (PEIS) proposes to designate more than 6,000 miles of energy transport corridors across the West for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities. The centerlines of these corridors have not been identified nor the specific routes across tribal lands. As tribal trust and cultural resources could be adversely impacted by the subsequent construction activities in the proposed corridor designations, a programmatic Environmental Impact Statement (PEIS) without defined boundaries does not provide for or allow for adequate environmental review or lead to protection of trust assets and cultural resources. Lack of defined Project boundaries also limits identification of direct and indirect impacts and development of appropriate mitigation measures. Further, the lack of a specific project center line across tribal lands prevents meaningful government-to-government consultation.

After consulting with various Northwest tribal governments, they have indicated they favor expressly excluding all reservation lands (Indian lands) from the PEIS. The tribal governments in our service area and the BIA propose that separate Environmental Impact Statements (EISs) be prepared for the parts of the Energy Corridors that will cross Indian land. Specific EISs would allow for better implementation of the Secretary, Department of Interior, trust obligation to federally recognized Indian tribes. Further, the EIS process could be utilized to steer the energy corridors toward areas of fewer adverse impacts on tribal trust resources.

206-001

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The Socio-Economic impacts section needs more substance.	206-002
Concerning land use impacts, there is no discussion of what kind of growth impacts might result from increased energy along these corridors.	206-003
Does the No Action Alternative meet the requirements of the Energy Act? If not, it is not a viable alternative.	206-004
The PEIS state that the Interagency Operating Practices (IOP) may be required in the project specific approvals and implementation. The wording should be changed to reflect the IOP shall be required.	206-005
The Environmental Protection Agency (EPA) Stormwater construction permits and Stormwater Pollution Prevention Plans need to be included in the IOPs. Is the EPA on the interagency group putting the PEIS together? If not, they should be a participant.	206-006
Concerning hazardous water spills within tribal aboriginal territories, all impacted tribes should be included in the immediate notification process as a distinct and separate entity from the local, state, and county governments and agencies.	206-007
Direct and Indirect impacts need additional improvement, including acknowledgement and quantification for comparison of alternatives.	206-008
The summary table of the comparison of the consequences of each alternative should include all the cumulative impacts and the unavoidable adverse impacts statements which are included elsewhere in the document.	206-009
There needs to be realistic adverse impact data concerning stream crossings and the cumulative impacts associated with these proposed actions. As the majority of stream crossings would require some in water work and have sediment related issues (water quality), the stream crossings may have a significant adverse impact to trust assets. More data is needed on this matter and early development of appropriate mitigation efforts made.	206-010
Given the highly sensitive and diverse environmental issues involved with this large proposed project, a 20-year timeframe for cumulative impacts needs to be expanded to 50-years. 20-years are not sufficient to determine full development of adverse impacts from development of energy corridors.	206-011
The construction and ground disturbing activities associated with development of Energy Corridors within Washington, Oregon, Idaho, and Montana, will impact both tribal trust assets and cultural resources, and require development of mitigation measures. Mitigation can be addressed on a project by project basis. Consultation with tribal governments will need to include the BIA.	206-012

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Concerning the Cultural Resources Section, the following issues were noted as absent:

- | | | |
|--|--|----------|
| 1. | You discuss the State Historic Preservation Officer (SHPO) as one of the primary sources of information. Your project, however, crosses a number of Indian Reservations. Many of these have a Tribal Historic Preservation Officer (THPO) who is equivalent to the SHPO. These THPO officers should be contacted and listed. There is no mention that they have been consulted in this process. In the Interagency Operating Practices (IOP), it should be stated that the Tribes shall be consulted with before, during, and after specific projects are planned and implemented. Tribes, including THPO efforts, should be compensated for their time in the planning process for each project, as well as to monitor excavation of Tribally-identified sensitive areas within their reservations and aboriginal territories. Tribes should be recognized as having authority to approve or deny Cultural Resource Management Plans (CRMP) for each project within their specific aboriginal territories as well as on their respective Reservation. | 206-0013 |
| 2. | The BIA has a Trustee role on Indian lands, especially in the issuance of Archaeological Resource Protection Act (ARPA) permits and insuring archaeological work on Tribal lands is done in cooperation with the Tribes. There is no mention that the Tribes have been consulted in this process. | 206-014 |
| 3. | If cultural resources are discovered during any phase of any project on a tribe's reservation, or in the tribe's aboriginal territory, the tribe(s) must be included in the immediate notification process as distinct and separate entities from the local, state, and county governments. | 206-015 |
| 4. | What Tribes have land within the project corridor? You generally mention Indian lands are involved but do not identify which Tribes are affected. Federally recognized tribes should have the same status as States since, as sovereigns, they should be recognized as separate entities in the text of your report rather than found in a list of consulted entities. | 206-016 |
| 5. | In your cultural overview, you should provide an idea of what cultural areas your lines may be going through rather than saying you have a general idea of the resources. | 206-017 |
| The BIA seeks more coordination in compliance with statutes and executive orders that apply to the proposed action, including the following statutes and executive orders.
(a) National Historic Preservation Act
(b) Endangered Species Act
(c) Clean Water Act
(d) Safe Drinking Water Act | | 206-018 |

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- (e) Clean Air Act
- (f) Fish and Wildlife Coordination Act
- (g) Comprehensive Environmental Response, Compensation and Liability Act
- (h) Resource Conservation and Recovery Act
- (i) Federal Insecticide, Fungicide and Rodenticide Act
- (j) Toxic Substances Control Act
- (k) Asbestos Hazard Emergency Response Act
- (l) E.O. 13101 Greening the Government
- (m) E.O. 13007 Sacred Sites
- (n) Sec. Order 3226 - Climate change
- (o) Environmental Justice Act

206-0018
(cont.)

In 1988, the Bureau of Indian Affairs (BIA) began a national Integrated Resource Management Plan (IRMP) initiative (25 USC 3103). The IRMP initiative requires BIA participation in the development and implementation of comprehensive integrated resource plans for reservations that choose to do one. In the early 1990s, passage of the National Indian Forest Resources Management Act (P.L. 101-630 Title III) requires that forest management plans conform to tribal Integrated Resource Management Plans (IRMP).

Because the energy corridors have not been specifically identified as to where they would cross reservation lands, trust lands, aboriginal lands, and ceded lands, the corridors and related construction activity could be in conflict with tribally developed Integrated Resource Management plans (IRMP), adversely impact tribal sacred sites, and adversely impact other federally protected tribal trust assets. Additionally, so that the tribal IRMPs can be amended to incorporate corridor designations and allow for adequate evaluation of impacts to lands and cultural resources, identification of corridor centerlines is a critical step in the evaluation of a Draft PEIS.

206-019

Proposed mitigation measures need to be more specifically addressed. As you know, the purpose of including mitigation measures is to permit a full and accurate comparison of the environmental effects of the alternatives.

206-020

Other BIA concerns related to possible in-water (Ocean or River) portions of the proposed Project would be:

- Safety and security zones for liquid natural gas (LNG) vessels may have an adverse impact on tribal treaty rights. Mitigation measures should be addressed.
- Need for additional data concerning any beach nourishment material and its potential adverse impact on fish and wildlife, water quality, and reduction of tribal harvesting opportunities. Mitigation measures should be addressed.
- Dredge material and placement needs detailed evaluation. Mitigation measures should be addressed.
- Contaminants in any sediment samples? Discussion would be needed concerning the concentration of the contaminants caused by stockpiling the dredged material and the

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potential adverse impacts to the beach nourishment and water quality. Analysis is needed and mitigation measures addressed.

- Water quality issues concerning any hydrostatic testing of LNG storage tanks and/or pipeline need to be addressed. Because of possible contaminants in storage tanks and the pipeline system, all water released back into the environment should be filtered.
- Water withdrawals for fire suppression system testing may have the potential for adverse impacts to fish and wildlife. Analysis would be needed and mitigation measures addressed.
- Project operation and water discharge needs to be addressed and mitigation measures developed. To identify possible water quality issues as early as possible, all water that leaves the Project site should be under a water quality monitor program.
- Mitigation measures need to be addressed concerning the loss of any wetlands, loss of terrestrial vegetation, and for the temporary loss of wetlands.
- Impacted tribal governments should receive a copy of any proposed Mitigation Plan and be consulted on a "government-to-government" basis.
- There is a need for analysis of impacts to estuarine functions for possible Project construction and operation. Mitigation measures need to be addressed.
- Dredging of sediment for possible ship berths and a maneuvering area would have a potential for adverse impacts to fish and wildlife and limit treaty fishing activities. Analysis is needed and mitigation measures addressed, including maintenance dredging issues.
- There needs to be additional environmental analysis of any construction of proposed dock facilities and pipe laying/ground disturbing activities. Mitigation measures need to be addressed.
- There would be a need for analysis of how fish and wildlife will be protected from entrainment and/or impingement in the operation of the ships taking on ballast water.

If you have any questions or need assistance in setting up government-to-government meetings, please contact Dr. B.J. Howerton, Northwest Regional Office, Environmental Services at (503) 231-6749.

Sincerely,



Regional Director

WEC_00206

cc:

Donald Sutherland, DC/BIA/DOI
Allison O'Brien, DOI
Siletz Agency, Superintendent
Puget Sound Agency, Superintendent
Spokane Agency, Superintendent
Umatilla Agency, Superintendent
Warm Springs Agency, Superintendent
Wapato Irrigation Project, Manager
Yakama Agency, Superintendent
Colville Agency, Superintendent
Flathead Agency, Superintendent
Fort Hall Agency, Superintendent
Northern Idaho Agency, Superintendent
Coeur D'Alene Agency, Superintendent
Olympic Peninsula Agency, Superintendent

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1

Reviewer Instructions:

1. All review comments to be provided electronically using this review form.
2. Focus the review on substantive issues within your disciplinary, regulatory, or policy area.
3. Look only at the portions relevant to your agency and the land under your management. The individual land management agencies will be amending land use plans or issuing a Record of Decision, so please don't alter the other agencies' roles and responsibilities.
4. Target the review on the adequacy and reasonableness of text and analyses within your disciplinary, regulatory, or policy area. Please be aware that this is a programmatic EIS.
5. All comments should be as specific as possible. Comments such as "text unclear" or "expand" do not provide sufficient information for revising the document.
6. Describe your recommended revision (based on your comment) as clearly as possible so that the necessary and appropriate revision can be implemented.
7. For field unit reviewers (i.e., Field Office, National Forest, National Wildlife Refuge), direct the review on your geographic region (especially for corridors that cross your administrative boundaries). Do not conduct a NEPA review of the entire document. Areas to cover for your administrative unit include:
 - Do the maps reflect the correct siting of the corridor(s)?
 - Are there unrecognized resource issues because of the siting that are not disclosed in Chapter 3?
8. Do not comment about grammar, punctuation, and formatting. Limit editorial comments to only issues of clarity.
9. Review all figures for legibility and clarity.
10. All cells, including the "Comment" and "Recommended Revision" cells, will expand to accommodate any amount of text.
11. The Review Form will accept up to 40 comments. If you have more comments, please open another review form and continue numbering the comments sequentially.
12. **Ensure that the Adobe Acrobat Reader Navigation toolbar is open before attempting to view Vol. III maps. To open the toolbar, choose View > Toolbars > Navigation or right-click (Windows) or Control-click (Mac) in toolbar area and choose Navigation.**

[illegible]

[illegible]

WEC_00206
4

Review Comments: WVEC interim final Draft PEIS, October 2007			
Reviewer: Priscilla J. Wade			
Agency and Administrative Affiliation: BIA-SWRO, Regional Environmental Protection Specialist			
Primary Disciplinary Area (e.g., ecology, land use planning, regulatory oversight):			
Comment Number	Page	Line Number	Comment
			Recommended Revision

If you have more comments, please open another review form and continue numbering the comments sequentially.

WEC_00206

1

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WEC_00206
2

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Reviewer: Multiple			
Agency and Administrative Affiliation: Bureau of Indian Affairs, Western Regional Office, Division of Environmental, Cultural and Safety			
Primary Disciplinary Area (e.g., ecology, land use planning, regulatory oversight): Cultural Resources			
Comment Number	Page	Line Number	Comment
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WEC_00206
3

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Primary Disciplinary Area (e.g., ecology, land use planning, regulatory oversight): Cultural Resources			
Comment Number	Page	Line Number	Comment
1	General	-	<p>Throughout the document, the term "Tribal Resources" is used to describe what includes Indian Trust Assets, Traditional Cultural Properties, sacred sites, archaeological sites, etc. It is confusing to lump all of these resources into "Tribal Resources" because all of these "resources" have different definitions, status under the law, etc. and are addressed by particular laws, Executive and Secretarial Orders, etc. Please clarify terminology and descriptions.</p> <p>Recommended Revision</p> <p>Indian Trust Assets (ITAs) are legal interests in assets held in trust by the United States for Native American tribes or individual Native Americans. Assets are anything owned that have monetary value. The asset need not be owned outright but could be some other type of property interest, such as a lease or right of use. Assets can be real property, physical assets, or intangible property rights. The United States has an Indian Trust responsibility to protect and maintain rights reserved by or granted to Native American tribes or individuals by treaties, statutes, and Executive Orders, which rights are further interpreted through court decisions and regulations. The trust responsibility requires that <u>all federal agencies</u> take all actions reasonably necessary to protect trust assets. Trust assets include but are not limited to land resources, water rights, minerals, and hunting and fishing rights.</p> <p>Recommend using National Park Service guidance for definition of Traditional Cultural Property (TCP).</p>

206-024

WEC_00206
4

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Comment Number	Page	Line Number	Comment	Recommended Revision
2	ES-30, 2-51	Both columns	In addition to the State Historic Preservation Officer (SHPO), please note that Tribes will still be consulted regarding federal projects in accordance with prevailing cultural resources laws concerning tribal consultation and government-to-government communication.	Development of energy transport projects would include consultations with the appropriate SHPOs and Tribes.
3	ES-31, 2-52	Both columns	Tribal Historic Preservation Office (THPO) refers specifically to those Tribes that have taken over the responsibility of SHPO on Tribal land of that particular tribe. Consultation is not required with SHPO, but instead with the THPO. Few Tribes have THPOs.	Development of energy transport projects would include consultations with the appropriate Tribal entities as mandated by law.
4	3-280; Table 3.11-2	Right column, line 7	By using the term "Tribally designated corridor", the reader is led to believe that the corridor on tribal land is somehow similar to the corridors be considering herein in terms of size, purpose, etc. when in fact this may not be the case.	"... an existing right-of-way on Tribal lands."
5	3-282	3.11.3.3, line 2	...generally required? Check this language throughout.	Under federal law, Tribal consultation <u>is</u> required with affected Tribe(s).
6	3-283	Left column, first full bullet	...should be undertaken? Check this language throughout.	"... <u>will</u> be undertaken... as required by federal law."

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206-027

206-028

206-029

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WEC_00206

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WEC_00206
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206-033

WEC_00206
4

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206-034

206-035

206-036

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206-038

[illegible]

[illegible]

If you have more comments, please open another review form and continue numbering the comments sequentially.



IN REPLY REFER TO:
84-55000
ENV-5.00

United States Department of the Interior

BUREAU OF RECLAMATION
PO Box 25007
Denver, Colorado 80225-0007
February 1, 2008

WEC_00207



VIA ELECTRONIC MAIL ONLY

MEMORANDUM

To: Director, Bureau of Land Management
Attention: Kate Winthrop, Project Manager

From: Roseann Gonzales /s/
Director, Office of Program and Policy Services

Subject: Review of Draft Programmatic Environmental Impact Statement (PEIS) for the
Designation of Energy Corridors on Federal Lands in the 11 Western States
(ER 07/994)

Attached is the Bureau of Reclamation's commentary on the subject document. We appreciate the opportunity to provide comments.

If you have general questions regarding this response, please contact Ms. Theresa Taylor at 303-445-2806 or ttaylor@do.usbr.gov. For questions regarding lands technical assistance, please contact Ms. Peggy Haren at 303-445-2898 or pharen@do.usbr.gov.

Attachments - 2

cc: United States Department of the Interior
Office of Environmental Policy and Compliance
Attention: Dr. Vijai N. Rai
1849 C Street NW
MS-2342-MIB
Washington, D.C. 20240
(w/atts)

WEC_00207

Attachment 1

The Bureau of Reclamation has reviewed the subject programmatic environmental impact statement (PEIS), understanding that the intent of the PEIS was not to speculate on project- or location-specific impacts, but rather to be programmatic in nature. Specific impacts will be evaluated by Reclamation for compatibility with its project on a case by case basis as proposals are developed and submitted to Reclamation for review and approval.

Reclamation does, however, have concerns that lands and facilities that may be affected by the proposed energy corridor have not been accurately or sufficiently identified in the PEIS as being managed by Reclamation for its projects. These inaccuracies could adversely affect timely and appropriate notification to the managing agency. The scale of the maps (figures) provided does not allow for detailed evaluation or identification of these lands. For example, no Reclamation managed lands can be readily identified on Figures 2.2-2, page 2-7, and 2.2-8, page 2-24.

207-001

Additionally, the miles of locally designated energy corridors which impact Reclamation managed lands identified on Table 2.2-4, page 2-9, appear to be considerably fewer than identified by our land records. Included with these comments is a map (Proposed Energy Corridors and Reclamation's Lands) that displays an overlay of our land records with PEIS energy corridor data provided by the Department of Energy's Argonne National Laboratory.

207-002

Reclamation manages several million acres of Federal land located within the 11 Western States included in the PEIS. Many of these acres contain significant improvements and facilities both for the storage and delivery of water and for the production and delivery of power. Although the PEIS does not authorize or require the construction of any actual projects, the potential for impacts to Reclamation lands and facilities are substantial. With adequate notification and coordination, these impacts can be satisfactorily mitigated in a timely manner to provide protection to Reclamation's lands and facilities and to allow for their authorized use in conjunction with proposed energy transport projects.

207-003

WEC_00208



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240In Reply Refer To:
FWS/DHRC/BCPA/DCN034005

FEB 6 2008

Memorandum

To: Director, Bureau of Land Management

From: **Acting** Director *Kenneth Stensell*

Subject: Fish and Wildlife Service Comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Corridors in Eleven Western States (Westwide Energy Corridor)

We have reviewed the Department of Energy and Bureau of Land Management's *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* (Draft PEIS) and have prepared the enclosed detailed comments pursuant to the: (1) Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); (2) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); (3) Migratory Bird Treaty Act, 16 U.S.C. 703; (4) Bald and Golden Eagle Protection Act, 16 U.S.C. 668; (5) the Clean Water Act; (6) National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended, (7) Section 368 of the Energy Policy Act of 2005 (EPAct), and other applicable Executive Orders, regulations and policies.

The Service is generally supportive of the Westwide Energy Corridor. In keeping with the Service's mission, we believe the concept of one multi-use corridor would minimize deleterious effects to the natural environment while supporting energy development. This Draft PEIS outlines general practices for the implementation of Section 368 of the EPAct and subsequent designation of energy corridors. As the Draft PEIS is applied, early coordination will be essential in identifying other important areas where the Service and other partners have made investments in protecting and conserving fish and wildlife habitats. The Service will continue to work with the Department of Energy, the Forest Service, and the Bureau of Land Management as the Draft PEIS is implemented.

Thank you for the opportunity to provide comments. Please contact Mr. Gary Frazer, Assistant Director - Fisheries and Habitat Conservation at (202) 208-6394, if you have any questions or need further information.

Attachment

TAKE PRIDE
IN AMERICA 

WEC_00208

In Reply Refer To:
FWS/DHRC/BCPA/DCN034005

Memorandum

To: Director, Bureau of Land Management

From: Director

Subject: Fish and Wildlife Service Comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Corridors in Eleven Western States (Westwide Energy Corridor)

We have reviewed the Department of Energy and Bureau of Land Management's *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* (Draft PEIS) and have prepared the enclosed detailed comments pursuant to the: (1) Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); (2) Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); (3) Migratory Bird Treaty Act, 16 U.S.C. 703; (4) Bald and Golden Eagle Protection Act, 16 U.S.C. 668; (5) the Clean Water Act; (6) National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended, (7) Section 368 of the Energy Policy Act of 2005 (EPAct), and other applicable Executive Orders, regulations and policies.

The Service is generally supportive of the Westwide Energy Corridor. In keeping with the Service's mission, we believe the concept of one multi-use corridor would minimize deleterious effects to the natural environment while supporting energy development. This Draft PEIS outlines general practices for the implementation of Section 368 of the EPAct and subsequent designation of energy corridors. As the Draft PEIS is applied, early coordination will be essential in identifying other important areas where the Service and other partners have made investments in protecting and conserving fish and wildlife habitats. The Service will continue to work with the Department of Energy, the Forest Service, and the Bureau of Land Management as the Draft PEIS is implemented.

Thank you for the opportunity to provide comments. Please contact Mr. Gary Frazer, Assistant Director - Fisheries and Habitat Conservation at (202) 208-6394, if you have any questions or need further information.

Attachment

WEC_00208

cc: Kate Winthrop, BLM
3245-MIB-FWS/AFHC File
840-ARLSQ-FWS/DFHC File
840-ARLSQ-FWS/DHRC/BRMS File
840-ARLSQ-FWS/DHRC/BRMS Staff

S:\DHC\BFA\DAMIAN\Energy Policy Act 2005\368 - West Wide Corridor\dPEIS 11-8-7\
WVEC_FWS Comments_t&e edit_1-29-2008.doc
S:\DHC\BFA\DAMIAN\Energy Policy Act 2005\368 - West Wide Corridor\dPEIS 11-8-7\
Specific comments insert--T&E Project Affects.doc
S:\DHC\BFA\DAMIAN\Energy Policy Act 2005\368 - West Wide Corridor\dPEIS 11-8-7\
Species Conservation Measures_FWS BO_BLM RMP 2007_Utah.doc

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Attachment

Fish and Wildlife Service (Service) Comments on the Department of Energy (DOE) and
The Bureau of Land Management's (BLM) *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* (Westwide Energy Corridor)

GENERAL COMMENTS

The Fish and Wildlife Service (Service) understands that the Draft PEIS is meant as a foundation for specific development projects within the outlined Westwide Energy Corridors. The Service anticipates further studies, site-specific evaluations, and endangered species consultation may be necessary as the Draft PEIS is further implemented.

We believe that identifying national energy corridors would potentially localize effects on the natural environment and minimize overall deleterious effects to wildlife, plants, and their habitats. The following comments are intended to provide clarifications and offer recommendations within the Draft PEIS.

National Wildlife Refuges

The Draft PEIS indicates that the proposed energy corridor designation will include lands within three national refuges: Desert National Wildlife Refuge (NWR) in Nevada, Havasu NWR in Arizona and California, and Sevilleta NWR in New Mexico. The Draft PEIS addresses the need for the proposed energy corridors to comply with existing legal authorities which govern administration of the National Wildlife Refuge System. For national wildlife refuges, the National Wildlife Refuge System Administration Act (NWRSA) of 1966 (16 U.S.C. 668dd-668ee), as amended, requires that these areas be administered by the Secretary of the Interior through the Service. Only the Service is delegated the authority to approve uses on national wildlife refuge lands. The NWRSA requires that any use of a national wildlife refuge must be compatible with refuge purposes and the mission of the National Wildlife Refuge System. The NWRSA defines a compatible use as a "wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the Refuge System or the purposes of the refuge."

208-001

The Service has promulgated regulations (Code of Federal Regulations, Chapter 50 Part 29) and developed policy (Compatibility 603 FW 2, Appropriate Refuge Uses 603 FW) to implement the NWRSA's mandates in administration of refuge uses. Right-of-way regulations for National Wildlife Refuge lands define a compatible use as a use "... that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge." (50 CFR 29.21) and "No right-of-way will be approved unless it is determined by the Regional Director to be compatible." (50 CFR 29.21-1). The Compatibility policy states that uses which the Service reasonably may anticipate will fragment, or reduce the quality or quantity of habitats on a national wildlife refuge will not be compatible (603 FW 2 Section 2.5A). Further, a use cannot

208-002

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be made compatible through compensatory mitigation, and if the proposed use cannot be made compatible with stipulations, the Service cannot allow the use (603 FW 2 Section 2.11 C.). The programmatic designation of energy corridors across national wildlife refuge lands through the Draft PEIS in and of itself does not trigger the compatibility determination requirement under the NWRSA. However, specific establishment and construction of energy transmission facilities and infrastructure on a refuge will be analyzed during development of project specific National Environmental Policy Act (NEPA) analyses and would trigger reviews of appropriateness and compatibility. At this time, should the proposed activities be determined not appropriate or not compatible, the Service could not proceed with permitting the right-of-way.

Given our legal requirements, the Service believes that the Draft PEIS must include a comprehensive summary of the pertinent legal authorities, regulations and policies governing administration of the National Wildlife Refuge System, as provided above. We remain concerned that the public will not be fully informed of the Service's decision-making process.

In addition, the Service recommends that the Draft PEIS clearly state that Refuge Comprehensive Conservation plans for the three potentially affected refuges will not be amended by designation of the energy corridors through the Final PEIS's Record of Decision.

208-003

SPECIFIC COMMENTS

Entire Document

Please correct throughout document and note acronym for the **Desert National Wildlife Range**. The Draft PEIS incorrectly uses "Refuge" instead of "Range". Since "Refuge" is incorrect, the acronym "NWR" cannot be used. Please replace "Desert National Wildlife Refuge" and "Desert NWR" with "**Desert National Wildlife Range**" throughout the Draft PEIS.

208-004

Pages ES-9, Section ES.10, Paragraph 1, and 1-17, Section 1.8.1

The Service does not have land use plans to amend as a result of this Draft PEIS. Please delete "USFWS" from paragraph stating that land use plans will be amended upon signing Records-of-Decision (RODs). The text should read as follows:

208-005

"Upon signing the ROD BLM, FS, ~~USFWS~~, and, if applicable, the DOD would amend their respective affected land use plans to incorporate the corridor designation."

Page ES-12, Section ES.12

Evaluating only the "no action" and "proposed action" alternatives should be expanded to include additional alternatives like those found on pages ES-18 and ES-19.

208-006

Page ES-15, Line 18

The Draft PEIS claims that corridor locations were adjusted to "further avoid important or sensitive resources;" however, it appears that the corridors do not avoid critical habitat for federally listed species. The Service suggests defining "sensitive areas" and discussing in the document whether critical habitat for federally listed species falls within the definition. If critical habitat, as defined by the Endangered Species Act (ESA) falls under the definition within

208-007

208-008

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the Draft PEIS, discuss why these areas were not avoided in the proposed corridors. Alternatively, discuss why critical habitat for federally listed species is not considered a "sensitive resources" when designating corridors.

208-008
(cont.)

Page 1-10, Text Box 1.3-1

Substantial edits are requested under the "U.S. Fish and Wildlife Service" section. The Draft PEIS should clearly state that Refuge Comprehensive Conservation Plans for potentially affected refuges will not be amended by designation of the Westwide Energy Corridors through the Final PEIS's Record of Decision. We suggest the following excerpt replace the existing text in the Final PEIS:

208-009

"Refuge Comprehensive Conservation Plans for the three potentially affected refuges will not be amended by designation of the energy corridors through the Final PEIS's Record of Decision."

Page 1-18 or other preferred text location, as needed

The location of this information could occur once, or in other sections as deemed necessary. The Service suggests that the excerpt below be included in Text Box 1.3-1 "Amending Land Use Plans" on page 1-10, and in Section 1.8.1 beginning on page 1-17. The Final PEIS should clearly state that Refuge Comprehensive Conservation Plans for the three potentially affected refuges will not be amended by designation of the energy corridors through the Final PEIS's Record of Decision.

"The Draft PEIS addresses the need for the proposed energy corridors to comply with existing legal authorities which govern administration of the National Wildlife Refuge System. For national wildlife refuges, the National Wildlife Refuge System Administration Act (NWRSA) of 1966 (16 U.S.C. 668dd-668ee), as amended, requires that these areas be administered by the Secretary of the Interior through the USFWS. Only the USFWS is delegated the authority to approve uses on a national wildlife refuge. The NWRSA requires that any use of a national wildlife refuge must be compatible with refuge purposes and the mission of the National Wildlife Refuge System. The NWRSA defines a compatible use as a "... wildlife-dependent recreational use or any other use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the Refuge System or the purposes of the refuge."

208-010

The USFWS has promulgated regulations (Code of Federal Regulations, Chapter 50 Part 29) and developed policy (Compatibility 603 FW 2, Appropriate Refuge Uses 603 FW 1) to implement the NWRSA's mandates on administration of refuge uses. Right-of-way regulations for National Wildlife Refuge lands define a compatible use as a use "... that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge." (50 CFR 29.21); and "No

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right-of-way will be approved unless it is determined by the Regional Director to be compatible.” (50 CFR 29.21-1). The Compatibility policy states that uses which the USFWS reasonably may anticipate to reduce the quality or quantity or fragment habitats on a national wildlife refuge will not be compatible (603 FW 2 Section 2.5A). Further, a use cannot be made compatible through compensatory mitigation, and if the proposed use cannot be made compatible with stipulations, the USFWS cannot allow the use (603 FW 2 Section 2.11 C.)

208-010
(cont.)

While the programmatic designation of energy corridors across National Wildlife Refuge lands through the PEIS in and of itself does not trigger the compatibility determination requirement under the NWRSA. Specific establishment and construction of energy transmission facilities and infrastructure on a refuge would trigger reviews of appropriateness and compatibility. Should the proposed activities be determined not appropriate or not compatible, the USFWS could not proceed with right-of-way permitting to allow the use.”

The Final PEIS must include a comprehensive summary of the pertinent legal authorities, regulations and policies governing administration of uses on the National Wildlife Refuge System.

Pages 2-2 and 3-233

We recommend that specific conservation measures for listed species be incorporated into the proposed action. The Service believes it is necessary to acknowledge in the Draft PEIS a discussion of known listed species and critical habitat locations that are likely to be encountered by future projects within the corridors. We recommend that site-specific conservation measures be developed at the local level. In addition, conservation measures for species protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act should be developed to ensure that the proposed action and its connected future projects do not result in unauthorized take of these species, and conservation measures should be developed and incorporated for other special status species such as BLM sensitive species etc.

208-011

Page 3-10, last paragraph

Please amend the last paragraph by adding the boldface insertion below. The last paragraph should read as follows:

“The USFWS was established in a 1940 reorganization plan when the Department of the Interior consolidated the Bureau of Fisheries and the Bureau of Biological Survey into one agency. 1934 with the passage of the Fish and Wildlife Coordination Act, which provided for the acquisition and management of lands associated with water use projects as mitigation and enhancement of fish and wildlife. The USFWS manages the 96-million-acre National Wildlife Refuge System, which encompasses 547 national wildlife refuges, thousands of small wetlands and other special management areas.

208-012

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The Bankhead-Jones Farm Tenant Act, passed in 1937, was the authority used for establishing a number of wildlife refuges across the United States."

208-012
(cont.)

Page 3-12, first paragraph

Table 3.2-9 is correct; however the text in first paragraph is not. The National Wildlife Refuge System includes all the lands mentioned as managed by the Service, except fish hatcheries and some administrative sites. Also, the 96.3 million acres refers to the entire U.S., with most of the acreage in Alaska. Therefore, it should reflect only the acreage included on your table for the eleven western states. Please amend this paragraph by adding the boldface insertions below and deleting the text as noted. The text should read as follows:

208-013

"Today, **in the 11 western states** the National Wildlife Refuge System (NWRS) makes up about 96% (7.4 million acres) of the lands managed by the USFWS ~~in the 11 western states~~ (Table 3.2-9). Other lands, including waterfowl production areas, coordination areas, administrative sites, and national fish hatcheries, make up the remainder **in these states**. ~~for a total throughout the United States of 96.3 million acres (USFWS 2006a,b).~~

Page 3-19, last paragraph

Information related to this national survey misrepresents it as related to Service lands. It is a national survey carried out by the Census Bureau and surveys household regarding wildlife-related activities and uses, and is not specific to use of Service lands. Please amend this paragraph by adding the boldface insertion below and deleting the text as noted. The text should read as follows:

208-014

"A national survey of recreation ~~and leisure~~ activities **carried out by the Census Bureau on USFWS administered lands** found that about 21.1 million ~~visitors~~ (U.S. residents, 16 years old and older), participated in wildlife-related recreation activities ..."

Page 3-22, Table 3.2-19 last column-USFWS

This table should be revised to reflect visitation information for National Wildlife Refuges. Information contained in this table reflects U.S. Census information on activities nationwide, not on Service lands.

The total of number visits to NWRS/Service lands in the eleven western states is 8,124,160. The total 21,143,000 visits is erroneous. Please correct Table 3.2-19 to read as follows:

208-015

STATE	2005 Refuge Recreation Visits
AZ	360,195
CA	2,602,562
CO	53,303
ID	198,345
MT	630,248
NM	206,798

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NV 182,105
 OR 2,004,858
 UT 39,319
 WA 976,535
 WY 869,892

208-015
 (cont.)

Page 3-22, Table 3.2-19 footnote a

Delete footnote "a" regarding different date of data from Service; see recommended changes to Table 3.2-19 above.

208-016

Page 3-22, Table 3.2-19 "Sources"

Change information on the Service to reflect a date of 2005, the information above provides updated and correct information. Please amend the following sentence by adding the boldface insertions and deleting the text as noted. The text should read as follows:

208-017

"Sources: BLM (2006h); NPS (2006b); USFWS (~~2002~~ **2005**)."

Page 3-23, first paragraph

Information on this national survey states that it is related to Service lands. It is a national survey carried out by the Census Bureau and surveys household regarding wildlife-related activities and uses, and is not specific to use of Service lands. Please amend the following sentence by deleting the text as noted. The text should read as follows:

208-018

"Table 3.2-21 presents a breakdown of the number of participants by recreation activity ~~on USFWS lands~~ for each of the 11 western states."

Page 3-24, Table 3.2-21

Information in this table is a misrepresentation of use on Service lands. Please amend the following sentence by deleting the text as noted. The title to Table 3.2-21 should read as follows:

208-019

"Table 3.2-21 Number of Participants by Recreation Activity ~~on USFWS-Administered Land in 2001~~"

Page 3-24, Table 3.2-21 in footnote

The source noted in this footnote has been abbreviated. Please amend the footnote by adding the full source information noted by the boldface insertion below. The text should read as follows:

208-020

"Source: USFWS /**Commerce Dept/Census Bureau** (2002)."

Page 3-28

Consider adding section 3.2.1.7 Nonfederal Landuse Plan Considerations. Several Service field offices have developed habitat conservation plans and other cooperative agreements with various municipal and state organizations in the region. Therefore, corridor designations and any subsequent projects should be compatible with requirements of any of the existing habitat conservation plans. For example, the Service's Carlsbad Field Office has multiple species

208-021

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habitat conservation plans with the Coachella Valley Area of Governments, the Agua Caliente Band of Cahuilla Indians along the I-10 corridor, and the City of San Diego along the I-8 corridor.	208-021 (cont.)
<p><u>Page 3-32, last paragraph</u></p> <p>This paragraph is inconsistent with text found elsewhere in the Draft PEIS. The three national wildlife refuges noted in the Draft PEIS cross more than two states. Please amend the following sentence by adding the boldface insertions as noted. The text should read as follows:</p> <p style="padding-left: 40px;">“National wildlife refuge units are crossed in four states: Arizona and California (Havasut), New Mexico (Sevilleta) and Nevada (Desert).”</p>	208-022
<p><u>Page 3-143, Section 3.8.1</u></p> <p>Section 3.8.1 does not consider the desert as an ecological resource. However, the proposed corridors transverse the Mojave and Sonoran deserts. Because the Service has existing multiple species habitat conservation plans with local area governments and various organizations, we recommend that the Draft PEIS include a thorough description of desert ecosystems and the associated ecological processes such as the eolian and fluvial sand transport system found in the Coachella Valley.</p>	208-023
<p><u>Page 3-151, Section 3.8.1.3</u></p> <p>Section 3.8.1.3 contains descriptions of game species, but lacks more descriptive accounts of non-game species that will be encountered within the proposed energy corridors. The Service recommends expanding this section to include more descriptive accounts of non-game species.</p>	208-024
<p><u>Page 3-164, Beginning with Section 3.8.1.4</u></p> <p>This section provides information on species addressed by the ESA, and discusses the policies and manuals from the BLM and the Forest Service regarding sensitive species. Executive Order 13186 (EO), Responsibilities of Federal Agencies to Protect Migratory Birds, encourages agencies to, “ensure that environmental analyses of Federal actions required by the NEPA or other established environmental review processes evaluate the effects of actions and agency plans on migratory birds, with emphasis on species of concern”. We recommend providing a list of the migratory birds considered species of concern as defined in the EO that may occur within the Draft PEIS corridor boundaries.</p>	208-025
<p>In addition, because of the recent delisting of the bald eagle, we recommend you develop a separate discussion of the bald eagle and the golden eagle, as protected under the Bald and Golden Eagle Protection Act (Eagle Act). The current discussion of the bald eagle should be moved to the new section renamed “Bald Eagle and Golden Eagle,” and revised to incorporate the language used in the Appendix 1 for Page 3-217 entitled, “<i>How Threatened, Endangered, and Other Special Status Species Could Be Affected by Project Development.</i>”</p>	208-026
<p>Additionally, Section 3.8.1.4 does not discuss Service Recovery Plans for listed species. The Service recommends expanding this section to include Service Recovery Plans for listed species.</p>	208-027

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Pages 3-165 through 3-177, Table 3.8-5

Please modify Table 3.8-5 to correct the errors regarding threatened and endangered species in Wyoming, as follows:

1. Slender moonwort is not a candidate species in Wyoming. Please remove Wyoming from this listing;
2. Add *Penstemon haydenii*, blowout penstemon, as an endangered plant in Wyoming;
3. This table indicates that the four endangered Colorado River fishes occur in Wyoming. Development activities in Wyoming may have downstream impacts. For this reason, the Service suggests re-wording the header to read as follows:

208-028

"State in Which Activities Could Impact Species ~~Could Occur~~";

4. Eskimo curlew is extirpated in Wyoming; and
5. Gray wolf is federally listed as threatened in Wyoming. The status in the table should be changed from endangered to threatened.

Page 3-178, Table 3.8-6

Species status in Wyoming as reflected in Table 3.8-6 should be amended such that the number of species listed, proposed for listing, or candidates for listing under the ESA that occur in Wyoming where corridors could be designated read as follows: 2 fishes, 1 bird, and 3 mammals.

208-029

Page 3-179

We recommend the inclusion of at-risk, narrow endemic, State designated species of concern, species covered under regional and municipal HCP's, and State designated listed species into any impacts analysis. It is important to ensure that the impacts of a project or a series of projects will not drive species that appear stable into a state where federal listing or upgrading to a higher imperiled status is a result.

208-030

Page 3-182

The Service believes the Draft PEIS misses the opportunity at this early planning stage to analyze habitats and provide long-term protections at the landscape scale.

208-031

DOE and BLM should assess the areas for potential development at a landscape scale and provide conservation measures for large tracts of threatened and endangered species habitats in an effort to maintain viable populations and ecosystems long-term. Such an analysis could be incorporated as part of a third alternative.

208-032

Page 3-183, Beginning with Section 3.8.3.2

In this section and on the following page, the Draft PEIS acknowledges that there will be impacts on ecological resources under both alternatives although it was previously stated that there will be no impacts under the Proposed Action. The Draft PEIS should be consistent on analyses of impacts.

208-033

Sevilleta NWR could undergo an ownership change as a result of the proposed action. Since the proposed energy corridor is a commercial use, it may trigger the reversionary clauses in the

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deeds of conveyance to the Service. Sevilleta NWR was created when the Campbell Family Foundation conveyed 220,200 acres of land to The Nature Conservancy (TNC), and TNC donated the land to the Service. Both conveyances occurred by separate deeds on December 28, 1973.

The Campbell deed recites that the grant was made for the purpose of preserving the ecosystem by creating a wildlife refuge, with the intent that the property not be subjected to commercial exploitation. It states that the property will not be leased or used for any commercial purpose other than what the Service and TNC deem appropriate for sound wildlife management. The TNC deed states:

"The purpose of this donation is to preserve and enhance the integrity and the natural character of the ecosystems of the ... property by creating a wildlife refuge managed as nearly as possible in its natural state...It is the intent of the Grantor that the property not be subjected to commercial exploitation...The Grantor has thereby determined that administration of the area as a national wildlife refuge...The property shall not be sold, exchanged, transferred or abandoned. Nor shall it be leased or used for any commercial purpose...The conveyance is made upon the express condition that the property will be administered by the Grantee as a national wildlife refuge..." The TNC conveyance was made subject to the restrictions, conditions, and reservations of the Campbell deed. The Campbell deed states that if the land is condemned or upon the occurrence of events beyond the control of TNC that would prevent perpetuation of the [wildlife refuge] objectives, then TNC would have the right to transfer or sell the property and to apply the proceeds of condemnation or sale to either the acquisition [or] establishment of another nature preserve or for compatible conservation purposes."

The refuge has conducted preliminary discussions regarding the Westwide Energy Corridor with TNC's New Mexico office. TNC is opposed to the commercial use of the refuge as described by the proposed action energy corridor siting. The implementation of the proposed action may cause the reversionary clauses of the deeds to be triggered, so that Sevilleta NWR may no longer be a part of the National Wildlife Refuge System and will revert to private ownership.

The Service recommends the Draft PEIS be consistent on effects and impacts regarding NWR determinations throughout the document.

208-034

Page 3-189

Please explain, using supporting data, how the "No Action Alternative" would cross more lands under non-federal jurisdiction especially since there is no requirement for applicants to use the proposed designated energy corridors.

208-035

Page 3-191, Section 3.8.4.1

Section 3.8.4.1 does not discuss impacts to desert/scrub resources from the construction of energy transport projects. There are several issues that are unique to desert ecosystems and should be addressed. Because of the arid nature of desert and scrub ecosystems, the following

208-036

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points should be considered before finalizing the impact analysis:

1. Restoration of desert vegetation may take longer than expected. Effects that may seem temporary may actually be permanent;
2. Success criteria for restoration sites may take longer to achieve and the final quality of habitat may not equal that of non-disturbed habitat;
3. Short term impacts may be more severe because the plants and animals that are found in these ecosystems are not adapted to disturbance;
4. Because of the longer duration of recovery and the increased probability of introduction of non-native plants, impacts from exotics may be more pronounced in scrub and desert ecosystems than in other habitats; and
5. An increase in exotic plants into scrub or desert ecosystems can rapidly alter the fire regime for the area. In some instances it can create a fire regime where none was present before.

208-036
(cont.)

Page 3-208, Paragraph 1

The Service believes the conclusions in the sentence are misleading:

“A variety of adverse effects of noise on raptors have been demonstrated, but in many cases, the effects were temporary and the raptors became habituated to the noise (Brown et al. 1999; Delaney et al. 1999).”

208-037

The two references cited in this sentence were studies related only to, respectively, the bald eagle and Mexican spotted owl. The Service believes these two studies cited can not be applied broadly to all raptors. We recommend the phrase “in many cases” be changed to **“for some species.”**

The statement from Delaney and others (1999) regarding habituation, stated below,

“Spotted owls may have habituated to the manipulations during successive exposures, and more so to helicopters than to chain saws. However, sample sizes were too small to establish significance for indicated trends”

208-038

does not support the assertion that “raptors became habituated to the noise.” The Service recommends either deleting the assertion or changing it to read, **“...the species studied may have become habituated to the noise or associated disturbance.”**

The Service also recommends modification of the noise discussion to clarify that the sound pressure (sometimes considered the magnitude) of the noise is not the only component of noise to consider. Sounds differ in sound pressure, which is expressed in decibels (dB), frequency (or pitch), which is measured in cycles per second (or Hertz [Hz]), and sounds differ in duration. All these qualities of noise, and their timing and patterns relative to critical life history traits, should be considered when evaluating impacts to raptors.

208-039

Factors in raptors that may lead to greater sensitivity to noise include: lack of previous exposure to sound levels associated with an activity; nocturnal activities; reliance on auditory cues for

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critical life functions, such as prey detection, mate detection, and predator avoidance; and sensitivity to a particular frequency range. Additional criteria for susceptibility include: dwelling in or on cliffs; habitat in open environment, with little tree cover; and lack of previous exposure to activity and associated sound level (Efroymson et al. 2000, Efroymson and Suter 2000).

Page 3-217

We recommend that more specific information regarding potential effects to certain threatened and endangered species be included in the section that describes project development effects. The Service has prepared additional information we believe should be added to this section. See Appendix 1, "How Threatened, Endangered, and Other Special Status Species Could Be Affected by Project Development."

208-040

Page 3-219, Table 3.8-10

The Service recommends refining the impact determinations found in Table 3.8-10. Erosion, oil and contaminant spills, sedimentation from runoff, changes in drainage patterns, and the spread of invasive species could all be substantial with long-term impacts depending on the locality and/or severity of the disturbance. In arid regions, such as Utah, successful reclamation of right-of-ways is often difficult to achieve thereby prolonging the probability and severity of erosion and sedimentation due to runoff. The Service recommends footnoting particular characteristics of arid regions.

208-041

Page 3-221, Mitigation during Construction

Land use in designated corridor areas must be consistent with any habitat conservation plans.

208-042

Page 3-229

The Service recommends increasing the Draft PEIS recommended 0.5 mile buffer zone around active sage grouse leks to 2 miles.

208-043

Connelly et al. (2000) recommends avoiding construction of "powerlines and other tall structures that provide perch sites for raptors within 3 km of seasonal habitats" (p. 977). Even though leks are seasonally used by all grouse, for non-migratory grouse populations, leks are considered the center of year-round activity and of course are the center of breeding activity for all grouse (UDWR, 2002). Nests are often located near leks with average distances ranging from 0.6 to 3.9 miles (UDWR, 2002), suggesting a large proportion of nests occur near leks. The Westwide Energy Corridor Draft PEIS does not specifically preclude the construction of above-ground powerlines within the corridor, nor does it address, on a site-specific basis, other structures and facilities that could serve as perching sites for raptors; therefore, without specific knowledge about the location and types of facilities, utilities and infrastructure, the 2 mile buffer serves as a best management practice to avoid impacting leks and nearby nests.

Connelly et al. (2000) also recommended that mining and energy development be discouraged in breeding habitats and that "energy related facilities should be located >3.2 km from active leks whenever possible" (p. 978). The potential repeated habitat disturbance within the corridor may

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have direct effects on grouse and is likely to result in indirect effects such as the introduction and spread of noxious invasive plants. Since leks are the center of grouse activities and since many nests are located within several miles of leks, protection of these areas is critical to the long-term conservation of grouse.

Page 3-234, Bullet Paragraph 2

The Draft PEIS includes some conservation measures for listed species, however the majority of these are very general. The Service recommends developing site-specific conservation plans at the local level similar to the example in Appendix 2 between the Service's Utah Field Office and Utah BLM Office.

208-044

Page 3-234, Last Paragraph

The Service recommends using special provisions to protect sensitive plants from being poached. Please insert appropriate language to address that development of designated corridors, at the local level, would further provide provisions to prevent potential poaching of sensitive plants.

208-045

Page 3-235, "Recommendations to Protect Threatened, Endangered, and Other Special Status Animal Species"

As written, the recommendations do not provide general guidelines for non-aquatic listed species. For example, construction activity could be limited to non-breeding seasons or other times when species are least susceptible to impacts. Additionally, water depletions are considered an adverse modification to critical habitat for the four Colorado River fish. Dust abatement and hydrostatic testing will require water depletions, this section should address that fact and should include appropriate language that would address water depletions in reference to the above mentioned issues.

208-046

Page 3-238, Last Paragraph

National wildlife refuges were not included in this paragraph. Please amend the following sentence by adding the boldface insertion as noted. The text should read as follows:

208-047

"The list of scenic resources included in the analysis includes: National parks, national monuments, nation recreation areas, national preserves, **national wildlife refuges**, national reserves, national seashores, ..."

Page 3-242, Line for NV of Tables 3.9-2 and 3.9-3

Please edit the entries for "Nevada" resources in tables 3.9-2 and 3.9-3 to reflect visual resource(s) of Desert National Wildlife Range and Pahrnagut NWR. These Service resources are not included under the column for "National Wildlife Refuges."

208-048

Page 9-22, last entry on page

Correct this reference citation. Please note that this information is gathered by the Census Bureau, not the Service. Also, this reference should relate to fishing, hunting and wildlife-associated recreation activities on a national scale. This reference should not be used to reflect activities and uses solely on Service lands. Please amend the following entry by adding the boldface insertions as noted. The text should read as follows:

208-049

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"USFWS / Commerce Department / Census Bureau, 2002, 2001 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, U.S. Departments of the Interior, U.S. Fish and Wildlife Service, U.S. Department of Commerce, U.S. Census Bureau, Oct."

208-049
(cont.)

Appendix A, Page A-3, Title of Table A

The title of Table A should be changed to be consistent with the notice of availability and deletion of Service land plans. Therefore, the Service suggests using the following title for Table A.

208-050

~~"Proposed Land Use Plan Amendments for Designating EPA Act Section 368 Energy Corridors on Federal Lands in the 11 Western States"~~ Land Use or Equivalent Plans Proposed for Amendment by Designating EPA Act Section 368 Energy Corridors on Federal Lands in the 11 Western States"

Appendix A, Page A-3 through A-19, Table A

All Service Comprehensive Conservation Plans should be deleted from the list, as was done in the corresponding table in the notice of availability. The Draft PEIS should state that Refuge Comprehensive Conservation Plans for the three potentially affected refuges will not be amended by establishment of the energy corridors through the Final PEIS's Record of Decision.

The Service recommends the following, specific changes:

- | | | |
|------|----------|--|
| A-3 | under AZ | Delete the entire line/entry for "Havasu NWR Comprehensive Conservation Plan" |
| A-6 | under CA | Delete the entire line/entry for "Havasu NWR Comprehensive Conservation Plan" |
| A-12 | under NV | Delete all 5 entries for various segments of corridor on Desert NWR Complex. Delete the entire line/entry for "Desert NWR Complex Comprehensive Conservation Plan" |
| A-15 | under NM | Delete the entire line/entry for "Sevilleta NWR Comprehensive Conservation Plan" |

208-051

Appendix A, Page A-3 and A-19, Table A, Footnote to Caption/Heading

The Service recommends adding the footnote below to Table A's title such that it reads consistent with similar change in the notice of availability. The added footnote should read as follows:

"The PEIS identifies corridors through three national wildlife refuges, administered by the U.S. Fish and Wildlife Service (USFWS). Development on these refuges within these corridors may only occur if the specific proposed project is determined to be compatible with the refuge purposes and the mission of the National Wildlife Refuge System. Existing refuge

208-052

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<p>Comprehensive Conservation Plans may require amendment should a specific project be found compatible. If development on the NWR is found compatible and subsequent right-of-way permitting by the USFWS occur."</p>	208-052 (cont.)
<p><u>Appendix D, D-13, Table D-8 Land Use - Federal</u> Land management/administration legislation regarding the National Wildlife Refuge System was not included in Table D-8, Land Use. Please include two pieces of legislation, including the organic act for the National Refuge System. The text should read as follows:</p> <p>* National Wildlife Refuge System Administration Act (16 USC 668dd) * Executive Order 12996, "Management and General Public Use of the National Wildlife Refuge System," Mar. 25, 1996</p>	208-053
<p><u>Appendix D, Page D-22, Table D-15, Federal Authority:</u> Change "Migratory Bird Act" to "Migratory Bird Treaty Act".</p>	208-054
<p><u>Appendix G, Page G-6 Table G – Nevada</u> Segments of the corridor that transect Desert National Wildlife Range are not included; corridor segments 37-223(N), 37-223(S) and 223-224 along the southern boundary of the refuge. The Service recommends adding proposed segment 37-223(N), 37-223(S) and 223-224 and the nature of the intersection.</p>	208-055
<p><u>Appendix P, Page P-4 and P-10, Tables P-1 and P-2</u> Desert National Wildlife Range was not included in the table under the State of Nevada. The Service recommends adding under "Nevada": Feature Type: National Wildlife Refuge; Feature Name: Desert National Wildlife Range; add all of the segments associated with this federal refuge; Map Name: D7.</p>	208-056
<p><u>Map identifying corridor location on Havasu NWR</u> The corridor crosses Havasu NWR immediately adjacent to large Native American sacred site (Topock Maze). If any projects are proposed within this corridor, Havasu NWR will site projects to avoid the Topock Maze.</p>	208-057
<p><u>Map Segment 3-8</u> The segment runs southwest to northeast across the extreme southeastern corner of Siskiyou County and extends into the southwestern corner of Modoc County. The corridor traverses the Shasta-Trinity and Modoc national forests; crosses interspersed private lands in Modoc County; and intersects State Highway 89 near the town of Pondosa. National Forest maps show two existing transmission lines, parallel to one another and approximately 2 miles, or 10,600 feet, apart. The location and direction of the existing lines is generally consistent with the mapping of the proposed segment in Map B-5 of the Draft PEIS. From Table F of the Draft PEIS, the proposed width of the Corridor Segment is 3,500 feet. Please clarify the location of the proposed corridor with respect to the two existing corridors.</p>	208-058

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Map Segment 50-260

Due to information recently obtained from the BLM regarding sage grouse habitat, we are concerned that Segment 50-260 would impact six sage grouse leks. Powerlines are likely to cause significant adverse impacts to sage grouse habitat which may not be mitigable. The Service supports the concerns raised by BLM regarding the northern portion of Segment 50-260 being directly adjacent to the eastern border of the Hennebery Ridge Wilderness Study Area. The portion of Segment 50-260 located west of Monida Pass (I-15 at the Montana/Idaho Border) is located within a corridor that has been identified as potentially suitable habitat for grizzly bears. The grizzly bear is a federally-listed threatened species in Montana and Idaho. They are currently expanding their range from north to south in Montana and studies are being formulated to determine if a small population of grizzly bears currently exists in Idaho. If grizzly bears are not already in Idaho, they are expected to begin to show up there in the near future. The Service's Montana Ecological Services Field Office and the BLM's Dillon Field Office both believe that development of Segment 50-260 as an energy corridor could adversely impact the ability of grizzly bears to expand into this area. Overhead powerlines and pipelines and their associated access roads could adversely impact this area as a potential migration corridor and also reduce its potential overall habitat suitability of this area for grizzly bears.

208-059

Due to the issues cited above, the Service recommends that Segment 50-260 not be developed as an energy corridor, and that other alternatives be used, or developed.

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Appendix 1

How Threatened, Endangered, and Other Special Status Species
Could Be Affected by Project Development

The following excerpt is to be included on page 3-217 in the above noted section.

208-060

Southwestern willow flycatcher

The proposed action could have significant impacts on species and their habitats within the Sevilleta National Wildlife Refuge. Although corridor designation will not have an immediate effect on endangered species and their habitats, construction and maintenance of energy transmission projects (pipeline, powerline, and all utilities) within the corridor could have detrimental effects on southwestern willow flycatcher (*Empidonax traillii extimus*).

Southwestern willow flycatcher use of Sevilleta National Wildlife Refuge is well documented. During 2005, 17 territories with 12 nests were identified by Bureau of Reclamation biologists within the Sevilleta National Wildlife Refuge and the adjacent New Mexico Game and Fish Department's LaJoya Game Refuge. Nesting occurs from May through August, after which the birds migrate to Central and South America.

Distances between the Southwestern willow flycatcher nesting area within the Sevilleta reach and Interstate 25 range from 0.71 and 2.82 miles. A 3,500 foot corridor situated within that short distance has the potential to adversely impact the flycatcher nesting area. Depending upon proximity, the noise, dust, and other impacts from construction, and disturbance from maintenance activities, could impact the individual flycatchers and their habitat, potentially causing nest abandonment and/or failure.

Black-footed Ferret

There are three re-introduction areas for black-footed ferrets in Montana that are currently occupied by the endangered black-footed ferret. These sites are within an area designated as a "non-essential experimental population" of the black-footed ferret (50 CFR Part 17, Vol. 59, No. 159, 42696-715, August 18, 1994). Section 10(j) of the ESA authorized listed species to be released as experimental populations outside their currently occupied range, but within probable historic habitat, to further species conservation. Before making a release, the Fish and Wildlife Service (Service) determined by rulemaking whether that population is "essential" or "non-essential." An "essential experimental population" is a reintroduced population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild. For Section 7 consultation purposes, Section 10(j) requires that any non-essential experimental population outside a National Park or National Wildlife Refuge System unit be treated as a proposed species and a conference with the Service may be conducted. Part of the population is on the Charles M. Russell National Wildlife Refuge and is considered as a threatened species for Section 7 purposes. In Areas outside the "non-essential experimental population", the black-footed ferret is classified as endangered.

Black-footed ferrets may be affected by construction and maintenance of energy transmission projects (pipeline, powerline, and all utilities) within the corridor if prairie dog colonies are

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impacted. Although, the expectation of locating an isolated population diminishes each year (Hanebury and Biggins, In Press) if black-tailed prairie dog colonies or complexes will be disturbed, surveys for ferrets should be conducted even if only a portion of the colony or complex will be disturbed. A prairie dog complex consists of two or more neighboring prairie dog towns each less than 1.5 kilometers (one mile) from each other (Black-footed Ferret Survey Guidelines, USFWS, 1989). The construction of transmission and distribution lines or any construction that increases the availability of raptor perches (fence posts, power poles, etc.) within line-of-sight of prairie dog complexes may increase raptor use of the area, potentially increasing predation on ferrets. Such an increase in mortality due to predation may preclude the successful establishment of black-footed ferrets in the wild.

Canada Lynx

In 1998, the lynx was proposed for listing as a threatened species under the ESA (63 FR, July 8, 1998). The lynx in the contiguous United States was listed as threatened effective April 23, 2000 (65 FR 16052, March 24, 2000).

Northern Rocky Mountains/Cascades Region (Washington, Oregon, Idaho, Wyoming, Utah, Montana) In this region, the majority of lynx occurrences are associated at a broad scale with the "Rocky Mountain Conifer Forest"; within this type, most of the occurrences are in moist Douglas-fir and western spruce/fir forests (McKelvey et al. 2000b). Most of the lynx occurrences are in the 1,500-2,000 meters (4,920-6,560 feet) elevation class (McKelvey et al. 2000b). These habitats are found in the Rocky Mountains of Montana, Idaho, eastern Washington, and Utah, the Wallowa Mountains and Blue Mountains of southeast Washington and northeastern Oregon, and the Cascade Mountains in Washington and Oregon. The majority of verified lynx occurrences in the United States and the confirmed presence of resident populations are from this region. The boreal forest of Washington, Montana, and Idaho is contiguous with that in adjacent British Columbia and Alberta, Canada.

The Canada Lynx Conservation Assessment and Strategy (Ruediger et al. 2000) should be referenced to assess possible impacts of construction and maintenance of energy transmission projects (pipeline, powerline, and all utilities) within the West-wide Corridor on the lynx. Utility corridors can have both short and long term impacts to lynx habitats, depending on location, type (e.g., power lines, gas pipelines), vegetation clearing requirements, and maintenance access. The primary effect is the disruption of the connectivity of lynx habitat. When located adjacent to highways and railroads, utility corridors can further widen the right-of-way, thus increasing the likelihood of impeding lynx movement. Remote, narrow utility corridors may have little or no effect on lynx, or could even enhance habitat in certain vegetation types and conditions.

The lynx critical habitat proposal was published in the Federal Register on November 9, 2005. Although, critical habitat may not be designated on Forest Service or Bureau of Land Management lands, other areas with proposed critical habitat, the federal agencies should conference with the Service on possible adverse modification. The rule, maps, etc are on the Services website <http://mountain-prairie.fws.gov/species/mammals/lynx/>

Grizzly Bear

The development of large corridor wide rights-of-way may affect grizzly bears and their habitat.

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The analysis of those effects must include consideration of the current distribution of resident grizzly bears outside of Recovery Zones and programmatic management direction for access management, sanitation/food storage, and livestock grazing. Additional steps to minimize effects should also be listed.

Whooping Crane

The whooping crane was listed as endangered in 1970, when it already had a long history of recovery efforts. Whooping cranes were never abundant historically, and today are comprised of three wild populations totaling about 160 individuals and five captive populations with a total of 100 individuals. The wild populations are migratory, nesting in Idaho and northern Canada and wintering in New Mexico and the Texas Gulf Coast. Migration of the Canada population occasionally results in sightings of individuals in Montana. Project development actions in Sheridan, Roosevelt, Wibaux, Custer, Fallon, McCone, Phillips, Dawson, Richland, Yellowstone and Valley counties should consider impacts to whooping cranes, including impacts to migration habitat. Natural migration habitats include marshes, lakes, ponds, and rivers.

Bald Eagle and Golden Eagle

The Service recommends adding the following discussion in a separate section created for the Eagle Act.

Bald and Golden Eagle Protection Act (Eagle Act): 16 U.S.C. 668

Specific protection for bald and golden eagles is authorized by the Eagle Act. It is illegal to take, possess, sell, purchase, barter, or transport any bald or golden eagle, alive or dead, or any part, nest, or egg thereof. "Take" includes to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb (50 CFR 22.3). On June 5, 2007, in the Federal Register, 72:107, p.31131, the Service clarified its regulations implementing the Bald and Golden Eagle Protection Act. The modifications to implementing regulations for the Bald and Golden Eagle Protection Act established a regulatory definition of "disturb," a term specifically prohibited as "take" by the Eagle Act. The final definition defines "disturb" as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."

Recent case law [U.S. v. Moon Lake Electric Association, Inc. (98-CR-228-B; 10th Circuit 1998)] concluded that proscription against killing birds, contained in the Migratory Bird Treaty Act (MBTA) and the Eagle Act, applies to both intentional and unintentional harmful conduct and is not limited to physical conduct normally exhibited by hunters and poachers.

The Eagle Act was amended in 1978 to authorize the Secretary of the Interior to publish regulations that may permit the taking of golden eagle nests that interfere with resource development or recovery operations which are operations including but not limited to mining, timbering, extracting oil, natural gas and geothermal energy, construction of roads, dams, reservoirs, power plants, power transmission lines, and pipelines, as well as facilities and access routes essential to these operations, and reclamation following any of these operations. Thus, the Service provides for the issuance of permits to "take" inactive golden eagle nests that interfere

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with resource development or recovery operations if the taking is compatible with the preservation of the area nesting population (50 CFR 22.3). The area nesting population is determined as the number of pairs of golden eagles known to have attempted nesting during the preceding 12 months within a 10-mile radius of a golden eagle nest (50 CFR 22.3). The Service will issue a take permit when there is a reasonable expectation that no significant long-term loss of eagle habitat will result from the proposed action.

The Eagle Act applies to federal agencies as well as individuals. A Solicitor's Opinion dated June 30, 1982, initially concluded that the Eagle Act did not apply to the United States because the United States was not listed among the persons in 16 U.S.C. 668(c) to whom the Eagle Act applies. However, following recent court (*Humane Society v. Glickman*; see above description in the Migratory Bird Treaty Act section) and policy decisions, this Opinion was subsequently revoked by a January 19, 2001 Department of Solicitor Opinion. Eagle permits are also required under 50 CFR Part 22 for Federal Agency actions.

It is the policy of the Department of the Interior that all projects by Departmental bureaus comply with the Eagle Act and to urge other federal agencies to follow this policy as well. Activities of the federal government should comply with the intent of the Eagle Act and should refrain from actions that would result in the taking of bald or golden eagles.

On July 9, 2007, the Service published a rule to remove the bald eagle from the endangered and threatened lists. However, impacts from utility lines continue to be a concern. Electrocution and collision with distribution lines has been a significant cause of mortality for golden and bald eagles. Before the 1970's, raptor electrocution had been noted by several researchers (Hallinan 1922, Marshall 1940, Edwards 1969, Coon et al. 1970). However, it was not until the 1970's, that its magnitude was known. Efforts to reduce power line mortalities by biologists, the utility industry, and federal and state agencies, led to the publication of Suggested Practices For Raptor Protection On Power Lines (Miller et al. 1975) and Mitigating Bird Collisions With Power Lines: The State of the Art in 1994 (Avian Power Line Interaction Committee (APLIC) 1994). Despite the publication of Suggested Practices in 1975, 1981, and 1996, and efforts on the part of the electric industry to correct many problem power lines, researchers have continued to report raptor use of power lines, and raptor electrocution deaths (APLIC 1996). Literature accounts from North America since 1981 indicate that the raptor electrocution problem is still widespread (APLIC 1996).

Electrocution deaths of eagles have been documented across the country (APLIC 1996). Bald eagle losses to electrocution were probably underestimated in the 1970's and early 1980's because studies were not conducted in areas with bald eagle concentrations. Bald eagles frequently congregate in large numbers during the winter (Stalmaster 1987). The National Wildlife Health Laboratory (1985) reported that 130 (9.1%) of 1,429 dead bald eagles examined from 1963-1984 were electrocuted, with 55% of those mortalities occurring in 1978-1984. Franson et al. (1995) summarized that 12% of the known bald eagle mortalities were the result of electrocution. Of 4,300 human-caused eagle mortalities investigated by the Department of the Interior from the early 1960s to 1995, electrocution was reported as the second greatest cause of mortality in golden eagles and the third greatest cause for bald eagles (LaRoe et al. 1995). Between 1986 and 1996 electric utility company records from across the western United States

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and Canada documented 118 bald eagles, 272 golden eagles, and an additional 358 unidentified eagles were electrocuted (Harness 1997).

Approximately 77 eagles have been electrocuted on power lines, including 76 golden eagles and 1 bald eagle, in the past year in the Powder River Basin in Wyoming. Electrocution is now rated the fourth leading cause of death for bald eagles, following accidental trauma, poisoning, and shooting (Lehman 2001). In Montana, eagle mortality from electrocution and collision from small distribution power lines was documented in 2000 and 2001 within the BHCEC service area (Schomburg 2001, 2003). Although data was collected from 303 carcasses from 1996-2001, data from 273 carcasses were collected in 2000 and 2001. Cause of death of 23 raptor carcasses were attributed to mid-span collisions, with 21 identified as golden eagles (*Aquila chrysaetos*) and one as a bald eagle (Schomburg 2001, 2003). Cause of death of 280 raptors was attributed to electrocution, with 219 identified as golden eagles, 4 were bald eagles and 11 were either golden or bald eagles (Schomburg 2002, 2003). Data were collected from 4,090 power poles in an area of ongoing efforts to modify power poles to reduce the probability of electrocutions. Northwestern Power, a major utility company in Montana, documents one to two bald eagle electrocutions each year (Milodragonovich, Northwestern Energy, pers. comm. 2002). Recently, the Service has received information on eleven eagle mortalities in the Great Falls and surrounding area (Speckman, U.S. Fish and Wildlife Service, pers. comm. 2002). Three eagles were killed by vehicular collisions (two were bald eagles) and eight eagles were electrocuted (four were bald eagles).

Bald eagles may be found to nest, forage, and roost within the West-wide Corridor, once its location is identified. Bald eagles may be affected by the project development in several ways, including human disturbance, equipment noise, electrocution, collision with power lines, and construction of new roads (collision with vehicles). Bald eagles are sensitive to a variety of recreational, research, resource and urban development activities (Anthony et al. 1995). The Montana Bald Eagle Management Plan (MBEWG 1994) defined disturbance to be "any human elicited response that induces a behavioral or physiological change in a bald eagle contradictory to those that facilitate survival and reproduction. Disturbance may include elevated heart or respiratory rate, flushing from a perch or events that cause a bald eagle to avoid an area or nest site." Bald eagles may be affected by disturbance near winter roost sites and perch areas.

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

Appendix 2

Species Conservation Measures

As part of the proposed action, the BLM has included conservation measures to minimize or eliminate adverse impacts to federally listed species. These measures are listed by species:

208-061

Bald eagle (*Haliaeetus leucocephalus*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Bald eagle (*Haliaeetus leucocephalus*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the Service.

1. BLM will place restrictions on all authorized (i.e., permitted) activities that may adversely impact bald eagles, their breeding habitat, roosting sites, and known winter concentration areas, in order to avoid or minimize potential impacts.

Measures have been adapted from guidance published in the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (USFWS 2002), as well as coordination between BLM and the Service. Measures include, but may not be limited to seasonal/daily timing limitations, and/or spatial buffers as follows:

- Temporary activities¹ or habitat alterations that may disturb nesting bald eagles will be restricted from *January 1st*, to *August 31st* within 1.0 mile of Bald eagle nest sites. Exceptions may be granted where no nesting behavior is initiated prior to June 1st.
- Temporary activities or habitat alterations that may disturb bald eagles will be restricted within 0.5 mile of known winter concentration areas from *November 1st* to *March 31st*. Additionally, where daily activities must occur within these spatial buffers, and are approved through subsequent consultation, activities should be properly scheduled to occur after 9 a.m. and terminate at least one hour before official sunset to ensure that bald eagles using these roosts are allowed the opportunity to vacate their roost in the morning and return undisturbed in the evening.
- No permanent² infrastructure will be placed within 1.0 mile of bald eagle nest sites or within 0.5 mile of bald eagle winter concentration areas.
- Where activities are authorized within breeding habitats or known winter concentration areas, monitoring efforts would document what, if any,

¹ Temporary activities are defined as those that are completed prior to the start of the following raptor breeding season, leaving no permanent structures and resulting in no permanent habitat loss.

² Permanent activities continue for more than one breeding season and/or cause a loss of habitat or displace individuals through disturbance (e.g., creation of a permanent structure including but not limited to well pads, roads, pipelines, electrical power line).

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

impacts occur during project implementation, and to what extent the species was affected. The results of these monitoring efforts would be carried forward in the design and implementation of future projects as part of the adaptive management process.

2. For all project-related survey and monitoring actions:
 - Reports must be provided to affected field offices within 15 days of completion of survey or monitoring efforts. Reports must follow field office guidance for BLM-specified formats for written and automated databases.
 - Any detection of bald eagle presence during survey or monitoring efforts must be reported to the authorized officer within 48 hours of detection.
3. Appropriately timed surveys in suitable bald eagle nesting habitat or identified concentration areas shall be conducted in accordance with approved protocols prior to any activities that may disturb bald eagles. Surveys would only be conducted by BLM-approved individuals or personnel.
4. BLM shall in coordination with cooperating agencies and/or partners (e.g., UDWR, Service, etc.), verify annual status (active vs. inactive) of all known bald eagle nests, and other identified concentration areas on BLM administered lands.
5. When project proposals that may affect threatened and endangered species are received, BLM will coordinate with the Service at the earliest possible date so that the Service can provide necessary information to minimize, or avoid, the need to redesign projects at a later date to include conservation measures that may be determined as appropriate by the Service.
6. BLM administered lands within 1.0 mile of bald eagle nests, or identified communal winter roosts, should not be exchanged or sold. If it is imperative that these lands be transferred out of BLM ownership, then every effort should be made to include conservation easements or voluntary conservation restrictions to protect the bald eagles and support their conservation.
7. Proponents of BLM authorized actions will be advised that roadside carrion can attract foraging bald eagles and potentially increase the risk of vehicle collisions with individuals feeding on carrion. When carrion occurs on the road, appropriate officials will be notified for necessary removal.
8. Power lines will be built to standards and guidelines identified by the Avian Protection Plan (APP) Guidelines (APLIC and USFWS 2005).
9. BLM will make educational information available to project proponents and the general public pertaining to the following topics:

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- appropriate vehicle speeds and the associated benefit of reduced vehicle collisions with wildlife;
 - use of lead shot (particularly over water bodies);
 - use of lead fishing weights; and
 - general ecological awareness of habitat disturbance.
10. Since bald eagles are often dependent on aquatic species as prey items, BLM will periodically review existing water quality records (e.g., UDEQ, UDWR, USGS) from monitoring stations on, or near, important bald eagle habitats (i.e., nests, roost, concentration areas) on BLM lands for any conditions that could adversely affect bald eagles or their prey. If water quality problems are identified, BLM will contact the appropriate jurisdictional entity to cooperatively monitor the condition and/or take corrective action.

Mexican Spotted Owl (*Strix occidentalis lucida*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance, intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Mexican spotted owl (*Strix occidentalis lucida*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the Service.

1. BLM will place restrictions on all authorized (permitted) activities that may adversely affect the Mexican spotted owl in identified PACs, breeding habitat, or designated critical habitat, to reduce the potential for adverse impacts to the species. Restrictions and procedures have been adapted from guidance published in the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (USFWS 2002b), as well as coordination between BLM and the Service. Measures include:
 - a) Surveys, according to USFWS protocol, will be required prior to any disturbance related activities that have been identified to have the potential to impact Mexican spotted owl, unless current species occupancy and distribution information is complete and available. All surveys must be conducted by USFWS certified individuals, and approved by the BLM authorized officer.
 - b) Assess habitat suitability for both nesting and foraging using accepted habitat models in conjunction with field reviews. Apply the appropriate conservation measures below if project activities occur within 0.5 mile of

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suitable owl habitat, dependent in part on if the action is temporary³ or permanent⁴:

For all temporary actions that may impact owls or suitable habitat:

- If action occurs entirely outside of the owl breeding season, and leaves no permanent structure or permanent habitat disturbance, action can proceed without an occupancy survey.
- If action will occur during a breeding season, survey for owls prior to commencing activity. If owls are found, activity should be delayed until outside of the breeding season.
- Eliminate access routes created by a project through such means as raking out scars, revegetation, gating access points, etc.

For all permanent actions that may impact owls or suitable habitat:

- Survey two consecutive years for owls according to established protocol prior to commencing of activity.
- If owls are found, no actions will occur within 0.5 mile of identified nest site.
- If nest site is unknown, no activity will occur within the designated Protected Activity Center (PAC).
- Avoid placing permanent structures within 0.5 mi of suitable habitat unless surveyed and not occupied.
- Reduce noise emissions (e.g., use hospital-grade mufflers) to 45 dBA at 0.5 mile from suitable habitat, including canyon rims (Delaney et al. 1997). Placement of permanent noise-generating facilities should be determined by a noise analysis to ensure noise does not encroach upon a 0.5 mile buffer for suitable habitat, including canyon rims.
- Limit disturbances to and within suitable owl habitat by staying on designated routes.
- Limit new access routes created by the project.

2. BLM will, as a condition of approval (COA) on any project proposed within identified PACs, designated critical habitat, or within spatial buffers for Mexican spotted owl nests (0.5 mile), ensure that project proponents are notified as to their responsibilities for

³ Temporary activities are defined as those that are completed prior to the start of the following raptor breeding season, leaving no permanent structures and resulting in no permanent habitat loss.

⁴ Permanent activities continue for more than one breeding season and/or cause a loss of owl habitat or displaces owls through disturbances, e.g., creation of a permanent structure including but not limited to well pads, roads, pipelines, electrical power line.

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rehabilitation of temporary access routes and other temporary surface disturbances, created by their project, according to individual BLM Field Office standards and procedures, or those determined in the project-specific Section 7 Consultation.

3. BLM will require monitoring of activities in designated critical habitat, identified PACs, or breeding habitats, wherein it has been determined that there is a potential for take. If any adverse impacts are observed to occur in a manner, or to an extent that was not considered in the project-specific Section 7 Consultation, then consultation must be reinitiated.
 - Monitoring results should document what, if any, impacts to individuals or habitat occur during project construction/implementation. In addition, monitoring should document successes or failures of any impact minimization, or mitigation measures. Monitoring results would be considered an opportunity for adaptive management, and as such, would be carried forward in the design and implementation of future projects.
4. For all survey and monitoring actions:
 - Reports must be provided to affected field offices within 15 days of completion of survey or monitoring efforts.
 - Report any detection of Mexican spotted owls during survey or monitoring to the authorized officer within 48 hours.
5. BLM will, in areas of designated critical habitat, ensure that any physical or biological factors (i.e., the primary constituent elements), as identified in determining and designating such habitat, remains intact during implementation of any BLM-authorized activity.
6. For all BLM actions that “*may adversely affect*” the primary constituent elements in any suitable Mexican spotted owl habitat, BLM will implement measures as appropriate to minimize habitat loss or fragmentation, including rehabilitation of access routes created by the project through such means as raking out scars, revegetation, gating access points, etc.
7. Where technically and economically feasible, use directional drilling from single drilling pads to reduce surface disturbance, and minimize or eliminate needing to drill in canyon habitats suitable for Mexican spotted owl nesting.
8. Prior to surface disturbing activities in Mexican spotted owl PACs, breeding habitats, or designated critical habitat, specific principles should be considered to control erosion. These principles include:

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- Conduct long-range transportation planning for large areas to ensure that roads will serve future needs. This will result in less total surface disturbance.
 - Avoid surface disturbance in areas with high erosion hazards to the greatest extent possible. Avoid mid-slope locations, headwalls at the source of tributary drainages, inner valley gorges, and excessively wet slopes such as those near springs. In addition, avoid areas where large cuts and fills would be required.
 - Locate roads to minimize roadway drainage areas and to avoid modifying the natural drainage areas of small streams.
9. Project developments should be designed, and located to avoid direct or indirect loss or modification of Mexican spotted owl nesting and/or identified roosting habitats.
10. Water production associated with BLM authorized actions should be managed to ensure maintenance or enhancement of riparian habitats.

Southwestern willow flycatcher (*Empidonax traillii extimus*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Southwestern willow flycatcher (*Empidonax traillii extimus*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Surveys will be required prior to operations that “*may adversely affect*” the Southwestern willow flycatcher unless species occupancy data and distribution information is complete and available. Surveys will only be conducted by BLM-approved personnel. In the event species occurrence is verified, project proponents may be required to modify operational plans at the discretion of the authorized officer. Modifications may include appropriate measures for minimization of adverse effects to the Southwestern willow flycatcher and its habitat.
2. BLM will monitor and restrict, when and where necessary, authorized or casual use activities that “*may adversely affect*” the Southwestern willow flycatcher, including but not limited to, recreation, mining, and oil and gas activities. Monitoring results should be considered in the design and implementation of future projects.
3. To monitor the impacts of BLM-authorized projects determined “*likely to adversely*

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affect" the Southwestern willow flycatcher, BLM should prepare a short report describing progress, including success of implementation of all associated mitigation. Reports shall be submitted annually to the USFWS Utah Field Office by March 1st beginning one full year from date of implementation of the proposed action. The report shall list and describe the following items:

- Any unforeseen adverse effects resulting from activities of each site-specific project (may also require reinitiation of formal Consultation);
 - When, and if, any level of anticipated incidental take is approached (as allowed by separate Incidental Take Statements of site-specific Formal Section 7 Consultation efforts);
 - When, or if, the level of anticipated take (as allowed by separate Incidental Take Statements from site-specific formal consultations) is exceeded; and
 - Results of annual, periodic monitoring which evaluate the effectiveness of the reasonable and prudent measures or terms and conditions of the site-specific Consultation.
4. BLM should avoid granting activity permits or authorizing development actions in Southwestern willow flycatcher habitat. Unoccupied potential habitat should be protected in order to preserve them for future management actions associated with the recovery of the Southwestern willow flycatcher.
 5. BLM will ensure project design incorporates measures to avoid direct disturbance to populations and suitable habitats where possible. At a minimum, project designs should include consideration of water flows, slope, seasonal and spatial buffers, possible fencing, and pre-activity flagging of critical areas for avoidance.
 6. The BLM will continue to address illegal and unauthorized OHV use and activity upon BLM administered lands. In order to protect, conserve, and recover the Southwestern willow flycatcher in areas of heavy unauthorized use, temporary closures, or use restrictions beyond those which are already in place, may be imposed. As funding allows, BLM should complete a comprehensive assessment of all OHV use areas that interface with Southwestern willow flycatcher populations. Comparison of Southwestern willow flycatcher populations and OHV use areas using GIS would give BLM personnel another tool to manage and/or minimize impacts.
 7. All surface disturbing activities should be restricted within a 0.25 mile buffer from suitable riparian habitats and permanent surface disturbances should be avoided within 0.5 mile of suitable Southwestern willow flycatcher habitat.
 - Unavoidable ground disturbing activities in occupied Southwestern willow flycatcher habitat should only be conducted when preceded by current year survey, should only occur between August 16 and April 30 (the period when Southwestern willow flycatcher are not likely to be breeding), and should be monitored to ensure that adverse impacts to Southwestern willow flycatcher are minimized or avoided, and to document the success of project specific

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- mitigation/protection measures. As monitoring is relatively undefined, project specific requirements must be identified.
8. BLM will properly consider nesting periods for Southwestern willow flycatcher when conducting horse gathering operations in the vicinity of habitat.
 9. BLM will ensure that plans for water extraction and disposal are designed to avoid changes in the hydrologic regime that would likely result in loss or undue degradation of riparian habitat.
 10. Native species will be preferred over non-native for revegetation of habitat in disturbed areas.
 11. BLM will coordinate with other agencies and private landowners to identify voluntary opportunities to modify current land stewardship practices that may impact the Southwestern willow flycatcher and its habitats.
 12. Limit disturbances to within suitable habitat by staying on designated routes.
 13. Ground-disturbing activities will require monitoring throughout the duration of the project to ensure that adverse impacts to Southwestern willow flycatcher are avoided. Monitoring results should document what, if any, impacts to individuals or habitat occur during project construction/implementation. In addition, monitoring should document successes or failures of any impact minimization or mitigation measures. Monitoring results would be considered an opportunity for adaptive management and, as such, would be carried forward in the design and implementation of future projects.
 14. Where technically and economically feasible, use directional drilling or multiple wells from the same pad to reduce surface disturbance and eliminate drilling in Southwestern willow flycatcher habitat.
 15. Habitat disturbances (i.e., organized recreational activities requiring special use permits, drilling activities, etc.) will be avoided within 0.25 mile of suitable Southwestern willow flycatcher habitat from May 1 to August 15.
 16. Grazing allotments that contain habitat for the species will be managed with consideration for recommendations provided by the Southwestern Willow Flycatcher Recovery Plan, and other applicable research.

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Utah Prairie Dog (*Cynomys parvidens*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Utah prairie dog (*Cynomys parvidens*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Surveys according to approved protocols and procedures will be required prior to surface disturbance unless species occupancy and distribution information is complete, current, and available. Surveys would be conducted by BLM-approved biologists. In the event species occurrence is verified, the project proponent may be required to modify operational plans, at the discretion of the authorized officer, to include additional, appropriate protection measures or practices for the minimization of impacts to the Utah prairie dog and its habitat.
2. BLM will restrict surface disturbing activities within 0.5 mile of active Utah prairie dog colonies when and where necessary, upon the recommendation of BLM FO staff biologists to BLM management and as necessary in coordination or consultation with USFWS.
3. No permanent surface disturbance or facility will be allowed within 0.5 mile of potentially suitable Utah prairie dog habitat, as identified and mapped by the Utah Division of Wildlife Resources or BLM, since 1976.
4. Unavoidable surface disturbing activities in Utah prairie dog habitat should be conducted between April 1 and September 30 (the period when prairie dogs are most likely to be found above ground). BLM projects will be designed to avoid direct disturbance to Utah prairie dog populations and habitat wherever possible. Designs should consider flow of water, slope, buffers, possible fencing, and pre-activity flagging of critical areas for avoidance.
5. Reclamation and restoration efforts in Utah prairie dog habitat will be conducted using native seed, unless otherwise specified in coordination with USFWS.
6. As funding allows, BLM should complete a comprehensive assessment locating and mapping OHV use areas that interface with Utah prairie dog populations. Comparison of

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GIS layers for Utah prairie dog populations and OHV use should give BLM personnel another tool to manage and/or minimize impacts from OHV use near known Utah prairie dog populations and habitat. Based on the information that is developed via GIS applications, appropriate actions should be taken to prevent OHV use in occupied territories.

7. BLM will consider emergency OHV closures or additional restrictions to protect, conserve, and recover the species.
8. Where technically and economically feasible, the use of directional drilling or drilling of multiple wells from a single pad will be required to reduce surface disturbance in Utah prairie dog habitat.
9. For existing facilities, BLM and facility operators, will consider if fencing infrastructure on well pads (e.g., drill pads, tank batteries, and compressors) would be needed to protect equipment from burrowing activities. In addition, BLM and project proponents should consider if future surface disturbing activities would be required at the site.
10. BLM will provide educational information for project proponents and the general public pertaining to appropriate vehicle speeds and the associated benefit of reduced vehicle collisions with wildlife, and to improve general ecological awareness of habitat disturbance.
11. Project related vehicle maintenance activities will be conducted in maintenance facilities. Should it become necessary to perform vehicle or equipment maintenance on-site, these activities will avoid identified Utah prairie dog colonies or within a 350-foot distance from colonies. Precautions shall be taken to ensure that contamination of maintenance sites by fuels, motor oils, grease, etc. does not occur and such materials are contained and properly disposed of off-site. Inadvertent spills of petroleum based or other toxic materials shall be cleaned up and removed immediately.
12. BLM will coordinate with interested private and governmental agencies and landowners to identify voluntary opportunities to modify current land stewardship practices that may have detrimental impacts on the Utah prairie dog and its habitat.
13. BLM-authorized equipment and vehicles planned for use within Utah prairie dog habitat will be cleaned to minimize the spread of noxious weeds or other undesirable vegetation types.

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Uinta Basin hookless cactus (*Sclerocactus glaucus* [= *S. brevispinus* and *S. wetlandicus*])**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Uinta Basin hookless cactus (*Sclerocactus glaucus*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and
 - require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.
3. BLM shall continue to document new populations of Uinta Basin hookless cactus as they are encountered.
4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to suitable habitat, populations, or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.
6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.

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8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).

San Rafael and Winkler cactus (*Pediocactus spp.*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the San Rafael (*Pediocactus despainii*) and Winkler (*Pediocactus winkleri*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and

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- require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.
3. BLM shall continue to document new populations of San Rafael and Winkler cacti as they are encountered.
 4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
 5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to populations or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.
 6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
 7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.
 8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
 9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
 10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
 11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).

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12. As additional funding becomes available, BLM should develop a travel management plan specifically for areas of occupied and potential habitat for San Rafael and Winkler cactus.
13. As additional funding becomes available, BLM will conduct or encourage monitoring studies in areas to which topsoil has been placed with the intention of transferring the seed bank from San Rafael and Winkler cactus populations, to mitigate population losses from development activities. The purpose of these studies would be to evaluate mitigation measures for effectiveness in reestablishing populations of the species.

Wright fishhook cactus (*Sclerocactus wrightiae*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Wright fishhook cactus. This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and
 - require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.
3. BLM shall continue to document new populations of Wright fishhook cactus as they are encountered.
4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to populations or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.

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6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.
8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).
12. As funding permits, BLM will consider research opportunities to determine whether the mortality to recruitment ratio of 2.5 to 1, observed by Kass (2001) persists within studied populations. These observed ratios have resulted in the decline and ultimate loss of some populations. Therefore, future research might study how widespread the decline may be. To accomplish this, several populations should be selected that represent a range of habitats, locations, proximity to potential threats and relative population sizes. Populations should be monitored for changes in number and overall condition to determine whether these observed mortality rates are characteristic of the species throughout its range.
13. As funding permits, monitoring will be continued on the Hebe Devil Dizzy Gypsum Mine area to assess long-term survival and viability of transplanting populations of Wright fishhook cactus.

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Maguire Daisy (*Erigeron maguirei*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Maguire daisy (*Erigeron maguirei*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and
 - require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.
3. BLM shall continue to document new populations of Maguire daisy (*Erigeron maguirei*) as they are encountered.
4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to populations or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.
6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.

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8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).

Jones cycladenia (*Cycladenia humilis* var. *jonesii*)

CONSERVATION MEASURES

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Jones cycladenia (*Cycladenia humilis* var. *jonesii*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and
 - require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

3. BLM shall continue to document new populations of Jones cycladenia (*Cycladenia humilis* var. *jonesii*) as they are encountered.
4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to populations or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.
6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.
8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

Last chance townsendia (*Townsendia aprica*)**CONSERVATION MEASURES**

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Last chance townsendia (*Townsendia aprica*). This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and
 - require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.
3. BLM shall continue to document new populations of Last chance townsendia (*Townsendia aprica*) as they are encountered.
4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to populations or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.
6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.
8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

- in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
 10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
 11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).

Utah Reed-mustards (*Schoenocrambe* spp.)

Barneby Reed-Mustard (*Schoenocrambe barnebyi*), Clay Reed-Mustard (*Schoenocrambe argillacea*) and Shrubby Reed-Mustard (*Schoenocrambe (Glaucocarpum) suffrutescens*)

CONSERVATION MEASURES

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Utah reed-mustards. This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Prior to surface disturbing activities in habitat for the species, presence/absence surveys of potentially affected areas will be conducted in accordance with established protocols.
2. Appropriate avoidance/protection/mitigation will be used to manage potential impacts of similar subsequent projects. These measures should include, but are not be limited to:
 - the stabilization of soils to minimize or avoid impacts related to soil erosion;
 - marking/flagging of suitable and/or occupied habitat (including predetermined buffers) prior to development to avoid trampling by crew members or equipment during disturbance related activities; and
 - require project proponents to conduct surveys and monitoring actions using BLM-approved specialists to document population effects and individual impacts.

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

3. BLM shall continue to document new populations of each species as they are encountered.
4. To assist and support recovery efforts, BLM will minimize or avoid surface disturbances in habitats that support the species.
5. BLM will encourage and assist project proponents in development and design of their proposed actions in order to avoid direct disturbance to suitable habitat, populations or individuals where feasible. Designs should consider water flow, slope, appropriate buffer distances, possible fencing needs, and pre-activity flagging of sensitive areas that are planned for avoidance.
6. BLM will consider emergency OHV closure or additional restrictions to protect, conserve, and recover the species.
7. In areas where dispersed recreational uses are identified as threats to populations of the species, BLM will consider the development of new recreational facilities/opportunities that concentrate dispersed recreational use away from habitat, especially occupied habitat.
8. Cultural and paleontological survey/recovery technicians (i.e., archeologists and/or paleontologists), conducting work in the vicinity of known populations, will be educated in the identification of listed species in order to avoid inadvertent trampling or removal during survey, mapping, or excavation of cultural or paleontological resources.
9. Areas of viable habitat, in the vicinity of populations considered for prescribed burning, will be surveyed according to established protocols for new or undocumented populations of the species.
10. Lands being considered for exchange or disposal that contain suitable habitat for the species will be surveyed for undocumented populations, according to established protocols, prior to approval of such disposal. Lands supporting populations shall not be disposed of unless it is determined that the action will not threaten the survival and recovery of the species in accordance with the ESA and BLM Guidance and Policy Manual 6840 – *Special Status Species Management*.
11. BLM will encourage the avoidance of key habitats during livestock herding and trailing activities on BLM administered lands. (Key habitats are those that are deemed necessary for the conservation of the species including, but not necessarily limited to, designated critical habitat and other occupied or unoccupied habitats considered important for the species survival and recovery as determined in coordination with the USFWS).

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

Colorado River Endangered Fishes

Bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), and Razorback sucker (*Xyrauchen texanus*)

CONSERVATION MEASURES

The following list of measures provides species-specific guidance intended to avoid, minimize, or reduce potential adverse impacts from implementation of BLM actions under the authority of current Utah BLM LUPs on the Colorado pikeminnow, Humpback chub, bonytail, and razorback sucker, herein referred to as the Colorado River fishes. This list is not comprehensive. Additional conservation measures, or other modified versions of these measures, may be applied for any given BLM-authorized activity upon further analysis, review, coordination efforts, and/or appropriate levels of section 7 consultation with the USFWS.

1. Monitoring of impacts of site-specific projects authorized by the BLM will result in the preparation of a report describing the progress of each site-specific project, including implementation of any associated reasonable and prudent measures or reasonable and prudent alternatives. This will be a requirement of project proponents and will be included as a condition of approval (COA) on future proposed actions that have been determined to have the potential for take. Reports will be submitted annually to the USFWS - Utah Field Office, beginning after the first full year of implementation of the project, and shall list and describe:
 - Any unforeseen direct or indirect adverse impacts that result from activities of each site-specific project;
 - Estimated levels of impact or water depletion, in relation to those described in the original project-level Consultation effort, in order to inform the Service of any intentions to reinitiate Section 7 Consultation; and
 - Results of annual, periodic monitoring which evaluates the effectiveness of any site-specific terms and conditions that are part of the formal Consultation process. This will include items such as an assessment of whether implementation of each site-specific project is consistent with that described in the BA, and whether the project has complied with terms and conditions.
2. The BLM shall notify the USFWS immediately of any unforeseen impacts detected during project implementation. Any implementation action that may be contributing to the introduction of toxic materials or other causes of fish mortality must be immediately stopped until the situation is remedied. If investigative monitoring efforts demonstrate that the source of fish mortality is not related to the authorized activity, the action may proceed only after notification of USFWS authorities.
3. Unoccupied, suitable habitat areas should be protected in order to preserve them for future management actions associated with the recovery of the Endangered Colorado River Fish, as well as approved reintroduction, or relocation efforts.

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Species Conservation Measures in BO for the Existing Utah BLM Resource Management Plans 2007

- BLM will avoid impacts where feasible, to habitats considered most representative of prime suitable habitat for these species.
 - Surface disturbing activities will be restricted within ¼ mile of the channel centerline of the Colorado, Green, Duchesne, Price, White, and San Rafael Rivers
 - Surface disturbing activities proposed to occur within floodplains or riparian areas will be avoided unless there is no practical alternative or the development would enhance riparian/aquatic values. If activities must occur in these areas, construction will be designed to include mitigation efforts to maintain, restore, and/or improve riparian and aquatic conditions. If conditions could not be maintained, offsite mitigation strategies should be considered.
4. BLM will ensure project proponents are aware that designs must avoid as much direct disturbance to current populations and known habitats as is feasible. Designs should include:
- protections against toxic spills into rivers and floodplains;
 - plans for sedimentation reduction;
 - minimization of riparian vegetation loss or degradation;
 - pre-activity flagging of critical areas for avoidance;
 - design of stream-crossings for adequate passage of fish; and
 - measures to avoid or minimize impacts on water quality at the 25-year frequency runoff
5. Prior to surface disturbing activities, specific principles will be considered to control erosion. These principles include:
- Conduct long-range transportation planning for large areas to ensure that roads will serve future needs. This will result in less total surface disturbance.
 - Avoid, where possible, surface disturbance in areas with high erosion hazards.
 - Avoid mid-slope location of drill pads, headwalls at the source of tributary drainages, inner valley gorges, excessively wet slopes such as those near springs and avoid areas where large cuts and fills would be required.
 - Design and locate roads to minimize roadway drainage areas and to avoid modifying the natural drainage areas of small streams.
6. Where technically and economically feasible, project proponents will use directional drilling or multiple wells from a single pad to reduce surface disturbance and eliminate drilling in suitable riparian habitat. Ensure that such drilling does not intercept or degrade alluvial aquifers. Drilling will not occur within 100 year floodplains that contain listed fish species or their designated critical habitats.

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Species Conservation Measures *in* BO for the Existing Utah BLM Resource Management Plans 2007

7. The Utah Oil and Gas Pipeline Crossing Guidance (BLM National Science and Technology Center), or other applicable guidance, will be implemented for oil and gas pipeline river/stream crossings.
8. In areas adjacent to 100-year floodplains, particularly in systems prone to flash floods, BLM will analyze the risk for flash floods to impact facilities. Potential techniques may include the use of closed loop drilling and pipeline burial or suspension as necessary to minimize the potential for equipment damage and resultant leaks or spills.
9. Water depletions from any portion of the Upper Colorado River drainage basin above Lake Powell are considered to adversely affect and adversely modify the critical habitat of these endangered fish species. Section 7 consultation will be completed with the Service prior to any such water depletions.
10. Design stream-crossings for adequate passage of fish (if present), minimum impact on water quality, and at a minimum, a 25-year frequency run-off.

WEC_00209

L30(2465)

Ms. Kate Winthrop
Project Manager WEC-PEIS
Bureau of Land Management
1849 C Street NW
Washington, DC 20240

Dear Ms. Winthrop:

Thank you for the opportunity to comment on the Draft Programmatic Environmental Impact Statement, Designation of Energy Corridors on Federal Land in the 11 Western States. The National Park Service appreciates the responsiveness of the Department of Energy and the Bureau of Land Management to our previous concerns and your willingness to protect and preserve the nationally significant resources of our national parks, trails, historic landmarks and National Register properties.

Our role in protecting natural, historic and cultural resources is complex. In addition to "units" of the National Park System, the National Park Service also has management responsibility or provides technical and/or financial assistance to several programs – Affiliated Areas, the National Trails System, the National Wild and Scenic Rivers System, and National Heritage Areas. The National Park Service also manages the National Natural Landmarks Program and the National Historic Landmarks Program. As an example a cursory comparison of proposed energy corridors and the existing National Scenic Trails and National Historic Trails reveals over 60 points of intersection, tangency, or congruence. If built out as shown, this network of pipelines and powerlines could constitute the single greatest adverse impact to the National Trails System to occur since passage of the National Trails System Act 40 years ago in 1968.

We strongly support the concept of consolidation of energy transmission facilities to minimize the overall impacts this type of development may cause while increasing the efficient delivery of these needed resources. We support the statement made that the designation of Section 368 corridors does not permit on-the-ground activity of any sort, and that a project within any designated corridor must still apply to the appropriate Federal land management agency for a permit. The National Park Service will continue to consider applications for energy projects within the framework of our legal authorities, which above all mandate that we not allow the use of park lands that would impair or be in derogation of the values and purposes for which the park was authorized or be incompatible with the public interest, except where authorized by Congress.

WEC_00209

Thank you for consideration of these comments. Please direct questions to Lee Dickinson, Special Park Uses Program Manager, at 202/513-7092.

Sincerely,

Sincerely,

Karen Taylor-Goodrich
Associate Director
Visitor and Resource Protection

Herbert C. Frost
Acting Associate Director
Natural Resource Stewardship and Science

Enclosure

bcc: 2465-Reading File
FNP:L.Dickinson:kr 1/28/08:513-7092
RAD/Special Park Uses/Ms. Kate Winthrop

WEC_00209

Review Comments: WVEC interim final Draft PEIS, October 2007				
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092				
Agency and Administrative Affiliation: National Park Service				
Primary Disciplinary Area: Information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curecanti National Recreation Area.				
Comment Number	Page	Line Number	Comment	Recommended Revision
	1-1 Text Box 1-1		"However, 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 National Environmental Policy Act review." This statement should be strengthened to assure the public that agency discretion is not pre-empted by the designating of corridors by the PEIS.	Suggest adding a statement to the box: "Individual agencies retain decision-making authority over the designation of energy corridors and will seek to reduce environmental impacts whenever possible."
	2-27	Section 2.4.1	Similar to IOPs numbers 6 and 7, the NPS should receive special designation in an IOP. Add a new IOP containing the information found in the adjacent box.	Early in the planning process applicants seeking to develop energy transport projects within five miles of a unit of the national park system should contact the appropriate agency staff and work with the National Park Service regarding the characteristics and locations of the anticipated infrastructure. In those instances where corridors cross Inads within the boundaries of a unit of the National Park System, the National Park Service Organic Act and other relevant laws and policies shall apply.
	2-28	Section 2.4.1	Amend IOP number 14 to include the sentence found in the adjacent box.	Applicants shall ensure measures are taken to minimize impacts to sensitive and/or scenic areas, such as congressionally designated National Historic Trails.

209-001

209-002

209-003

WEC_00209

Review Comments: WWEC Interim final Draft PEIS, October 2007				
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092				
Agency and Administrative Affiliation: National Park Service				
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curcanti National Recreation Area.				
Comment Number	Page	Line Number	Comment	Recommended Revision
	2-28	Section 2.4.1	Amend IOP number 15 to include a "halt work" requirement should paleontological resources be encountered, similar to the requirement for cultural resources within IOP number 38.	A protocol for unexpected discoveries should be developed. Unexpected discovery of paleontological resources during construction should be brought to the immediate attention of the responsible federal agency's authorized officer. Work should be halted in the vicinity of the find to avoid further disturbance to the resources while they are being evaluated and appropriate mitigation measures are being developed.
	2-36,	Section 2.5.6	The first line of section states: "During scoping, a number of commenter's requested that energy corridors be designated to specifically cross some national parks and military reservations." This section should include restrictions to energy corridors on NPS lands. Add the text in the adjacent box.	Is there a word missing? Should the sentence read "requested that energy corridors NOT be designated"?
	2-36	Section 2.5.6	Line segments on National Park Service lands should be coded to show electric only.	The National Park Service has only limited legal authority to permit right-of-ways for energy corridors. There must be specific statutory authority to allow the use for which a right-of-way permit is requested. There are no statutory authorities to allow NPS to issue right-of-way permits for oil, gas, or other petroleum product pipelines and thus NPS cannot designate corridors for these purposes. With respect to electricity transmission and distribution facilities, NPS policy and guidance provides that 16 U.S.C. 5 is the authority to be used. This statute provides that electric transmission and distribution rights-of-way shall not exceed 200 feet on each side of the centerline.

209-004

209-005

209-006

WEC_00209

Review Comments: WWEC Interim final Draft PEIS, October 2007			
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092			
Agency and Administrative Affiliation: National Park Service			
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curecanti National Recreation Area.			
Comment Number	Page	Line Number	Comment
			Continued from previous comment:
			<p>Recommended Revision</p> <p>The statute also provides that the permits are revocable at the discretion of the NPS; 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. In addition, NPS 2006 Management Policies, Section 8.6.4.2, provides 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." Similarly, RM-53, Appendix 5 states that NPS is under "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."</p>

209-006
(cont.)

WEC_00209

Review Comments: WVEC Interim final Draft PEIS, October 2007			
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092			
Agency and Administrative Affiliation: National Park Service			
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curecanti National Recreation Area.			
Comment Number	Page	Line Number	Comment
	Chapter 3		<p>The PEIS does not include an analysis of the project's impact on climate change. The proposed project will likely result in greater economic activity and population growth in the West, yet the PEIS fails to analyze the impacts on climate change from this expansion. In addition, climate change may alter the need for the project or the existing conditions in the West. The Government Accountability Office (GAO) recently published a document entitled "Climate Change: Agencies Should Develop Guidance for Addressing the Effects on Federal Land and Water Resources" (GAO, August 2007). The document indicates that climate change should be integrated into analysis and decision making at DOI agencies.</p>
			<p>Recommended Revision</p> <p>The PEIS should include a complete analysis of the potential impacts to climate change from the project.</p>

209-007

WEC_00209

Review Comments: WWEC Interim final Draft PEIS, October 2007				
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092				
Agency and Administrative Affiliation: National Park Service				
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curcanti National Recreation Area.				
Comment Number	Page Section	Line Number	Comment	Recommended Revision
	3.12		The socioeconomic analysis failed to evaluate the larger socioeconomic trends that will result from the stated purpose of the project "to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy." What is the impact of improved reliability on the population of western cities? Will these corridors allow development of new cities or towns in areas currently not developed because of lack of energy supplies? Will these developments further isolate National Park Service lands within urbanized areas?	The PEIS should analyze the full range of socioeconomic effects that will result from greater quantity and reliability of energy in the West.
	3-254 and 3-255		As noted on page 2-50, project development and operation could visually impact 31 national parks, national monuments, and recreation areas; 13 wild and scenic rivers, 33 national scenic or historic trails; 11 national historic landmarks and national natural landmarks; 23 national wildlife refuges; and 25 national scenic highways."	Add a specific mitigation measure on page 3-254 and 3-255 under "Mitigation Measures Related to Project Siting within a Designated Corridor." "When siting a project within a designated corridor the planning team will avoid visual impacts national parks, national monuments, and recreation areas, wild and scenic rivers, national scenic or historic trails, national historic landmarks and national natural landmarks, national wildlife refuges, and national scenic highways."
	3-256		Mitigation Measures Related to Project Design	Pipeline crossings of national scenic trails, national historic trails and national recreation trials should be accomplished whenever possible by directional drilling.

209-008

209-009

209-010

WEC_00209

Review Comments: WVEC Interim final Draft PEIS, October 2007				
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092				
Agency and Administrative Affiliation: National Park Service				
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curcanti National Recreation Area.				
Comment Number	Page	Line Number	Comment	Recommended Revision
	3-256		Section 3.10.5.2 What Mitigation is Available to Minimize, Avoid, or Compensate for Potential Project Impacts to Cultural Resources?	Pipeline crossings of national scenic trails, national historic trails and national recreation trails should be accomplished whenever possible by directional drilling.
	3-274		Section 3.10.5.2 What Mitigation is Available to Minimize, Avoid, or Compensate for Potential Project Impacts to Cultural Resources?	The most important remnant sites and segment associated with National Historic Trails (NHT) are called (in 16 USC 1251) "high potential sites" or "high potential segments." All designated NHT high potential sites and segments as eligible for the National Register of Historic Places and simultaneously consult for any mitigation or compliance associated with them with a) the relevant state historic preservation officer (SHPO), b) the Federal administrator of that trail, AND c) the local Federal land manager.
	Vol III, Part 3, Map E.3	50-260	Data used to map the Lewis and Clark National Historic Trail represents a route for the trail that does not agree with data used by the NPS for producing a generalized trail location map.	The current NPS interpretation is that Clark's return in 1806 proceeded down the Grasshopper Creek drainage, which bisects or is adjacent to 50-260 in Sect 30 of T 8 S, R 10 W

209-011

209-012

209-013

WEC_00209

Review Comments: WWEC Interim final Draft PEIS, October 2007				
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092				
Agency and Administrative Affiliation: National Park Service				
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curecanti National Recreation Area.				
Comment Number	Page	Line Number	Comment	Recommended Revision
	General comment	All lines on NPS lands	The National Park Service has no general authorities that would allow permitting oil, gas or other petroleum product pipelines across lands it administers. Oil and gas lines that serve National Park Service facilities only may be authorized under 16 U.S.C. 1-3, but these lines may not be extended to serve any other purpose. If authority for the requested use is not found in the general legislation or other sources, the NPS must deny the use.	Line segments on park lands should be coded to show electric only.
	General Comment	Color coding on maps in Part 3	The potential impact to units of the National Park System is not easily calculated since the color coding on the maps uses three different colors to denote NPS units (National Park, Other National Park Service Resource, and National Monument).	Units of the NPS should all be color coded the same color.
		Corridor segment 29-36	The proposed corridor between Hagerman Fossil Beds National Monument and Boise, Idaho crosses the "North Trail" segment of the Oregon National Historic Trail in five locations, and in places appears to overlie the trail. The North Trail segment is identified in the NPS Comprehensive Management and Use Plan as a "high potential" segment with original covered wagon ruts and swales, and calls this segment "the best overall stretch of Oregon Trail left in Idaho". It is estimated that more than 2/3 of the segment has relatively pristine trail ruts	

209-014

209-015

209-016

WEC_00209

Review Comments: WVEC Interim final Draft PEIS, October 2007			
Reviewer: submitted by Lee Dickinson, Special Park Use Program Manager 202/513-7092			
Agency and Administrative Affiliation: National Park Service			
Primary Disciplinary Area: information submitted by, Pacific West Regional Office, Planning and Environmental Compliance; National Trails Office; and Curecanti National Recreation Area.			
Comment Number	Page	Line Number Corridor segment 29-36	Comment Continued from prior page
			<p>Specific significant trail sites along that segment include:</p> <ol style="list-style-type: none"> 1. Teapot Dome Hot Springs, a popular emigrant campsite; 2. Rattlesnake Station, a stagecoach and freighting station and emigrant campground; 3. Canyon Creek Station, a stage station and emigrant campground with ruins; 4. Ditto Station, a stage station with archeological remains; 5. Inscription Rock, with emigrant names dating to the 1860s; 6. Indian Creek Station, an emigrant campground and stage stop with standing structures; and 7. Bonneville Point, a highly popular and accessible BLM trail interpretive site with kiosk and original trail ruts.
			<p>Recommended Revision</p> <p>We recognize and appreciate efforts by the Department of Energy and the Bureau of Land Management to avoid the South Pass National Historic Landmark and to avoid impacts to original trail sites and ruts at Three Island Crossing, a critically important trail site located at the south end of this trail segment. We ask that consideration be given to realigning this corridor so as to avoid the North Trail segment altogether.</p>

209-016
(cont.)