From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 2:49 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50450

Thank you for your comment, Mark Blume.

The comment tracking number that has been assigned to your comment is WWECD50450. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 02:49:00PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50450

First Name: Mark
Last Name: Blume
Address:
City:
State: NV
Zip:
Country: USA
Privacy Preference: Withhold address only from public record

Comment Submitted:
This corridor will irreparably disrupt a vital wildlife corridor WITHIN A WILDLIFE REFUGE.

As public officials you need to study the impacts and yet, there has been no study done to date.

Explore the alternatives and stop exploiting Nevada's fragile resources!!!

50450-001

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 2:52 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50451

Thank you for your comment, Diane Dettloff.

The comment tracking number that has been assigned to your comment is WWECD50451. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 02:52:16PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50451

First Name: Diane
Middle Initial: J
Last Name: Dettloff
Organization: Lone Cone Home Owners Association
Address: 35815 Road P.5
City: Mancos
State: CO
Zip: 81328
Country: USA
Email: dianedettloff@yahoo.com
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:
I strongly oppose the energy corridor (130-274) that would run through Colorado; and most importantly land I own in the Lone Cone Ranches. This corridor will directly impact my land as well as my neighbors property. The proposed corridor is 2/3 a mile in width and will cause extensive damage to the land, elk calving grounds and possible contaminants from having gas and energy lines. This corridor would be better suited to run parallel to a highway where there is already mass destruction of land and surrounding beauty. Again, I cannot stress enough how opposed I am to proposed energy corridor 130-274. 50451-001

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 2:59 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50452

Attachments: RNPCommentsWWECDPEIS_Final_WWECD50452.pdf

RNPCommentsWWE
DPEIS_Final_WWE.

Thank you for your comment, Cameron Yourkowski.

The comment tracking number that has been assigned to your comment is WWECD50452. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 02:59:05PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50452

First Name: Cameron
Middle Initial: B
Last Name: Yourkowski
Organization: Renewable Northwest Project
Address: 917 SW Oak St, Suite 303
City: Portland
State: OR
Zip: 97205
Country: USA
Email: Cameron@rnp.org
Privacy Preference: Don't withhold name or address from public record
Attachment: /Users/cameron/Desktop/RNPCommentsWWECDPEIS Final.pdf

Comment Submitted:
Please see the attached PDF. Thank You.

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

Renewable Northwest Project

917 SW Oak
Suite 303
Portland, OR 97205

Phone: 503.223.4544
Fax: 503.223.4554
www.RNP.org

Renewable Northwest Project

February 14, 2008

West-wide Energy Corridor DPEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

TO: U.S. Department of Energy & the U.S. Department of Interior, BLM

RE: West Wide Energy Corridor Draft Programmatic EIS Comments:

General Comments:

Thank you for the opportunity to comment on the West Wide Energy Corridor Programmatic Environmental Impact Statement (WWEC PEIS). The Renewable Northwest Project (RNP) is a nonprofit organization representing renewable energy developers and manufacturers, and environmental and consumer interest groups. As such, our comments primarily focus on the development of environmentally responsible transmission to access renewable energy resources, such as wind, solar, and geothermal.

RNP believes that successfully planning and investing in the West's electricity transmission infrastructure requires the collaboration of federal, state, local and tribal governments throughout the region. In general, we support the direction from Congress and the President to identify appropriate energy corridors, and the work done by the U.S. Department of Energy and the Department of the Interior ("Federal Agencies") to identify specific lands. RNP supports the concept of energy corridors to the extent that it consolidates the eventual development of transmission infrastructure and decreases the total environmental impact. 50452-001

Although we welcome this effort by the federal government, it appears to us that the proposed energy corridors will do more to facilitate access to polluting energy resources rather than clean and renewable energy resources. RNP believes that identifying energy corridors is much more useful to utilities, transmission planners, and energy developers if the process recognizes and incorporates the overarching policy goal of decreasing greenhouse gas emissions.[1] It is alarming that the WWEC PEIS does not even mention the issues of greenhouse gas emissions or global warming. 50452-002

[1] Seven States and two provinces are in the process of implementing a 15% carbon reduction below 2005 levels by 2020; Western Climate Initiative, http://www.westernclimateinitiative.org/. The WECC Transmission Expansion Policy and

RNP recognizes that Congress and the President directed the Federal Agencies to identify federal lands appropriate for the potential use of transporting energy irrespective of the costs and benefits of specific resources and technologies. We also recognize that the Federal Agencies were not directed to use production cost modeling to identify the least cost and most timely resources to be interconnected to the electricity grid. However, the fundamental economics and environmental policies will ultimately govern the timing of resource interconnection, and are the driving forces determining which federal lands will receive requests for Rights of Way.

In this sense and from our perspective, the Federal Agencies have been tasked to answer the wrong question--to identify corridors without first prioritizing resources. One way of addressing this problem and maximizing the usefulness of this corridor planning effort is to consider and map different scenarios that do not arbitrarily lump all energy resources together. The current draft proposal seems to satisfactorily identify which corridors are available for facilitating access to conventional thermal resources. RNP suggests that the Federal Agencies run a scenario to identify corridors with a preference for accessing renewable energy resources. This information alone will be useful to transmission planners and energy developers, and any overlap of renewable-focused corridors with other corridors would show where there are real benefits from consolidation. The WGA CDEAC high renewables scenario transmission study is an appropriate starting point for this effort.[2] 50452-003

Specific Comments:

1. It appears that the original selection criteria for the "unrestricted conceptual West-wide energy transport network" are biased toward existing conventional thermal resources. As stated in the draft PEIS, energy supply areas were selected based on three criteria: 1) existing generating units, 2) areas with potential renewable resources, and 3) areas with known coal, oil, and natural gas reserves. A secondary criterion is the benefit of relieving electricity transmission congestion, which the draft PEIS describes as "…locating electricity transmission projects in locations that would provide additional paths around or through electricity transmission bottlenecks" (WWEC DPEIS, p. 2-16,17). 50452-004

   To our knowledge, it is not explained in the draft PEIS specifically how these four criteria were considered and weighted or how the selection process was conducted. A detailed examination and demonstration of how these selection criteria were used would help us to understand why the proposed corridors are superior.

Planning Committee is now beginning the process of studying transmission infrastructure necessary to meet the WCI target.

[2] http://www.westgov.org/wga/initiatives/cdeac/TransmissionReport-final.pdf

In examining the selection criteria and process, the following issues should be considered as potential biases toward existing conventional thermal resources and generators:

i. Criteria based on the location of existing generators skews the corridors toward conventional thermal resources because the existing fleet is disproportionately thermal.

ii. Criteria based on existing fossil fuel resources compounds the bias toward the existing thermal fleet because many thermal generators are located at or near the resource deposit/reservoir.

iii. Depending on how the criteria are considered, the proximity of oil, gas, and coal resources to each other could also bias the selection process in the favor of these resources. Different renewable resources are, on the other hand, much more diversified in location.

iv. Making selections based on relieving congestion down existing electricity transmission paths also biases the selection process toward more conventional resources, especially when the solution set of how to solve congestion is defined narrowly as upgrading the transmission path between the load center and existing resources. Congestion can also be solved by decreasing generation from existing generators and building new transmission to new resources.

v. The wind data used (NREL 2005) appears to be very limited and/or the criteria used in the draft PEIS to define "commercially viable wind" is too narrow. Most of the wind development in the Northwest has occurred in the eastern Columbia River Gorge, which is not identified as a rich wind resource in figure 2.2-4 of the draft PEIS. New high-resolution wind data for the entire western interconnection may be available from NREL now, and is scheduled to be made public this summer.[3]

50452-004 (cont.)

The Federal Agencies must ensure that the corridor selection process is not biased by the methodology and criteria used, or by coincidental and temporal correlations not relevant to identifying corridors for future energy resources. RNP recommends that the Federal Agencies examine their data and methodology for any such inconsistencies and perform the selection process again.

2. RNP is mindful that land-use conflicts may have caused the de-selection of some federal lands corridors that would have provided access to renewable resources. Unfortunately, we cannot tell from the draft PEIS if it was the land-use conflicts or the resource selection criteria that carried the most weight in determining the currently proposed corridors. A map showing all federal lands appropriate for corridor use regardless of resource and load centers would be helpful

50452-005

[3] For more information, contact Michael Milligan at NREL: michael_milligan@nrel.gov

for assessing the availability of different corridors to access different resources. 50452-005 (cont.)

3. The comments submitted by other organizations do a thorough job of identifying sensitive lands in the West that would appear to be directly impacted by development on the proposed corridors. Whether these conflicts are due to mapping errors or oversight, the identified sensitive lands should be studied and mapped more precisely and removed from the proposal if conflicts cannot be mitigated. 50452-006

Summary:

RNP strongly urges the Federal Agencies to rexamine the lands selection process with an eye for biases toward conventional thermal generation and fossil fuel resources. RNP requests the Federal Agencies to study and map a separate corridor scenario with a preference toward accessing location constrained renewable resources. Thank you for the opportunity to comment on the DPEIS. Please contact us if you have any questions about these comments.

Sincerely,

Cameron Yourkowski
Transmission Policy Associate

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:02 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50453

Attachments: LPAComments021408_Final_WWECD50453.pdf

LPAComments0214
08_Final_WWECD5..

Thank you for your comment, Reid Bandeen.

The comment tracking number that has been assigned to your comment is WWECD50453. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:02:13PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50453

First Name: Reid
Middle Initial: F
Last Name: Bandeen
Organization: Las Placitas Association
Address: P.O. Box 888
City: Placitas
State: NM
Zip: 87043-0888
Country: USA
Email: RBandeen@aol.com
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\Reid\Desktop\LasPlacitas\BLMEnergyCorridor\PubComments\LPA\LPAComments021408_Final_ver2\LPAComments021408_Final.pdf

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

Las Placitas Association, Placitas, New Mexico. Comments on DOE/EIS-0386

LAS PLACITAS ASSOCIATION

February 14, 2008

Delivered via electronic mail and U.S. Certified Mail

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Re: Scoping Comments for the West-wide Energy Corridor Programmatic Environmental Impact Statement

To Whom It May Concern:

Please fully consider the following comments on behalf of the Las Placitas Association. For over 20 years, Las Placitas Association has strived to protect open space, restore riparian watersheds, promote recreational, educational and rural activities, and engage the members of our community in appreciating the environmental and cultural richness of the Placitas area of Sandoval County, New Mexico.

The Programmatic Environmental Impact Statement (PEIS) for the Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS-0386) is fundamentally flawed and unlawful in that it attempts to represent non-contiguous segments on federal land as a complete network of continuous corridors traversing both federal and non-federal lands, without conducting the necessary consultation, notification, disclosure and assessment of environmental impacts on the non-federal lands as required by the National Environmental Policy Act (NEPA) and the Energy Policy Act of 2005 (EPAct). 50453-001

Although the PEIS describes corridor designation exclusively on federal land and "does not…establish energy corridors on nonfederal lands" (PEIS, p. ES-5), maps obtained from the Bureau of Land Management (BLM) under a Freedom of Information Act request illustrate internal BLM planning maps, not disclosed as part of the PEIS, that 50453-002

PO Box 888, Placitas New Mexico 87043
www.lasplacitas.org
A tax-exempt organization under the Internal Revenue Code 501(c)(3)

demonstrate corridor designations on private and tribal lands in the vicinity of Placitas, New Mexico, in addition to federal lands (Attachment 1). Such non-disclosure is in violation of the consultation requirements presented in EPAct (PEIS, p. ES-1), and the assessment of potential conflicts of the proposed action with State, local and tribal land use plans, as required by NEPA Section 1502.16.(c). 50453-002 (cont.)

"An agency acts arbitrarily and capriciously when it relies on factors Congress did not intend it to consider, entirely fails to consider an important aspect of the problem, offers an explanation for its decision that runs counter to the facts before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Motor Vehicle Mfrs. Ass'n of U.S. v. State Farm Mutual Automobile Ins. Co., 463 U.S. 29, 42 (1983).*

The PEIS is arbitrary and capricious in the following respects:

The PEIS is arbitrary and capricious in that it fails to explain that the designated corridors will not expedite construction of any infrastructure until private and tribal corridors are designated and some of the same permitting required for federal land is obtained on private land. Many of the same laws that apply to permitting on federal land (the Endangered Species Act, the Clean Water Act, etc.) will apply to the construction of facilities on private and tribal land. For that reason, the EIS is arbitrary and capricious in its insistence that it has somehow expedited the installation of energy infrastructure when it has accomplished nothing of the kind. This explanation for its decision is implausible, if not misleading and deceptive. 50453-003

The PEIS is arbitrary and capricious because it fails to explain that the way the corridors will be completed is through the threat of eminent domain against private landowners and fails to consider the impacts of such broad scale eminent domain across the west. Instead, the PEIS uses language such as "Project applicants would secure authorizations across private lands *in the same manner that they currently do……* " [PEIS, Section ES.10, pg. ES-9.] If the federal government is going to promote wholesale eminent domain, it is not too much to ask that it refer to it as such instead of vague terms that fail to explain the actual intent. Furthermore, the impact of wholesale eminent domain across the west is entirely omitted from the NEPA analysis of impacts. This is an instance where the agencies have entirely failed to consider an important aspect of the problem, and thus have acted arbitrarily and capriciously. 50453-004

The PEIS is arbitrary and capricious in that it fails to explain that the strategy of designating corridors on federal land without designating corridors on private land is ineffective and poor planning because an informed decision about where to locate the corridors on federal land cannot be made without an implicit decision about where the corridors should be located on private land. Furthermore, the agencies entirely fail to propose and analyze corridors between supplies of energy and locations with forecasted unmet demand for energy. Yet this "analysis" is supposed to be the foundation to justify 50453-005

amendment of resource management *plans*. This activity is not worthy of the term "planning" and the agencies' justification for it is so implausible that it cannot be ascribed to the product of agency expertise and entirely fails to consider important elements of the problem. 50453-005 (cont.)

The PEIS is arbitrary and capricious because it represents that there are no environmental impacts to the designation of corridors. First, this representation is fundamentally illogical because an Environmental Impact Statement is only prepared for federal decisions whose effects may be major. In fact, BLM's own regulations define preparation of a resource management plan as a major federal action significantly affecting the quality of the human environment. 43 CFR § 1601.0-6; *NM Wilderness Coalition*, 129 IBLA 158 (1994). What would the purpose of requiring BLM to do an EIS for a plan if plans don't affect the environment until a particular project is proposed and thus can't possibly have significant impacts? 50453-006

Second, this misrepresentation has the effect of persuading people not to comment on or object to the EIS, thus manipulating the public process to discourage timely comments. Analysis of specific projects will be tiered to the amended resource management plans resulting from the Corridor EIS. 40 CFR §§ 1520.20 and 1508.28(b) ("Tiering…is appropriate when it helps the lead agency to focus on issues which are ripe for decision and exclude from consideration issues already decided…") Thus, by telling the public that no impacts result from this decision, the agencies are dissuading the public from commenting, defeating the role that commenting should play in a NEPA decision. 40 CFR § 1503.1 to 4. 50453-007

Finally, this misrepresentation substitutes for meaningful environmental analysis of the real impacts of planning. These include:

1) Plans that provide for one type of use implicitly discourage uses incompatible with that type of use. Here, encouraging large scale industrial energy development will encourage other large scale industrial types of development and will discourage setting aside land for conservation, open space, recreation and other low impact uses. 50453-008
2) Plans that encourage industrial development adjacent to residential properties are likely to decrease residential property values. 50453-009
3) Plans influence land use for decades and plans are difficult to change so these impacts will go on for years. 50453-010

This flawed analysis is arbitrary and capricious in that it entirely omits an important aspect of the problem, the impacts of planning. Indeed, the agency denies that such impacts even exist, a view which can only be ascribed to the product of a *lack of* agency expertise. The PEIS must be supplemented to include adequate analysis of the environmental impacts of planning. 50453-011

By internally designating energy corridors on privately owned and Tribally owned lands, the author Agencies, U.S. Department of Interior (DOI) BLM, U.S. Department of 50453-012

Energy (DOE) have arbitrarily and capriciously located the non-federal lands corridors (Attachment 1) without assessment of the socioeconomic, environmental and cultural impacts of these corridors. As a result of non-consultation with local, state and Tribal authorities, knowledge of alternative corridor routes that could minimize socioeconomic, environmental and cultural impacts relative to the proposed action were not considered in formulating the proposed action. For example, the map illustrated in Attachment 2 demonstrates two hypothetical alternative routes that incorporate existing utility and/or transportation Rights of Way north of Placitas, New Mexico that would have significantly fewer impacts to environmental quality, human health, cultural resources, private land values and other associated socioeconomic impacts than the proposed action. A proper consultation and dialog with private landowners, County and state governments and Tribes may have resulted in more optimal corridor locations such as those illustrated in Attachment 2.

50453-012 (cont.)

50453-013

The Las Placitas Association recommends:

a). The PEIS be revised to account for the reasonably foreseeable significant adverse effects on the human and natural environment that will occur as the result of energy corridor implementation on private, state and Tribal lands, as required by NEPA.

50453-014

b). The revised PEIS give due consideration, in full consultation with the affected parties, to alternative potential corridor routes across private and Tribal lands, other than those internally published but not publicly disclosed by the author Agencies (Attachment 1). The map illustrated in Attachment 2 provides examples of more optimal corridor placements in the vicinity of Placitas, New Mexico.

50453-015

c). Locations in or adjacent to Placitas, including the Placitas Development Area (per Sandoval County Land Use Planning documents) should be avoided as such sitings would adversely impact the human and natural environment, contribute to loss of property value and damage the integrity of the community.

50453-016

d). Alternative corridors should be sited away from residential areas;

50453-017

e). Location of the energy corridor on the BLM land located to the north and east of the Placitas Open Space and residential area on Indian Flats Mesa is unacceptable for the same reason that the proposed energy corridor location is unacceptable, i.e, adverse impact on the human and natural environments.

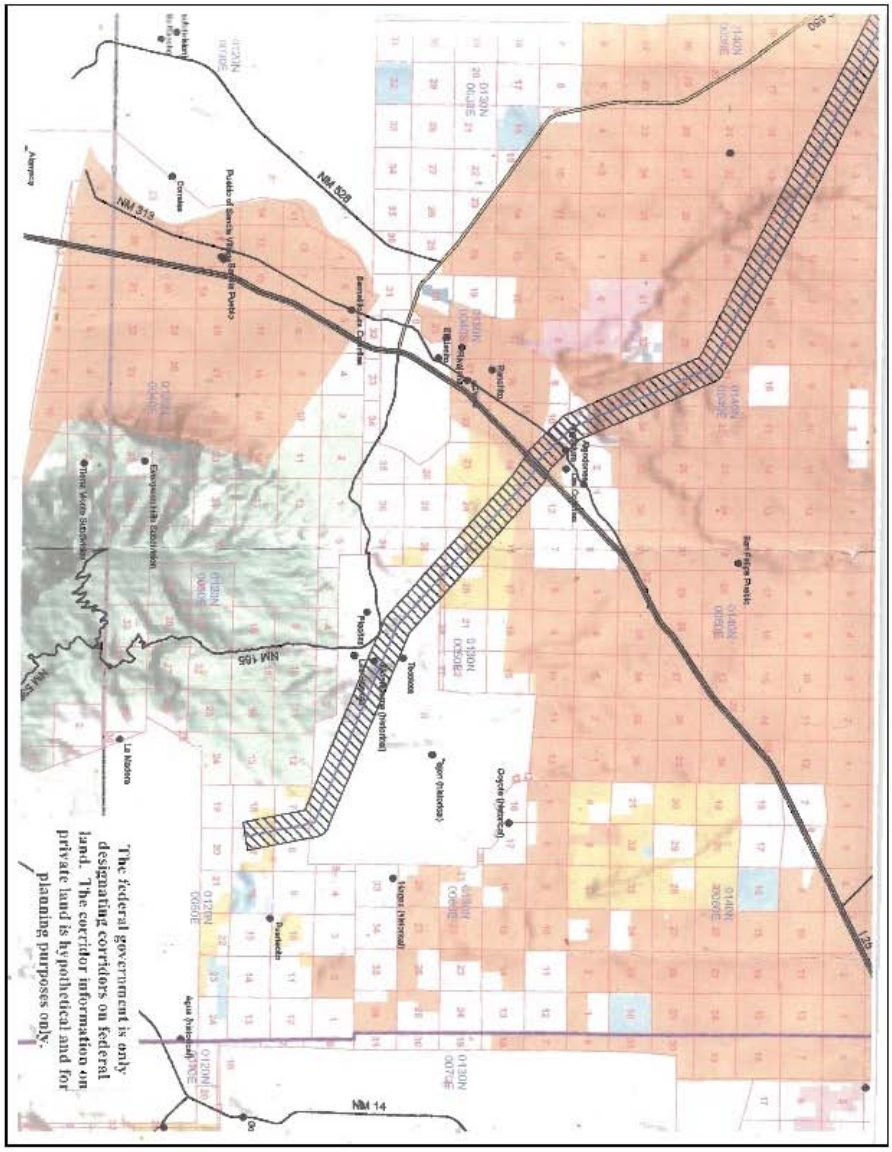
50453-018

Respectfully Submitted,
Las Placitas Association

Reid F. Bandeen
Board President

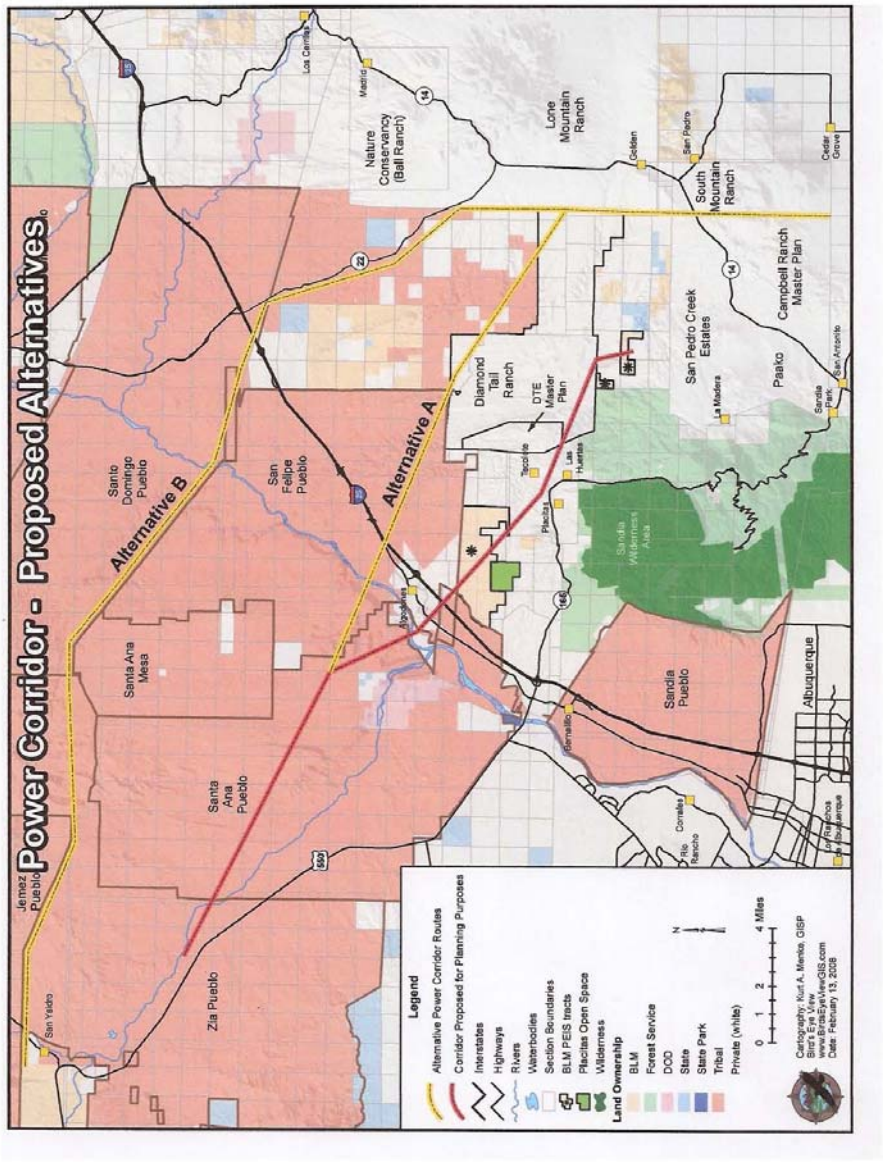
Las Placitas Association, Placitas, New Mexico. Comments on DOE/EIS-0386

Attachment 1



Las Placitas Association, Placitas, New Mexico. Comments on DOE/EIS-0386

Attachment 2



From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:03 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50454

Attachments: CorridorComments_WWECD50454.doc

CorridorComments_
WWECD50454.do...

Thank you for your comment, Daniel Serres.

The comment tracking number that has been assigned to your comment is WWECD50454. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:02:50PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50454

First Name: Daniel
Middle Initial: R
Last Name: Serres
Organization: FLOW
Address: PO Box 2478
City: Grants Pass
State: OR
Zip: 97528
Country: USA
Email: dserres@gmail.com
Privacy Preference: Don't withhold name or address from public record
Attachment: CorridorComments.doc

Comment Submitted:
Please see attached comments of Friends of Living Oregon Waters (FLOW), also submitted on behalf of Columbia Riverkeeper.

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

Friends of Living Oregon Waters (FLOW)

P.O. Box 2478
Grants Pass, OR 97528
541-251-FLOW
www.oregonwaters.org

14 February 2008

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Comments of Friends of Living Oregon Waters (FLOW) Regarding Westwide Corridor

On behalf of Friends of Living Oregon Waters (FLOW) and Columbia Riverkeeper, I would like to briefly add a few general comments to those we have already submitted at the Portland hearing for this DEIS process. In general, the opportunity for public comment throughout Oregon has been inadequate based on the single, mid-week opportunity for spoken comments located in Portland. Obviously, many of the impacts of these proposed corridors will occur in Southern Oregon, and the public was poorly informed about opportunities for written and oral comments in these more rural areas of Oregon. 50454-001

We strongly concur with comments already submitted by Oregon Wild and KS Wild regarding the inadequacy of the current DEIS and the potential for sweeping negative impacts based on the establishment of a 2/3 mile-wide zone for energy development. FLOW is particularly concerned with the obvious relationship between proposed energy corridor routes and recently proposed natural gas pipelines. Over 500 miles of new pipelines are proposed throughout the State of Oregon, most of them related to Liquefied Natural Gas (LNG) development proposals in Coos Bay and on the Lower Columbia River. We strongly urge that the corridor route be evaluated for its potential unsuitability for natural gas pipelines based on steep, erosive terrain, sensitive wildlife and fish habitats, and the presence of significant recreational and aesthetic resources. 50454-002

We would like to add the following comments to the record regarding the proposed corridors throughout Oregon:

- The corridors are almost perfectly super-imposed over proposed Pacific Connector and Palomar pipelines. Please clarify the relationship between these proposed pipelines and the energy corridors. To the extent that the later pipeline proposals will be "tiered" to the DEIS for the energy corridors, the analysis of potential impacts and alternatives is entirely inadequate in the DEIS for these corridors. The DEIS is not suitable for providing a reasonable analysis on which later proposals can rest. Presumably these corridors have some significance in their impact on the ease with which later pipeline proposals are approved, and the current level of analysis of pipeline segments 5-201, 230-248, 4-247, and possibly 50453-003

7-11 are deficient. We are attaching scoping comments for the Palomar project to these comments on the DEIS which support the site-specific reasons why a pipeline corridor such as 5-201 and 230-248 are inappropriate and highly destructive to public lands in Oregon. 50454-003 (cont.)

- Proposed corridors such as those listed above involve crossing late successional reserves critical for the survival and recovery of the Northern Spotted owl. Corridors also involve crossing rivers and streams that are critical habitat for fish species throughout the State. This and other species require consideration from federal agencies under the endangered species act, as these corridors may reasonably be expected to be degraded in habitat quality from pipeline and other energy facility construction. The DEIS errs in not developing any consultation with fish and wildlife agencies. 50454-004
- The proposed corridors are inconsistent with the Wild & Scenic Rivers Act. Proposed corridors cross proposed and current Wild & Scenic Rivers such as the Clackamas and Deschutes Rivers, both of which are currently targeted for major pipeline development from the proposed Palomar pipeline. The energy corridor analysis provides no guidance regarding the desirability of maintaining consistency with the WSRA, and in fact seems to recklessly target extremely sensitive areas protected under the WSRA for corridor development. 50454-005
- The Alternatives analysis for the Draft EIS is woefully inadequate. Essentially the corridors are proposed as single routes throughout the State. There is no consideration of, for instance, alternatives that 1) avoid sensitive critical or essential fish habitat, 2) avoid late successional reserves, 3) avoid designated or proposed Wild & Scenic Rivers, 4) avoid rugged, erosion-prone landscapes, or 5) maximize use of existing rights-of-way. These are just a few of the many alternatives that should have been evaluated. The DEIS, as proposed, is an "all or nothing" proposal to stamp massive infrastructural development across landscapes crucial for survival of endangered wildlife and fish species as well as landscapes prone to erosion. The DEIS must be re-issued with a reasonable range of corridor alternatives, including those that avoid sensitive resources and maximize use of existing rights-of-way. This DEIS obviously violates NEPA, the heart of which is an analysis of a reasonable range of alternatives. 50454-006
- The failure to initiate any consultation with NFMS or USFWS is erroneous, given the obvious potential impact to critical fish and wildlife habitat. If these corridors have any potential ability to heighten the likelihood that energy facilities are placed in habitat for listed fish and wildlife species, these agencies should have been consulted. Additionally, we ask that the DEIS be re-issued with adequate alternatives on which both federal and Oregon State agencies (such as ODF&W) may comment. 50454-007
- The corridors are presumably connected to one another by private lands that lie in between. For instance, many productive farmlands are facing pipeline proposals between segments 5-201 and 230-248 of the proposed corridors. These proposed corridors correspond closely to an existing proposal to construct the Palomar pipeline project. The impacts of this project will severely undermine the ability of private landowners to maintain the economic viability of their farm, forest, and vineyard operations. The DEIS provides no analysis of any resources that lie in 50454-008

between proposed corridor segments, even when there are existing proposals to connect the corridor segments with natural gas pipelines. The Palomar and Pacific Connector pipeline routes correspond too closely with proposed routes to be simply accidental, and the DEIS should include more consideration of the impacts of projects like these, including potential impacts to economic resources, public safety, and environmental resources on private lands in between proposed segments of the corridors.

50454-008 (cont.)

- The DEIS must be re-issued with more specific information regarding socio-economic impacts on both private and public lands that are implicated by these corridors. The potential alteration to Oregon's landscapes, the potential loss of habitat connectivity for wildlife species, the loss of critical fish habitat, and the impacts to private lands that happen to be in between proposed corridor segments must be fully evaluated in a new, thorough DEIS.

50454-009

We strongly urge the developers of the DEIS to clarify the significance of this project as a whole and its impact on projects seeking permits within the proposed corridor. To the extent that this project makes the approval of the Palomar or Pacific Connector pipelines any more likely while providing little or no evaluation of the real impacts of these corridors (and no alternatives for avoiding these impacts), the DEIS does the public a huge disservice. If the DEIS does not have any real significance, then we object to this massive waste of the public's time and resources for recklessly considering irresponsible and destructive energy infrastructure development. Thank you for this opportunity to comment.

50454-010

Sincerely,

Dan Serres

M.S., B.S. Stanford University.
Board member and Program coordinator, Friends of Living Oregon Waters (FLOW)
LNG organizer, Columbia Riverkeeper
(503) 890-2441
dserres@gmail.com

ATTACHMENT 1:
Palomar Scoping Comments

28 November 2007

Kimberly D Bose, Secretary
Federal Energy Regulatory Commission
888 First St. NE
Washington D.C. 20426
Re: Comments on Notice of Intent for Palomar Gas Pipeline Project, Docket PF07-13-000

Columbia Riverkeeper, Friends of Living Oregon Waters (FLOW), Oregon Chapter Sierra Club and the Columbia River Clean Energy Coalition have submitted verbal comments to FERC regarding the Palomar Gas Transmission project. We would like to add the following written comments, and ask that FERC clarify key aspects of the project – including its purpose, route, and project elements such as laterals and compressor stations. The Notice of Intent was deficient in describing the project and provided the public with an inadequate basis for identifying key environmental, economic, and public safety issues.

Furthermore, the fact that FERC has refused to provide our groups with copies of current and detailed pipeline route maps or map data files seriously undermines the public's ability to reasonably comment and be involved as a part of the scoping process. While we are well aware that the route may change, FERC has no valid justification for withholding basic information about the currently proposed pipeline route. Any claim that the route information is confidential energy infrastructure information is without merit as detailed maps of the pipeline route have been presented out in the open at FERC scoping meetings.

Additionally, the fundamental premise for the proposed Palomar EIS is flawed and turns the purposes of NEPA on their head since it is completed segregated from review of the proposed Bradwood LNG terminal which the pipeline would connect to and which is the overriding purpose of the Palomar line. If the Bradwood terminal, or the proposed Oregon LNG terminal which may use the eastern portion of the Palmor line from Molalla to Madras, are not approved there is little basis for believing that the Palomar line would be built. To remedy this FERC should stop the currently proposed EIS process and merge evaluation of the Palomar pipeline into the EIS process for the Bradwood LNG project.

NEED: The Notice of Intent does not identify the true purpose and need of the Palomar project and grossly ignores that the overriding "need" for this project is to send gas from the proposed NorthernStar LNG terminal to the TransCanada pipeline where it will be sent to California. The NOI and Resource Report 1 for the Palomar project provide inadequate and contradictory information about the market drivers for the project, and do not justify a determination of "public need and necessity." Section 1-1 describes the need for the Eastern pipeline segment (East of Molalla) as providing "improved service reliability...while expanding natural gas pipeline capacity...[to] alleviate current and anticipated capacity constraints" (Res. Report 1, p. 7) In the same section, the Western segment of the pipeline is proposed as a method for retrieving gas from the proposed

Bradwood Landing LNG terminal and providing transportation for PGT gas to "other parts of its system (besides Molalla)" (Resource Report 1). The public can only consider the project as a whole, which clearly serves the purpose of providing NorthernStar's proposed imported LNG supply a transmission route to the California-bound Transcanada pipeline.

The FERC must acknowledge the clear purpose of the project, which is reflected in NorthernStar's S-1 filing to the Securities and Exchange Commission, which is to provide California with LNG via Oregon. NorthernStar has acknowledged that it has an agreement with the Palomar project to use the Palomar line in the future in order to deliver gas to western states including California. NW Natural, in announcing this project, stated that it seeks only 100 mmcf/d of capacity for the Palomar project, which has a stated capacity of 1.4 bcf/d. The rest, presumably, will be destined for out-of-state markets, likely California.

The need identified by Palomar comes from a report by the INGAA that natural gas demand should increase over the next twenty years which is indicative of a "need for additional infrastructure to support the projected growth" (Resource Rep. 1). However, this national view does not necessarily hold true for the West Coast region, and particularly Oregon. Palomar does not provide independent information regarding the regional need for natural gas – a need which will be tempered by recently passed legislation on the Pacific Coast mandating Renewable Portfolio Standards (RPS), or binding goals that will push the region away from coal and foreign fossil fuels and towards renewable energy.

Palomar expresses concern that increasing energy demands will likely not be met by coal-fired power plants as government restrictions on greenhouse gas emissions increase. With the issue of climate change being raised by Palomar as a justification for providing more domestic gas to the region, it seems counterproductive to construct a pipeline to the Bradwood Landing site which will supply Palomar with foreign LNG with high life-cycle emissions (approaching that of coal, according to a recent Carnegie Melon study).

FERC must consider the life-cycle greenhouse gas emissions of this project, and this life-cycle analysis would impugn Palomar's argument that they are meeting a need for low-carbon fuels. Because LNG has between 25 and 40 percent larger carbon impact than North American natural gas in its greenhouse gas emissions (depending on the source), the Palomar project and FERC must consider the impact of committing the West Coast (primarily California) to high life-cycle carbon, foreign natural gas.

Palomar does not identify an actual need in the Northwest for the new pipeline, but instead projects that "additional pipeline infrastructure for the region [will] increase natural gas consumption." (Palomar Resource Report 1). The pipeline seems to be couched more as a means for further stability in distribution than as an infrastructure that would make possible more future development in the region for distribution. The Bradwood side of it contradicts the purpose of the Eastern segment, which is promoting more domestic gas usage. Additionally, the project as a whole (including the Western half) clearly will increase the vulnerability of the West Coast to geopolitical shifts in the energy market.

Palomar's Resource Report 1 states that "PGT would likely just not build the last portion of the mainline" without LNG supplies. The purpose of the project as a whole – including the Western portion – clearly acts as a conduit for NorthernStar's gas into the

California and larger West Coast energy market. Palomar attempts to confuse the issue, but the project, as proposed, will extend from the Columbia River to Maupin. Palomar has provided no detail on what portions of the pipeline specifically will not be built without the Bradwood LNG terminal. It is difficult or impossible for the public to discern the purpose and target markets of the pipeline project without this information. The project is inadequately described, and so the discussion of "need" is confusing in Resource Report 1 and in the Notice of Intent.

To summarize, Oregon's total gas use is less than 0.64 bcf/d, on average. The Palomar pipeline's capacity is 1.4 bcf/d. FERC and Palomar do not attempt to rectify this obvious problem – that the Palomar project's capacity is more than twice Oregon's average daily use. Questions pertaining to regional needs, and claims that need is increasing, are not independently substantiated and ignore renewable energy laws coming into effect in Oregon, Washington, and California. The capacity of the Palomar project is enormous, and clearly driven by plans to connect to the NorthernStar LNG terminal and pipeline (a project with a 1.3 bcf/d sendout capacity).

Bradwood Landing Connection: The Palomar project and Bradwood Landing LNG terminal should be considered as connected and cumulative actions under NEPA. Although Palomar states that, in the event that Bradwood Landing is not permitted, it "would likely just not build" a pipeline to connect to Bradwood, it should not be overlooked that Bradwood is the true impetus for at least some significant portion of the pipeline. Without the increased load of LNG-sourced gas being introduced to the existing pipeline infrastructure there would be no need for additional carrying capacity. Existing pipeline infrastructure and market demands do not support 1.4 bcf/d worth of additional capacity, calling into question the project dimensions (in length, route, and diameter) in the case that LNG is not permitted. Clearly, the project's dimensions are shaped by the proposed Bradwood terminal, which would import vast quantities of gas into the region. Palomar has clearly stated that the project would "be extended" to Bradwood's pipeline, which clearly indicates that at least some portion of these projects are connected. Yet, the size of the pipeline itself suggests that the project as a whole is being designed to transport NorthernStar's LNG supply through Western Oregon to the California and the rest of the Western market.

Poor Project Description: Due to a lack of information regarding affected landowners, a lack of clear maps and a vague suggestion that the pipeline "would likely" not be built west of Molalla in the event that Bradwood Landing isn't permitted, we ask Palomar and FERC to disclose how far West of Molalla will the Palomar line travel, if Bradwood Landing is not implemented? We also ask that possible compressor station locations be disclosed to the public, should compressor stations be deemed necessary (as they have been for Oregon LNG). Pipeline laterals from the Palomar project are mentioned, but not specifically detailed in the NOI. We ask FERC to clarify what has been proposed in terms of laterals – for instance, the current project does not incorporate a lateral to the Mist storage fields, while earlier versions of the project clearly connected to Mist.

Alternatives

The EIS should fully examine and consider a conservation alternative that would evaluate the opportunities for avoiding the proposed pipeline through the adoption of an ambitious program to invest in increased efficiency, conservation and renewables development instead of the proposed pipeline.

Public Safety: There are enormous public safety risks with the proposed project which FERC must consider:

- The possibility of fire and explosion: How will people and their lands be affected by combustion of gas from a leak in the pipeline? This evaluation should be very specific an in terms of number of people affected and severity of impacts (ie. death, burn severetiy etc). The EIS should also explicitly discuss the high number of pipeline ruptures that have occurred in recent years in U.S. pipelines and address the flawed pipeline safety network which has failed to protect the public from these impacts. The EIS should also address what measures are in place to ensure that, in the event of fire or explosion, people's homes and lives will not be lost due to a proximity to the pipeline. Several homes are within 100 feet of the proposed route, and many more are within several hundred feet of the route – distances that are well within the thermal hazard range for a large leak and fire along the pipeline.

- In the forested regions that the pipeline would travel through, how will the likelihood of forest fire be mitigated? Because the pipeline is not constructed as a firebreak, the pipeline right-of-way may ultimately act as a conduit for fire (where fine fuels build up during interim periods between right-of-way clearing). The relationship between forest fire and the proposed Palomar gas pipeline must be addressed from the perspective of the pipeline potentially triggering a large forest fire, providing access to OHV's and thus increasing the risk of humans igniting a fire, and from the right-of-way acting as a fine-fuel conduit for wildfire through public and private lands.

- Non-odorized gas presents a serious health and economic risk to those residents whose land will be used for this pipeline. Because the gas will be non-odorized, detection of a leak or rupture in the pipeline may go unnoticed for extensive periods of time. Not only does the potential for an undetected leak propose serious health dangers for inhabitants, it also poses potential loss of livestock, non-viability in agricultural resources and environmental degradation on wooded lands. How will the pipeline be monitored in these regards? What is the minimum frequency required by the Department of Transportation for "pigging". The lack of odorization constitutes an unreasonable risk to residents nearby, particularly considering the steep, rugged, seismically active, and erosive terrain on the proposed route.

Environmental Impacts: This pipeline will run through sensitive waterways, active farms and forest lands along its entire course and the impacts of this highly damaging act should be carefully and fully described in a site specific manner. The destruction caused by the construction of this pipeline should be heavily weighed due to the sensitivity of the habitats that will be disturbed by pressure testing, trench digging,

right-of-way clearing as well as by the means for accessing some of these remote sites.

- Clackamas and Deschutes Wild & Scenic River status. How does pipeline development "maintain or improve" the "outstandingly remarkable values" of the Clackamas and Deschutes? Fish Creek is also listed as a proposed Wild & Scenic River, and will be crossed by the pipeline. The Palomar Pipeline is proposing an open-trench cut across the Wild & Scenic Clackamas, and an aerial crossing (involving the construction of a new bridge) across the Deschutes just downstream of Maupin. All of these alterations require amendments to Resource Management Plans and Forest Plans, presumably. BLM was present at none of the scoping hearings for Palomar - a fact which calls into question its ability to accurately scope issues pertaining to the RMP amendments necessary for the Palomar project.

- The public is unable to identify key environmental issues at this time because of poor quality maps, unspecified stream crossing methods (the Clackamas crossing is still unclear, as well as Fish Creek).

- The construction of a pipeline and the 120'-wide construction easement (which will be cleared of trees) will severely damage the watersheds of the Clackamas, Pudding, Willamette, Nehalem and Deschutes rivers, as well as, hundreds of other rivers in the Willamette Basin and in Yamhill, Washington, Clatsop, Wasco, and Clackamas Counties. In addition, the pipeline will cross hundreds of smaller streams and rivers, both by horizontal directional drill (HDD) and open-trenching. The FERC has provided inadequate information for the public to identify, evaluate, and assess impacts to water quality, riparian habitat, and other resources. The descriptions of major stream crossings are too vague for the public to even begin addressing the environmental impacts of this project. How will degradation of sensitive habitats and important watersheds be avoided by this project? What will be done to mitigate the irreparable damage to be caused in these delicate settings? The EIS should evaluate the effects of frac outs and drilling muds on aquatic species and beneficial uses.

- The public has inadequate information to identify other impacts to public lands, including important wildlife areas, timber production areas, and recreational resources. This pipeline will cross various public lands that offer recreation to tourists and residents of Oregon. How will use of these lands be negotiated? Who will profit from the public forest timber? How will accessibility to the public be affected by construction and implementation of the pipeline? How will scenic areas be reserved and protected from this project? FERC and Palomar must assess inevitable conflicts with other uses,

resources, and management goals on public lands. The absence of the BLM at scoping hearings (particularly in Maupin) limits the ability of that agency to use FERC's scoping hearings as a process for amending its own resource management plans.

- The proposed pipeline would be adjacent to the proposed Memaloose Lake wilderness addition and the EIS should fully evaluate impacts to this proposed area and its aquatic, terrestrial, recreational and aesthetic values. A similar evaluation should be made for all lands that would be impacted by the pipeline.

- FERC should not allow routing of the pipeline that includes open-trenching across salmon-bearing streams. The HDD methods proposed in other areas must be evaluated for the potential to pollute streams and damage fish habitat with frac-outs.

- This project's effect on increasing gas consumption, air emissions, and global warming should be explicitly considered. It is exactly projects like these that will continue to exacerbate the current problems with global warming and this should be closely considered in the EIS

Negative Impacts to Farms and Timber production: The right-of-way clearing and the trenches created by this project will result in both temporary and permanent loss of soil productivity. Farmers will permanently lose soil structures in top- and subsoil, regardless of the refilling intentions of Palomar. Many timber operators have already testified about potential permanent losses to the economic and habitat quality of lands they manage along the proposed route. Clearly regardless of soil degradation, any landowner who relies on their land as a source of income through agriculture or livestock will lose productivity. Palomar and FERC must consider the permanent impairment of productive lands for timber and agricultural crops when evaluating the economic impact of the projects.

Economic Impacts: Both public and private institutions will be negatively impacted economically by this pipeline. The recreation economy will be impacted through degradation of public forests and waterways. The landowners of private lands will be affected two-fold: primarily through the loss of productive land to the 120' right-of-way which will preclude production on that land, and secondarily through the devaluation of their land (and the land of their neighbors) by virtue of having major energy infrastructure running through their property. Many landowners have worked their whole lives to appreciate the value of their lands (which are their livelihoods) and create a sustainable economy from their production. How will Palomar compensate landowners? How will Palomar mitigate disruption of recreation sites? How will Palomar relieve economic strain on agricultural communities that rely on agricultural and timber production? The economic impacts of the permanent right-of-way will be long-lasting and severe, particularly for orchards, growers of grass seed and other crops, and tree farms. FERC and Palomar cannot assume that restoration of these areas will be

completely successful (other recent pipelines have failed to adequately restore impacted lands).

Conflict of Interest. FERC and Natural Resource Group are in a clear conflict of interest with regard to NRG's participation in both the Palomar and Bradwood projects. NRG developed the DEIS for the Bradwood LNG terminal and NorthernStar pipeline, and now simultaneously works with Palomar Gas Transmission as a consultant to help that applicant in the FERC process. The projects themselves are connected and will cumulatively impact the region, and it is entirely inappropriate for FERC to use the same contractor as Palomar in evaluating the impacts of the projects.

We request that FERC resolve these issues, issue a new Notice of Intent, and allow scoping to continue until more accurate and detailed information is provided to the public.

Respectfully,

Brent Foster, Director, Columbia Riverkeeper
Dan Serres, staff
Columbia Riverkeeper

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:13 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50455

Attachments: Western_States_Energy_Corridor's_2-14_WWECD50455.doc

Western_States_Energy_Corridor...

Thank you for your comment, Steven Maxfield.

The comment tracking number that has been assigned to your comment is WWECD50455. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:13:20PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50455

First Name: Steven
Middle Initial: G
Last Name: Maxfield
Address: 9087 Shady Willow Circle
City: Sandy
State: UT
Zip: 84093
Country: USA
Email: max84093@msn.com
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\client\My Documents\Western States Energy Corridor's 2-14.doc

Comment Submitted:
February 14, 2008

Re: Scoping Comments for the West-wide Energy Corridor, Utah Portion.

To Whom It May Concern:

Please accept these comments on behalf of myself, a retired electrical engineer in the "power & energy field". I have spent 32-years building power stations and electrical transmission lines. I have participated in court as an expert witness, acquiring Rights of Ways. I have been involved in numerous city council meetings and have been employed as a project manager on many electrical power projects. I have worked for all of the Electrical Power producers in Utah. Specifically, UP&L (Rocky Mountain Power), Deseret G&T CO-OP and UAMPS (Utah Associated Municipal Power Systems).

Upon reviewing the draft proposal and in discussions with other concerned citizens and groups, I am concerned that the as-proposed energy corridors will adversely impact wild public lands we all enjoy. Particularly, national parks, national monuments, wilderness areas, wildlife refuges, wild and scenic river systems, sensitive wildlife and plant species & roadless areas. 50455-001

The "Energy Corridor" concept is sound and was needed many years ago. I am completely in agreement with this idea. It could prevent delays and additional energy cost associated with surging customer energy requirements. We all know an "energy crunch" is coming.

However, I have 4 issues for which I want to bring attention to: 50455-002

1. The PEIS document should have considered alternative corridors in extremely sensitive areas, such as; Moab, Utah (Arches National Park, Green River, etc.), St. George, Utah area (Desert Tortoise, Anastaze & Piute Indian ruins) and the Grand Staircase-Escalante National Monument in Utah. 50455-003

2. Please consider establishing the Corridor(s) as a "general location", utilizing this PEIS process, to eliminate all of the situations where route mitigation is not possible. Then pursuant to the EPA mandates, develop an EIS for each ensuing facility to be built in the corridor. An EA may be sufficient, dependent on agency requirements. It should be noted that such a huge project should include appropriate consultations with the US Fish and Wildlife Service and Tribal entities up front. As always, public comment should be provided, particularly where eminent domain acquisition, is considered for private property owners. 50455-004

3. From my experience of having worked on numerous corridors issues during my career, it is imperative for the PEIS to adequately assess and address potential impacts to resources including: impacts to sensitive public lands (i.e. potential wilderness lands); and the impacts of possible condemnation of private lands or impacts to other public lands. 50455-005

4. In addition, construction/maintenance access roads should be considered into the design and development of the energy corridors to reduce potential land use impacts. 50455-006

In conclusion, providing a proper EIS with all federal and state agencies involved, allowing for public comment and mitigating obvious problem areas ahead of time, should ease this process. 50455-007

Thank you for the opportunity to discuss my concerns.

Sincerely,

Steven G. Maxfield
Sandy, Utah

February 14, 2008

[Mailed electronically]

Re: Scoping Comments for the West-wide Energy Corridor, Utah Portion.

To Whom It May Concern:

Please accept these comments on behalf of myself, a retired electrical engineer in the "power & energy field". I have spent 32-years building power stations and electrical transmission lines. I have participated in court as an expert witness, acquiring Rights of Ways. I have been involved in numerous city council meetings and have been employed as a project manager on many electrical power projects. I have worked for all of the Electrical Power producers in Utah. Specifically, UP&L (Rocky Mountain Power), Deseret G&T CO-OP and UAMPS (Utah Associated Municipal Power Systems).

Upon reviewing the draft proposal and in discussions with other concerned citizens and groups, I am concerned that the as-proposed energy corridors will adversely impact wild public lands we all enjoy. Particularly, national parks, national monuments, wilderness areas, wildlife refuges, wild and scenic river systems, sensitive wildlife and plant species & roadless areas.

The "Energy Corridor" concept is sound and was needed many years ago. I am completely in agreement with this idea. It could prevent delays and additional energy cost associated with surging customer energy requirements. We all know an "energy crunch" is coming.

However, I have 4 issues for which I want to bring attention to:

1. The PEIS document should have considered alternative corridors in extremely sensitive areas, such as; Moab, Utah (Arches National Park, Green River, etc.), St. George, Utah area (Desert Tortoise, Anastaze & Piute Indian ruins) and the Grand Staircase-Escalante National Monument in Utah.
2. Please consider establishing the Corridor(s) as a "general location", utilizing this PEIS process, to eliminate all of the situations where route mitigation is not possible. Then pursuant to the EPA mandates, develop an EIS for each ensuing facility to be built in the corridor. An EA may be sufficient, dependent on agency requirements. It should be noted that such a huge project should include appropriate consultations with the US Fish and Wildlife Service and Tribal entities up front. As always, public comment should be provided, particularly where eminent domain acquisition, is considered for private property owners.

3. From my experience of having worked on numerous corridors issues during my career, it is imperative for the PEIS to adequately assess and address potential impacts to resources including: impacts to sensitive public lands (i.e. potential wilderness lands); and the impacts of possible condemnation of private lands or impacts to other public lands.
4. In addition, construction/maintenance access roads should be considered into the design and development of the energy corridors to reduce potential land use impacts.

In conclusion, providing a proper EIS with all federal and state agencies involved, allowing for public comment and mitigating obvious problem areas ahead of time, should ease this process.

Thank you for the opportunity to discuss my concerns.

Sincerely,

Steven G. Maxfield

Sandy, Utah

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:24 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50456

Attachments: PEIS_Comments_14Feb2008_WWECD50456.pdf

PEIS_Comments_14
Feb2008_WWECD5..

Thank you for your comment, Robert Gramlich.

The comment tracking number that has been assigned to your comment is WWECD50456. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:23:47PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50456

First Name: Robert
Last Name: Gramlich
Organization: American Wind Energy Association
Address: 1101 14th Street NW
Address 2: 12th Floor
City: Washington
State: DC
Zip: 20005
Country: USA
Email: rgramlich@awea.org
Privacy Preference: Withhold address only from public record
Attachment: C:\Documents and Settings\mfrancis\Desktop\PEIS Comments 14Feb2008.pdf

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

Interwest Energy
Alliance
P.O. Box 272
Conifer, Colorado 80433
cox@interwest.org
www.interwest.org
303-679-9331

American Wind
Energy Association
1101 14th St, NW, 12th Floor
Washington, DC 20005
rgramlich@awea.org
www.awea.org
202-383-2521

Solar Energy
Industries Association
805 15th Street, NW, #510
Washington, DC 20005
kgensler@seia.org
www.seia.org
(202) 682 - 0556

Comments on Energy Corridor Draft Programmatic EIS
14 February 2008

The Interwest Energy Alliance is a trade association that represents the nation's leading companies in the wind and utility-scale solar industries, bringing them together with the West's advocacy community in pursuit of consensus-based, collaborative approaches to new market and transmission development. Together, our members support state-level public policies that harness the West's abundant –and inexhaustible– renewable energy and energy efficiency resources. Currently, our primary states of focus are Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming.

The American Wind Energy Association (AWEA) is a national trade association representing over 1200 entities with a common interest in encouraging the expansion and facilitation of wind energy resources in the United States. AWEA members include wind turbine manufacturers, component suppliers, project developers, project owners and operators, financiers, researchers, renewable energy supporters, utilities, marketers, customers and their advocates. Many AWEA members are interested in developing projects in the interior West and will need transmission over federal lands.

The Solar Energy Industries Association (SEIA) is the national trade association of solar energy manufacturers, dealers, distributors, contractors, installers, architects, consultants, and marketers.
We represent 750 companies and work to expand the use of solar technologies in the global marketplace.

The West is rich in energy resources: clean and renewable energy resources. The Western Governors' Association's multi-stakeholder CDEAC ("Clean and Diversified Energy Advisory Committee") process in 2004-2006 verified the West's abundant —and achievable— renewable energy resource base:

50456-001

Wind	9,175-54,000 MW
Solar	8,000 MW
Biomass	10,000 MW

Geothermal	5,600 – 13,000 MW
Advanced coal:	5,000 MW
Energy efficiency	48,000 MW

It is important to note that these numbers are *achievable and feasible*. However, for most of these resources, transmission is a necessity. In this regard, we appreciate the coordinated, comprehensive approach that this corridors process is bringing. This corridor process is an excellent opportunity to move the western region to a new energy economy focused on its wealth of clean and renewable energy sources. 50456-001 (cont.)

It seems the current proposed corridors appear to facilitate proposed coal plants…and only some of the best areas for renewable energy potential. We need to look toward the future as we plan these permanent corridors across the West in a comprehensive, region-wide approach.

We would like to suggest improving the corridor study by having the federal agencies, in the final study, develop alternative corridors that focus on linking up renewable energy resources throughout the region. A detailed study on Colorado's renewable resources was recently conducted by the "SB 91" task force (http://www.colorado.gov/energy/utilities/sb91-taskforce.asp), whose final report identifies and quantifies the state's renewable resource zones, or "generation development areas." The WGA is considering undertaking a similar effort throughout the region. Federal agencies involved in this corridor effort would be well advised to work closely and collaboratively with WGA, state agencies, and all stakeholder groups in fashioning a western corridors plan that capitalizes on our wealth of renewable resources in a responsible, environmentally sensitive manner. 50456-002

We also urge the Department to make sure that paths fully connect from their generation source to their destination in demand centers. In this regard we agree with EEI's comments which suggest that DOE should (1) provide maps and information that demonstrate how the corridors fully connect, and (2) ensure that all federal segments of these overall paths are designated as part of this section 368 process rather than designating just some segments and leaving others undesignated. The current proposed designations have limited the segments being designated to the point that they exclude important passage across federal lands and omit the broader context for the corridors. 50456-003

Harnessing the West's abundant renewable energy resource will bring tremendous economic, environmental and other benefits to the entire country, helping insulate us from price volatility and ensuring a stronger national energy security posture. The renewable energy industry is ready to strengthen our country's energy infrastructure, and properly designed corridors can make it happen. 50456-004

Thank you for your consideration of these comments.

Sincerely,

Craig Cox
Executive Director

Interwest Energy Alliance

Rob Gramlich
Policy Director
American Wind Energy Association

Katherine Gensler
Manager of Regulatory and Legislative Affairs
Solar Energy Industries Association

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:36 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50458

Thank you for your comment, Daniel Lorimier.

The comment tracking number that has been assigned to your comment is WWECD50458. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:36:00PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50458

First Name: Daniel
Middle Initial: G
Last Name: Lorimier
Organization: Sierra Club, Rio Grande Chapter
Address: P.O. Box 743
City: Williamsburg
State: NM
Zip: 87942
Country: USA
Email: daniel.lorimier@sierraclub.org
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:
I am writing to express my concern about the West-wide corridor PEIS. As a hiker, camper, and outdoor enthusiast, I worry about the impact this project could have on our pristine natural areas in New Mexico and across the west.
This project includes so much parkland and wilderness, I am not sure how this can be legal - these are areas that should be protected for our children and grandchildren. It makes no sense to desecrate our natural areas
- especially those that are supposed to be protected - for short term gain.
I feel very strongly that this will impact me and my way of life. I live in New Mexico and love New Mexico for the closeness and high quality of our outdoors experiences. I get outdoors for the experience of being in unspoiled nature. I take no joy in hiking alongside a pipeline, or under a powerline, or next to a highway. I urge the government to reconsider. The only way I can see that this project would make sense is if these corridors were dedicated solely to renewable energy transmission, but I can find nothing in the PEIS that indicates that would be so. As such, I object strongly to this project. 50458-001

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:50 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50459

Thank you for your comment, Meredith Kaplan.

The comment tracking number that has been assigned to your comment is WWECD50459. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:49:54PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50459

First Name: Meredith
Last Name: Kaplan
Address:
City:
State: CA
Zip:
Country: USA
Email:
Privacy Preference: Withhold address only from public record

Comment Submitted:
This proposal is a travesty. We do not need energy corridors of this size. Use of existing energy and transportation corridors is sufficient. Adding corridors of the sizes proposed would irreversibly affect wildlife species. This proposal is ill-thought out. Any proposal of this kind requires much better public outreach than has been part of this process. No Action should be the preferred alternative. 50459-001

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:58 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50460

Attachments: Sierra_Club-GCC_comments_re_west_wide_corridor_WWECD50460.pdf

Sierra_Club-GCC_comments_re_we...

Thank you for your comment, Sandy Bahr.

The comment tracking number that has been assigned to your comment is WWECD50460. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:57:28PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50460

First Name: Sandy
Last Name: Bahr
Organization: Sierra Club - Grand Canyon Chapter
Address: 202 E. McDowell Rd, Suite 277
City: Phoenix
State: AZ
Zip: 85004
Country: USA
Email: sandy.bahr@sierraclub.org
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\Sandy\My Documents\Energy\Energy Corridors on Public Lands\West-wide Energy Corridors\Sierra Club-GCC comments re west wide corridor.pdf

Comment Submitted:
Please see comments attached. They are submitted on behalf of the Sierra Club's Grand Canyon Chapter.

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

SIERRA CLUB
FOUNDED 1892

Grand Canyon Chapter • 202 E. McDowell Rd, Ste 277 • Phoenix, AZ 85004
Phone: (602) 253-8633 Fax: (602) 258-6533 Email: grand.canyon.chapter@sierraclub.org

February 14, 2008

VIA ELECTRONIC SUBMISSION (http://corridoreis.anl.gov)

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Re: Comments on West-wide Energy Corridor Draft Programmatic EIS

To Whom It May Concern:

I submit these comments on behalf of the Grand Canyon Chapter of the Sierra Club and our more than 14,000 members in Arizona. The Sierra Club's purpose is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; and to educate and enlist humanity to protect and restore the quality of the natural and human environments. Our members use and enjoy much of the public land affected by the proposed West-wide Energy Corridor and have long been involved in protecting the habitat, wildlife, and wildlands of the affected areas. Accordingly, the Grand Canyon Chapter and its members have a significant interest in the proposed designation.

The West-wide Energy Corridor Draft Programmatic EIS (PEIS) is deficient in many respects. The PEIS fails to consider the necessity of the proposed designations and whether our nation's energy needs can be met by improving access to renewable energy sources. Alternatives such as increased efficiency and distributed generation are feasible, but have not been evaluated. Potential renewable sources should have been identified from the outset and incorporated to the greatest possible extent in the proposed corridors. In addition, risks to federal and non-federal lands alike should be fully considered so that they may be avoided or minimized. Finally, once appropriate locations are determined for the corridors, future projects should be presumptive limited to the designated areas.

I. BACKGROUND

Section 368 of the Energy Policy Act of 2005 (EPAct) requires the Secretaries of designated agencies[1] (Agencies), in consultation with the Federal Energy Regulatory Commission, states, Tribal or local governments, affected utility industries, and other interested persons, to designate corridors

[1] The Department of Agriculture, Department of the Interior, Department of Defense, Department of Energy, and Department of Commerce.

on federal land in 11 western states[2] as preferred locations of future oil, gas, and hydrogen pipelines and electricity distribution facilities. Relevant agencies are to incorporate the designated corridors into their land use and resource management plans. Section 368 requires the Agencies to consider the need for upgraded and new infrastructure and to take actions to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy. The Agencies are to develop procedures to expedite applications for energy projects within the corridors.

Section 368 further directs the Agencies to conduct all environmental reviews that are necessary to complete the designation of the corridors. The Agencies have interpreted this provision to require preparation of a programmatic environmental impact statement under the National Environmental Policy Act. Conversely, the Agencies have determined that designating the corridors will have no effect on listed species and critical habitat designated pursuant to the Endangered Species Act and have decided not to consult with the services that have jurisdiction over such species or habitat.

II. COMMENTS

A. The Agencies should consider the necessity of new pipelines and powerlines and whether needs can be met by improving access to renewable energy sources.

It is clear from the PEIS that the Agencies took a simplistic and outdated approach to designating the corridors. The process began with an "unrestricted conceptual network" of energy transport paths in the West that focused solely on existing supply and demand centers. In the second step, "major known environmental, land use, and regulatory constraints" were removed from the network. In the final step, federal land managers and staff evaluated the proposed locations on their respective units to harmonize them with existing resource management and land use plans.

This process did not allow the Agencies to analyze the potential to meet growing energy demands through increased energy efficiency, distributed generation, and maximizing the use of the existing power grid through technology upgrades before turning to additional corridors on our public lands. Arizona, in particular, offers an ideal location for achieving efficiency gains through small-scale generation facilities, such as solar panels on buildings. These facilities can be located at or very near to where the power is used, reducing the amount of energy lost in transmission. However, based on the three-tier process described above, it is clear that the Agencies made no effort to analyze such alternative generation methods, instead favoring a "20th-Century" approach that promotes electricity generation at large centralized facilities (fed primarily by coal) and its transportation over vast distances. 50460-001

The Agencies should have taken this opportunity to reduce our dependence on fossil fuels, limit the effects of global warming, and help build a sustainable energy future for the west by seriously evaluating alternatives to maximize use of renewable energy. A National Renewable Energy Laboratory study estimated that Arizona has the capacity to produce more than 2.4 million megawatts of solar electricity from nonsensitive areas with less than 1% slope. Unfortunately, the three-tier designation process employed by the Agencies failed to consider probable sources such as these for renewable energy production. 50460-002

Probable renewable sources should be considered in the first step of the process — the "unrestricted conceptual network." The Agencies should consider the types of energy that can

[2] Included are: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

feasibly be produced within the relevant areas, and tailor the corridors with a preference to connecting those areas best suited to producing renewable energy such as wind and solar with expected demand centers.

By not considering these alternatives, the Agencies' designations will encourage energy development that undercuts the urgent need to address global warming. The dire needs of our carbon-constrained society are not answered by these designations; these needs will in fact be thwarted by the very actions the Agencies claim are a solution to congestion problems. This short-sighted approach, which lacks full analysis of alternatives, is unacceptable. 50460-002 (cont.)

The need to address global warming is of overriding importance in determining what is best for the nation's future. Already this country is experiencing a boom in renewable energy and energy efficiency investments. The Agencies failed to analyze the effect that carbon taxes and greenhouse gas controls will have on encouraging these renewable sources of power. The Agencies did not take into account that this effect will drive a wave of renewable generation sites near consumers, thereby making long transmission lines and corridors less imperative and less desirable. 50460-003

In addition, the Agencies failed to consider state and regional plans that incorporate these current and future alternative energy realities. The Agencies should not act to frustrate solutions already under development in these plans. Non-transmission alternatives like energy efficiency and conservation, as well as renewable energy programs that some states have adopted, will help to curtail peak demand on the grid. When evaluating whether congestion justifies designation of a corridor, the Agencies should analyze in detail the potential gains from increased local generation and decreased congestion that result from current state and regional initiatives. 50460-004

B. Risks to federal and other affected lands should be thoroughly assessed, so that those risks can be avoided or minimized.

1. The Agencies should consider impacts on non-federal lands affected by expected routes that connect the proposed corridors.

The Agencies should analyze cumulative impacts not only to federal lands but also state, private, and Tribal lands that will be impacted when the corridors are connected. Although the Agencies cannot designate corridors on lands owned by states, private parties, Tribes, or the military, it is disingenuous not to show the intended routes. Doing so would ensure that interested parties can comment effectively so that the Agencies can fully assess the potential effects on these lands. Failing to do so limits the ability of interested parties to evaluate the proposed designations, thereby creating a cloud over the entire process. 50460-005

The Agencies claim to have interpreted the EPAct's directive to designate corridors on federal lands as meaning that they should not make assumptions about where corridors will go on non-federal lands. However, the PEIS shows that the Agencies envisioned corridors on non-federal lands in the "conceptual network" stage of the designation process. Moreover, the Agencies must have continued to make assumptions about how isolated corridors would be connected, or there would be no point in designating them in the first place. These expected routes should be disclosed. Alternatively, if the Agencies maintain that they have not assumed likely routes connecting isolated corridors, they are not in fact "corridors" and should not be designated. 50460-006

2. Designating corridors on areas designated as critical habitat for threatened and endangered species without consulting the relevant service is a violation of the Endangered Species Act.

The Agencies are required to consult with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service (as applicable) on areas designated as critical habitat for threatened and endangered species. We join the conclusion of the National Marine Fisheries Service that the designation of corridors may affect listed species and therefore consultation with the responsible agency is necessary under the Endangered Species Act (ESA).

50460-007

Although further action may be required before specific projects "break ground," designating a corridor establishes a strong preference that transmission facilities will be located there. Section 7(a)(2) of the ESA requires the Agencies to consult with the responsible service both to ensure that the designation is not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of critical habitat. The corridors presented in the PEIS go through designated critical habitat in Arizona.[3] The Agencies must consult with the relevant service to ensure that designation of corridors that intersect designated critical habitat complies with the ESA.

3. Real alternatives should be considered and presented in the PEIS.

No alternatives (other than the "no action" alternative) were presented in the PEIS. Without alternatives, the public can only comment on what they don't like about the proposed designations. The Agencies (who have all of the pertinent information) should provide the public with choices. This is the reason that NEPA requires alternatives.

The PEIS attempts to skirt this requirement by stating that alternatives may be considered when specific projects are proposed. As a practical matter, however, applicants seeking to construct facilities in the area of the proposed corridors will have a significant incentive to resist consideration of alternatives. The expedited application processes envisioned by Section 368 do not apply outside the corridor boundaries. Therefore, it will be more expensive and time consuming to construct projects in areas near the designated corridors that may have a lesser impact on sensitive areas. Moreover, applicants will have the ability to rely on the conclusions of the PEIS as support that the locations are appropriate.

50460-008

Finally, the Agencies' failure to present and consider alternatives suggests that the they did not take NEPA's mandate seriously. Indeed, Section 2.1 of the PEIS, which "analyzes" the no action alternative, contains only four paragraphs. NEPA requires the Agencies to consider real alternatives, including as fewer and alternative corridors. These alternatives should be included in the PEIS for interested parties to analyze and comment on.

50460-009

C. Once appropriate locations are designated, projects on federal lands should be presumptively limited to those corridors.

The PEIS states that designation of the proposed corridors will not limit or affect the Agencies' ability to locate energy transmission facilities outside of the corridors. To achieve the purported goals of the corridor program (improving reliability, relieving congestion, and enhancing the capability of the grid to deliver energy) future projects should be presumptively limited to the

50460-010

[3] For example, Corridor No. 62-211 bisects critical habitat of the threatened Mexican Spotted Owl.

corridors. Applications for projects located outside of the corridors should be subject to heightened scrutiny before they are approved. Applicants should be required present alternatives that utilize existing corridors to the greatest possible extent and articulate a substantial need for locating any portion of the project proposed outside of existing corridors.

50460-010 (cont.)

D. Problem corridors in Arizona

There are several proposed corridors in Arizona that cause concern for the Sierra Club. In addition to Corridor No. 62-211 which cuts through critical habitat for the Mexican spotted owl, our chapter also objects to Corridor No. 41-46 which runs through the **Havasu National Wildlife Refuge**. Wildlife refuges and other specially designated public lands are inappropriate locations for energy corridors. This refuge includes 30 river miles of the Colorado River and is home to bighorn sheep, many species of bats including the California leaf-nosed bat, and numerous species of birds, including the brown pelican. This corridor is also encompassed by the recently designated Southwest National Interest Electric Transmission Corridor – making it an even more likely target for development and truncated environmental review.

50460-011

Corridor No. 47-231 runs through **Lake Mead National Recreation Area** for a total of 11.6 miles with 6.7 miles of it in Arizona. This area is also home to bighorn sheep, mule deer, kit foxes, bobcats, ringtail cats, and more than 240 recorded species of birds. Threatened species such as the Mojave desert tortoise and peregrine falcon can also be found here. The proposed corridor should be abandoned or moved outside of the recreation area.

50460-012

There are also numerous corridors that would affect areas identified in citizen wilderness proposals. These too are inappropriate and should be abandoned.

III. CONCLUSION

We urge Congress and the Agencies to work together to balance the corridor designation program to greater reflect broad public interest. Unless and until that occurs, we will urge that Congress repeal Section 368 of the EPAct and any designations or amendments to land use plans made pursuant thereto.

We ask the Agencies to withdraw the draft PEIS and undergo the full public process and detailed analysis required by NEPA. The Agencies should consider alternatives from the outset to evaluate the possibility of meeting our energy needs through efficiency gains and renewable generation options. We also ask the Agencies to consider existing state and regional efforts to promote energy efficiency and reduce the effects of global warming. We are confident that corridors can be designated that would incorporate these principles, thereby saving money, creating jobs, and reducing the need for polluting power plants.

We ask the Agencies to fully consider the risks that designation poses to federal and non-federal lands, including lands affected by expected routes that would connect isolated corridors. We specifically ask the Agencies to remove any environmental sensitive areas from the proposed designations. In addition, the relevant service must be consulted for any proposed designation that encompasses land designated as critical habitat under the Endangered Species Act. Finally, once appropriate locations are designated, we ask the Agencies to pass regulations presumptively limiting future energy transport projects to the designated corridors.

Thank you for considering our comments. Please contact me if you have any questions.

Sincerely,

Sandy Bahr
Conservation Outreach Director
Sierra Club – Grand Canyon Chapter

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 3:58 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50461

Thank you for your comment, Patricia Simmons.

The comment tracking number that has been assigned to your comment is WWECD50461. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 03:58:11PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50461

First Name: Patricia
Last Name: Simmons
Address: 1123 Woodland Drive
City: Bozeman
State: MT
Zip: 59718
Country: USA
Email: psimmons@imt.net
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:
I am totally against Northwestern energy and other utilities expanding the current utility pole and powerlines in Gallatin Canyon to serve the Big Sky area. And avoiding Montana's Major Siting Act is unconscionable! This is a beautiful canyon for wildlife, sightseeers, recreationists and should not be made into an Interstate type of atmosphere, nor should any of their facilities cross any public lands, especially wilderness. 50461-001

You should be requiring conservation measures for all buildings and occupants in the entire Big Sky residential and commercial areas, as the number one priority. Tough luck if it costs money - those people chose to move into the middle of a mountainous area without the luxuries of a city. Secondly, build a wind farm, or install solar panels (either on the buildings or in a central place). Use all our technical knowledge to get "outside the box" for this area. 50461-002

Do not approve this project!!
Thank you.

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:09 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50463

Attachments: Energy_Corridor_WWECD50463.doc

Energy_Corridor_W
WECD50463.doc...

Thank you for your comment, Tim Donaldson.

The comment tracking number that has been assigned to your comment is WWECD50463. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:08:47PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50463

First Name: Tim
Last Name: Donaldson
Organization: State Office of Education
City: Salt Lake City
State: UT
Zip: 84102
Country: USA
Email: tim.donaldson@schools.utah.gov
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Users\Tim\Documents\Energy Corridor.doc

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

February 14, 2008

West-wide Energy Corridor PEIS
Argonne National Laboratory
9700 S. Cass Ave., Bldg. 900
Mail Stop 4
Argonne, IL 60439

SUBJECT: West-wide Energy Corridor PEIS

TO: Samuel W. Bodman, Secretary of Energy

The Utah State Board of Education appreciates the opportunity to cooperate with the Department of Energy in the preparation of Draft Programmatic Environmental Impact Statements (PEIS). The comments and concerns raised below are offered in the spirit of cooperation through disclosure and analysis.

The Utah State Board of Education represents the common school beneficiary of the school lands managed by the School and Institutional Trust Lands Administration (SITLA). The trust is a large landowner with approximately 3.4 million surface acres and 4.5 million mineral acres of school trust lands within the State of Utah, representing approximately 7% of all lands in the state.

Given the interests that the Utah public schools have in the land resources in the planning area under consideration, the State Board of Education submits the following comments concerning the Draft Programmatic Environmental Impact Statement, West-wide Energy Corridor. The State Board recognizes that this is a dynamic process that will continue for some time into the future, and reserves the right to supplement these comments as necessary. Utah's public schools look forward to resolution of these issues through the preparation of the Final Environmental Impact Statement (EIS) As requested in the "Dear Reader" section of the Executive Summary, comments have been made as specific as possible, including suggested changes, sources, and methodologies, and references to specific sections and page numbers. The State Board therefore requests a formal response.

Introduction to the School LAND Trust Program

The permanent fund is comprised entirely of revenue generated by the trust lands by SITLA, and capital appreciation from investment of the fund. Interest and dividends from the permanent fund are sent annually to each public and charter school within Utah, over 900 public schools in all.

For the 2007-08 academic school year trust lands distributed over $25.3 million to the public schools of the state of Utah for academic, locally controlled programs at each school. This money is distributed through the School LAND (Learning And Nurturing Development) Trust Program, which operates within the Utah State Office of Education (USOE). Each school has a school community council, which uses this money to help address their own most important academic needs: through the purchase of computers, textbooks, and supplies, or through the hiring of para-educators and classroom assistants, for example. Trust lands being managed in the most prudent and profitable manner is a very significant issue for Utah's public schools.

Introduction to School Trust Lands

The school trust lands were granted to the State of Utah by Congress, pursuant to the Utah Enabling Act of 1894[1], for the financial support of Utah's public schools. The United States Supreme Court has referred to this Enabling Act land grant as a "solemn compact" between the United States and the State of Utah.

The State of Utah is obligated by both the Enabling Act and the Utah Constitution to act as a trustee in managing school trust lands. SITLA is the independent state agency responsible by law for the management of these lands. Among the fiduciary duties imposed by this trust on SITLA is the duty to manage the school trust lands in the most prudent and profitable manner possible, and not for any purpose inconsistent with the best interest of the trust beneficiaries.

Federal Government Responsibilities as Settlor of the Trust

The United States Supreme Court has stated that the "solemn compact" land grant in the Enabling Act, between the United States and the State of Utah, obligates the United States to take into consideration the purposes of the grant when managing federal lands. It has been settled by law that the school lands granted by Congress are held in a trust. The federal government, as settlor of the trust, has a responsibility not to frustrate the purpose of the trust, just as SITLA has responsibilities and duties as the trustee. Having established the trust, the settlor is then bound by trust law and the trust instrument, which is the Enabling Act.

The federal government was the settlor of this trust, and, of course, according to general and settled trust law, "the settlor has divested himself of legal and equitable ownership."[2]

---

[1] 28 Stat. 109, Act of July 17, 1894

[2] *The Hague Trusts Convention: Scope, Application, & Preliminary Issues,* Jonathan Harris, Hart Publishing, 2002

But, even though "[T] the entrusting of the right to the trustee is symmetrical with the loss of all entitlement by the settlor… the beneficiary… has the right to expect that he will work towards the attainment of the goal which the settlor (or the law) has given him to reach."[3]

The Department of Energy is an agency of the federal government. Decisions that it makes, regarding and affecting Utah's school trust lands, should be made with every reasonable effort not to encumber trust property, waste trust assets, nor inhibit the efficient and profitable operation of the school trust. The settlor of this trust has a duty not to frustrate the efforts of the trustee, SITLA, in their duty to make the property productive, as directed by Congress in the Utah Enabling Act. Basic contract law holds that it is bad faith for a party to a contract to later take action that frustrates the purpose of the contract.

Checkerboard Pattern of Trust Land Holdings and the Decision's Impact

Most of the school trust lands are comprised of numbered sections 2, 16, 32, and 36 in each township, representing the grant of in-place school sections made by the Utah Enabling Act. The significance of this "checkerboard" pattern of land ownership is that, because most school trust lands are surrounded by federally-owned lands, planning decisions made by federal land management agencies with respect to rights-of-way, withdrawals from mineral leasing, special designations (e.g. ACECs, management for "wilderness characteristics", etc.) and other determinations, inherently impact the school trust lands that are surrounded by these federal lands. The federal government's decisions on how to manage its lands directly affect the ability of the Utah public schools to receive the revenue from profitable management of school lands, as intended by Congress when they were granted.

50463-001

The energy corridors that have been proposed in the PEIS would have a direct impact on the management of school trust lands. When the proposed energy corridors are connected across the "checkerboard" pattern of school trust lands, an estimated 64,000 acres of school trust lands could potentially be impacted by the designation of these corridors. As future utility rights-of-way are sited and approved within these corridors, in most cases there is no other option for the utility provider than to cross these scattered school trust land sections. This presents future problems for SITLA land managers if the right-of-way corridor does not match up with SITLA management plans. In order to minimize these future conflicts, we strongly suggest that federal land management agencies include SITLA early in their planning and approval processes for rights of way that are proposed on federal lands, both inside and outside of these proposed energy corridors that may have nexus to school trust lands.

Utility Operators and the Need to Access Areas with Special Designations

The PEIS fails to address, in any significant manner, the benefits to utility operators of having the corridors designated through areas with special designations or other

50463-002

[3] *Trusts: A Comparative Study*, Mauruzio Lupoi, Cambridge University Press, 2000, pages 197-98

designations (i.e. Wilderness Study Areas, lands with "wilderness characteristics", right of way exclusion areas, ACEC's, National Monuments, sensitive viewshed areas, etc.) that would normally limit the development and construction of utilities. While it appears that efforts have been made to route the corridors to avoid these areas, there are a number of locations throughout the state where the corridors pass through these areas with special designations. Even though an energy corridor may be designated through one of these areas, the corridor designation itself does not make it any easier to obtain approval to actually construct a utility within one of these specially designated areas. The federal agencies should explore this severe shortcoming further and seek ways to make it easier to obtain approval for a utility to cross these areas of special designation if the utility is located within a designated energy corridor.

50463-002 (cont.)

The Need for a Uintah Basin Energy Corridor

The Uintah Basin area is a critical area of oil and gas production for the region and for the economy of the state of Utah. It is important that products produced in the Uintah Basin have sufficient transmission pipelines to transport the products to market. The PEIS should consider the addition of an energy corridor connecting the Uintah Basin area to existing regional transmission pipelines near the Moab area.

Conclusion

50463-003

The school trust is a large landowner in the State of Utah. This land is of great benefit to Utah's public school children. The State Board of Education is very concerned regarding issues of accessw for utility operators across areas of special designation, and the need for a Uintah Basin Energy corridor. The Department of Energy's decisions have the potential to do great financial harm to our vital education programs at Utah's public schools. The Department of Energy's thoughtful and thorough consideration of the issues raised in this document is appreciated. A timely written response, addressing each of the above-raised items, will be anticipated.

Sincerely,

Tim Donaldson
Utah State Office of Education

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:10 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50464

Attachments: PEIS_comments_Szoka-Valladares_WWECD50464.doc

PEIS_comments_Szoka-Valladares...

Thank you for your comment, .

The comment tracking number that has been assigned to your comment is WWECD50464. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:10:15PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50464

First Name:
Last Name:
Address:
City:
State: MD
Zip:
Country: USA
Email:
Privacy Preference: Withhold name and address from public record
Attachment: C:\Documents and Settings\\My Documents\Placitas\Westwide energy corridor\My comments\PEIS comments .doc

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

, MD
February 14, 2008

West-wide Energy Corridor PEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Dear Public Officials:

As a concerned citizen and a property owner in New Mexico, I appreciate the opportunity to comment on the *Programmatic Environmental Impact Statement (PEIS), Designation of Energy Corridors on Federal Land in the 11 Western States.*

By way of introduction, my family has owned property in Placitas for over thirty years. Since 1998, I have been working with a local organization, the Las Placitas Association, which seeks an update of the Rio Puerco Resource Management Plan that includes Placitas. Continuously inhabited for thousands of years, Placitas boasts a 250 year old land grant and a burgeoning residential community that has grown from 400 to 4,000 households since the early 80's. Ideally located between Albuquerque and Santa Fe, Placitas is now a highly prized residential area consisting predominantly of middle and upper middle class homes. There are not many communities like Placitas in New Mexico, a state of some two million inhabitants.

Placitas is part of the Rio Puerco Resource Management Plan (RMP), but this plan has not been updated since the early 1980's, at which time only technical modifications were made. Thus, it does not consider relevant state and local plans or local conditions, which have changed drastically. The effort to secure federal support for the RMP update finally met with success for fiscal year 2008. Shortly after learning that the RMP scoping process would soon get underway, I also learned of the need for review of the forthcoming Section 368 Westwide Energy Transmission Corridor PEIS through the local BLM office in Albuquerque, NM. The local BLM office has been most cooperative in the pre-RMP process, especially in the past couple years when the dialogue has been very constructive. In November, the draft PEIS became available. My comments on the PEIS follow.

The PEIS is deficient in that it does not actually present energy corridors on federal lands as required by Section 368; rather, it presents corridor segments. When these segments are connected (as illustrated in the map, presented at the Albuquerque public hearing, that had been obtained by FOIA action) in the Albuquerque/Placitas area, the corridor crosses non-federal property, encroaching on private property and Tribal lands. Such encroachment on non-federal land is surely not the intent of the legislation. The impact of this siting on the Placitas community would be significant and adverse, damaging

50464-001

property values and eroding the very fabric of the residential community. These negative impacts are completely inconsistent with the statement on the PEIS website that:

"Section 368 requires the Agencies to conduct any 'environmental reviews' necessary to complete the designation of Section 368 energy corridors. The proposed designation of Section 368 energy corridors *would not result in any direct impacts on the ground that may significantly affect the quality of the human environment* [emphasis added]."

50464-001 (cont.)

The PEIS does not explain the use of eminent domain against landowners as the means to complete the corridors except to say, "Project applicants would secure authorizations across private lands in the same manner that they currently do."[PEIS, Section ES10, pp. ES-9].

Further, the PEIS does not offer corridor alternatives in the Placitas area. The press release explanation that "The few locations where the proposed corridors could not avoid sensitive areas are located along existing transmission lines. . ." inadequately addresses the alternatives issue. Given that the proposed Placitas location is unacceptable because of the severe adverse impacts on the Placitas community and its environment, alternative corridors must be developed. The likelihood that the Agencies will use a tiering approach in their decision-making processes underscores the need to develop alternatives, since tiering implies that higher level decisions are not revisited and alternate locations will not be considered. In developing alternatives, please consider the following recommendations:

50464-002

- Locations in or adjacent to Placitas, including the Placitas Development Area (per Sandoval County land-use planning documents) should be avoided as such sitings would adversely impact the human and natural environment, contribute to loss of property value and damage the integrity of the community.
- Alternative corridors should be sited away from residential areas.
- Location of the energy corridor on BLM land north and east of the residential area on Indian Flats Mesa and the Placitas Open Space is unacceptable for the same reasons that the proposed energy corridor location is unacceptable, i.e., adverse impacts on the human and natural environments. Among the negative impacts to the Placitas Open Space, a regional resource, are erosion of the watershed and loss of viewshed.

50464-003

Section 368 calls for consultation with FERC, States, tribal or local units of government as appropriate, affected utility industries and other interested persons. My understanding from testimony at the Albuquerque and Washington hearings is that many tribes were not consulted; neither was the land grant nor the many persons in Placitas who would be affected. I am also unaware that Sandoval County was consulted in this process. Surely, Federal Register notice is not the kind of consultation envisioned by Congress in Section 368. This is a deficiency that may take time to correct: the Agencies should take the time needed to comply properly with the consultation intent of the law.

50464-004

While I acknowledge that America must prepare for its energy future, which includes preparations for increased transmission capacity, I also submit that the country must take a comprehensive look at a variety of important factors such as: supply and demand; load reduction; the potential for use of renewable energy and the opportunity to meet renewable portfolio standards; distributed generation; congestion and constraints in transmission of electricity, carbon dioxide captured from fossil fuel plants and hydrogen; constraints in the U.S. petroleum product distribution system; and distributed generation. The PEIS should address these concerns and rigorously evaluate environmental consequences in accordance with CRF 40 1502.16. In the case of New Mexico, the PEIS should also address the fact that the 2002 Department of Energy *National Grid Transmission Study* did not identify any congested paths in New Mexico in its map of major western transmission bottlenecks in the Western Interconnection [*National Transmission Grid Study*, U.S. Department of Energy, 2002]. 50464-005

Out of consideration for the "bigger picture" of America's energy future, it is crucial that the Agencies and their PEIS send a clear signal to the public and all affected parties about the Agencies' intent to appropriately protect the human and natural environment, community integrity and property rights in the identification of transmission corridors.

Why is this so important? The development of new infrastructure is part of a long-term effort to meet America's energy needs. The consequences of this effort will impact our nation for a very long time. Development of new infrastructure will involve the private sector, including public companies as well as utilities, whether investor-owned, public or cooperative in ownership form. These entities sometimes encounter "opportunities" and trends that may not ultimately contribute to either company profitability or the public welfare. By way of illustration, consider a couple examples: first, the Enron story that was central to the recent full blown energy crisis in California; and second, the diversification activities of many IOUs that allowed them to become ensnared in the Savings and Loan crisis of the late 1980's which resulted in significant loss of shareholder value. These cautionary tales argue for careful consideration of input from the public and affected parties during the critical corridor identification process. Such consideration will send a clear message to interested corridor participants that the Agencies are serious about protecting the human and natural environment, community integrity and property rights in the identification of transmission corridors. The net effect of this message should help to safeguard the public interest during the challenging process of expanding our infrastructure for the benefit of current and future generations of Americans. 50464-006

In conclusion, the PEIS is flawed because of its fragmented approach to corridor identification, encumbrance of private and tribal lands, consultation deficiencies, and inadequate evaluation of environmental consequences, as well as its proposed corridor siting in Placitas, NM and failure to develop New Mexico alternatives. I recommend that the PEIS be remanded and revised to address these concerns in accordance with my comments.

Thank you very much.

Sincerely,

NM address:

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:16 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50465

Attachments: AOPL-API_Comments_Western_Energy_Corridors_2_14_08_WWECD50465.pdf

AOPL-API_Commen
ts_Western_Ener...

Thank you for your comment, Daniel Mihalik.

The comment tracking number that has been assigned to your comment is WWECD50465. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:15:55PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50465

First Name: Daniel
Middle Initial: R
Last Name: Mihalik
Organization: API and Association of Oil Pipe Lines
Address: 1808 Eye St. NW
Address 2: Suite 300
City: Washington
State: DC
Zip: 20006
Country: USA
Email: dmihalik@aopl.org
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\ROW Team\Corridors\Western Corridor\AOPL-API Comments Western Energy Corridors 2 14 08.pdf

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

Peter T. Lidiak
Director, Pipeline Segment
API
1220 L Street, NW
Washington, DC 20005
(202) 682-8323
(202) 962-8579 (fax)
lidiakp@api.org

Shirley J. Neff
President and CEO
Association of Oil Pipe Lines
1808 Eye Street, NW
Washington, DC 20006
(202) 408-7970
(202) 280-1949 (fax)
sneff@aopl.org

February 14, 2008

West-wide Energy Corridor PEIS
Argonne National Laboratory
9700 S. Cass Ave.,
Bldg. 900, Mail Stop 4,
Argonne, IL 60439

Submitted via: http://corridoreis.anl.gov

Re: Western Energy Corridors Designation, EPAct Section 368, Designation of Energy Corridors on Federal Land in the Eleven Western States, Draft Programmatic EIS Public Comments

Dear Sir/Madam:

The Association of Oil Pipe Lines (AOPL) and the American Petroleum Institute (API) thank you for the opportunity to provide comments on the Draft Programmatic Environmental Impact Statement (PEIS) for the Designation of Energy Corridors on Federal Lands in the Eleven Western States. Designation of the energy corridors in the Draft PEIS is a substantial effort and one that that will be beneficial in delivering reliable energy to consumers in the eleven western states. AOPL and API commend the efforts of the lead federal Agencies, the Department of Energy and the Bureau of Land Management, as well as the cooperating federal Agencies, the US Forest Service, Department of Defense, and the Fish & Wildlife Service in the preparation of the Draft PEIS. Given the predominance of federal land ownership in the West, it is clear that the federal agencies are a key partner in helping to meet the energy infrastructure needs of the region. Congress recognized this need in Section 368 of the Energy Policy Act of 2005.

AOPL and API represent pipeline companies that transport more than 85 percent of the "oil" (crude oil and the many forms of petroleum products) the nation relies on for transportation, heating fuel and quality of life. Some of the pipeline facilities owned or operated by our member companies originate in or cross the contiguous eleven Western states covered by the Draft PEIS.

The comments from AOPL and API's are general in nature. We do not comment on specific corridors included, or excluded, in the Draft PEIS. However, we do encourage the

federal agencies preparing the PEIS to include additional corridors and modifications to proposed corridors as may be identified by AOPL and API members that may plan to rely on the corridors. Those pipeline companies are in the best position to determine where additional oil pipelines may need to be located in the future.

Unique characteristics of oil pipelines

Developing a streamlined process such as the Western Energy Corridors must reflect the fact that the national oil pipeline network is dynamic – expanding or adjusting systems to market conditions. Oil pipelines must retain flexibility in developing alternatives. This is especially the case because of the unique characteristics of oil pipelines.

Today more than ever it is critically important to expand and realign assets in the oil pipeline industry to adjust for changing sources of crude oil (e.g. production increases in the Rocky Mountains, Dakotas and Alberta oil sands) and changes in refined product demand and distribution. Significant new expenditures have been made and are planned for capacity expansion/realignment and integrity management costs to maintain existing systems. Also, significant pipeline system investments have been made to handle new products such as Ultra Low Sulfur Diesel investment. In addition to crude oil and petroleum products other energy producing liquids being considered today for transportation in liquids pipelines include ethanol, other biofuels and synthetic liquid fuels like "coal-to liquids".

The U.S. pipeline infrastructure transports about two-thirds of all petroleum liquids at dramatically lower cost and environmental impact than alternative modes such as rail and trucks. The oil pipeline infrastructure is essential to guarantee supply reliability, productivity, and security for the nation as a whole at the lowest cost possible. 50465-001

Unlike natural gas pipelines, oil pipelines carry multiple products. This is important because it adds complexity to oil pipeline operations. Additionally, unlike other forms of energy transportation, alternative unregulated modes compete with oil pipeline transportation (e.g. marine vessels, rail, and trucks).

The dynamic nature of the national oil pipeline system is another reason that designated corridors can not be identified as *preferred* locations in the PEIS.

Pipeline expansions and upgrades, new pipelines in existing rights of way and new pipelines requiring new rights of way must retain flexibility in developing alternatives

In the Executive Summary of the Draft PEIS a statement is made which we believe is not consistent with the intent of Section 368, nor consistent with the remainder of the Draft PEIS.

> The purpose and need for Agency action is to implement Section 368 by designating corridors for the preferred location of future oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities and to incorporate the designated corridors into the relevant Agency land use and resource management plans. [Draft PEIS at ES-2] 50465-002

Because of the dynamic nature of the national oil pipeline system designated corridors should not be identified as *preferred* locations in the PEIS. Possibly the Draft PEIS authors intended the designated corridors to be preferred locations for some energy facilities, however, this is not a feasible approach for oil pipelines. In particular, the unique characteristics of oil pipelines and their related markets, as explained later in these comments, would not enable identification of *preferred* locations by means of the PEIS process for Western Energy Corridors. The intent of Section 368 is reflected in the following statement in the Draft PEIS;

> The Agencies also note that designating a system of energy corridors would not preclude an applicant from applying for a ROW outside of the designated energy corridors, and the current process to authorize ROWs would apply to the application. However, such an applicant would not benefit from the coordinated interagency application procedures that would be established under Section 368, any land use plans that have already been amended to contain designated Section 368 energy corridors, or environmental analyses already examined in this PEIS. [Draft PEIS at ES-4.5]

50465-002 (cont.)

The Draft PEIS recognizes that the Agencies do not have the authority to mandate that energy infrastructure development must be limited to the corridors. The PEIS should also clearly recognize that the Agencies do not have the authority under Section 368 to designate corridors as *preferred* locations for oil pipelines. The corridors function more as an incentive, given the streamlined process and single federal point of contact.

It is vitally important to the nation that there is adequate pipeline capacity to meet future energy needs. For future oil pipeline industry growth, it is important to ensure oil pipeline infrastructure expansion is facilitated rather than hindered by the creation of energy corridors. In some circumstances, expansion of existing oil pipelines or construction of new oil pipelines in existing rights of way will be required to meet growing energy needs. In other circumstances, new pipeline rights of way are likely to be required to expand oil pipeline service into markets. We must be cautious that through the creation of energy corridors we do not unintentionally limit expansion and development opportunities.

Project specific studies are required to make conclusions on preferred oil pipeline corridors

The corridors identified in the Draft PEIS are drawn exclusively on federal land. Thus, the PEIS can not accurately describe the effects that these corridors could have on state or private lands as noted in the PEIS.

> The PEIS does not consider project-specific activities because the proposed designation does not involve or direct the authorization of any specific projects.

50465-003

> NEPA requires that federal agencies prepare a "detailed statement for major federal actions significantly affecting the quality of the human environment." Here, the Agencies have concluded that preparing a PEIS at this time to examine region-wide environmental

> concerns is appropriate, even in the absence of on-the ground environmental impacts resulting from the designation. Actual local environmental impacts must inevitably await site-specific proposals and the required site-specific environmental review. A quantifiable and accurate evaluation of impacts at the local scale can be made only in response to an actual proposed energy project, when a proposal for an action with specific environmental consequences exists. [Draft PEIS at ES-8]

50465-003 (cont.)

States have jurisdiction for routing and public needs determinations for interstate and intrastate oil pipelines. Oil pipeline projects must obtain key state approvals often requiring a determination of Public Convenience and Necessity; a Routing Permit; and a state environmental assessment driven by state legislation.

As described above, state required studies, project specific and site specific studies are required to make conclusions on *preferred* oil pipeline corridors. Additionally, it is important to note that the Draft PEIS for Western Energy Corridors is focused especially on electric transmission rather than oil pipelines.

Because of the critical importance of improving the western electrical transmission grid, Congress specifically directed the Agencies in Section 368 to consider the need for upgraded and new facilities to deliver electricity throughout the western states:

> Section 368 directs the Agencies to take into account the need for upgraded and new infrastructure and to take actions to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy. [Draft PEIS at ES-2]

> While this siting process considered all current and expected forms of energy (e.g., electricity, oil, natural gas, hydrogen), energy generation (e.g., coal-fired power plants, hydropower, solar and wind generation), and energy transport system (e.g., pipelines, electricity transmission lines), additional emphasis was given to electricity transmission because of the interconnected nature of the electricity transmission and congestion issues currently facing the West. [Draft PEIS at ES-15]

The focus within the Draft PEIA is on corridors to improve the western electrical transmission grid. It is unclear to what extent these corridors will facilitate development of oil pipeline infrastructure. The national oil pipeline system is dynamic and the characteristics oil pipelines are unique. Also, the extensive existing national oil pipeline system is integrated with an existing network of marine ports, refineries, storage facilities and transportation hubs. All of these factors require the corridors and rights-of-way for oil pipelines be evaluated for each specific proposal. This is another reason that with respect to oil pipelines, the PEIS needs to make clear that the designated corridors are not a *preferred* location and that the corridors function more as an incentive, given the streamlined process and single federal point of contact.

50465-004

Description of national oil pipeline network in Draft PEIS

50465-005

The national oil transmission network includes 165,000 miles of pipelines used to transport crude oil to refineries and refined products to end users. The Draft PEIS overstates the

magnitude of the network in stating that: "The United States relies on 2 million miles of oil pipelines as the principal means of delivering supplies of oil and refined petroleum products like gasoline to market." [Draft PEIS at ES-1, 2] The following statement in the PEIS also requires some clarification;

> Two principal factors indicate that the oil pipeline delivery system needs improvement. First, demand for petroleum products in the transportation sector is expected to continue to grow at a rapid pace. Additionally, other market factors such as increased petroleum imports due to reduced refinery capacity and expected growth in the production of synthetic liquid fuels like "coal-to liquid" are expected to affect the need for siting new and upgraded pipeline infrastructure. Second, many of the existing oil pipelines currently in place are aging, further creating the need for new or improved pipeline capacity. [Draft PEIS at ES-3]

Changes to oil supply and demand indicate the need to add more trunklines in the Gulf of Mexico to transport offshore crude oil production as well as the need to construct more pipelines from marine import terminals to refineries and crude oil mainlines along the Gulf Coast. Crude oil capacity will also have to be expanded from Canada to the U.S. and from the Rocky Mountain to the Midwest trade and refining centers. Some inland crude oil gathering systems will be shut down, and others will be consolidated, as production of mature areas continues to decline. Changes to refined products systems will center on modifications required to handle ultra low sulfur distillates and possibly diesel from gas-to-liquid plants and biodiesel. Some additional refined product import capacity and associated distribution capacity will also be needed on the East and West coasts. Many of these changes infrastructure expansions to handle these changes will be implemented to a great extent by expansions and upgrades to existing pipelines and by construction of new pipelines in existing rights of way. It is unclear to what extent the Western Energy Corridors will be needed to respond the changes in oil supply and demand.

50465-005 (cont.)

As noted in the Draft PEIS, the existing pipelines in place are aging. However, it is also important to note that substantial investment in maintenance and replacement are extending the life of the pipeline systems. Additionally, in some cases new pipelines are being constructed in existing pipeline rights of way.

Corridor widths

The Draft PEIS specifies a maximum width of 3,500 feet for the proposed energy corridors. At first glance this might seem wide enough to accommodate multiple energy rights-of-way. Corridors must be wide enough to guarantee safe and reliable operation of multiple facilities. The 3,500 foot maximum width proposed in the Draft PEIS may not wide enough to accommodate multiple facilities. This proposed maximum width in many cases will be insufficient to enable future location of facilities and rights-of-way in a manner that is most efficient, most compatible with local topography, and minimizes environmental effects. We would propose a larger standard width and the option for utilities to request a wider corridor as necessary to address these concerns.

50465-006

Conclusion

We feel the Western Energy Corridors regional approach is an efficient way to address the need for energy corridors from energy, environmental, and land management perspective. The purpose of the PEIS approach is to expedite the processing of actual energy project rights-of-way within the designated corridors. The Agencies must also clearly delineate how projects proposed to be sited within the designated corridors actually will be expedited compared to the current process.

The Draft PEIS identifies a number of potential environmental effects that might result from siting facilities in the corridors. On the one hand, the PEIS can perform a useful function by narrowing the range of potential effects so those constitute the outside bound of what might have to be studied further in siting a given facility. Also, the PEIS needs to make clear that a given facility typically will raise only a subset of such potential effects and only some of those may require further study.

We appreciate the opportunity to comment on this issue. Please contact us, Dan Mihalik with AOPL at 202-292-4502, dmihalik@asopl.org at AOPL or Karen Simon, with API, at 202-682-8224, simonk@api.org if you have any questions.

Sincerely,

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:17 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50466

Thank you for your comment, David Lindgren.

The comment tracking number that has been assigned to your comment is WWECD50466. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:16:49PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50466

First Name: David
Middle Initial: L
Last Name: Lindgren
Address: 523 Elm Street
City: Anaconda
State: MT
Zip: 59711
Country: USA
Email: dllindgren@yahoo.com
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:
I am writing in support of the Mill Creek substation south of Anaconda as a hub for the Western Energy Grid utilizing a 500KV transmission line through Deer Lodge County. 50466-001

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:22 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50467

Attachments: Comments_on_DOE_Draft_PEIS_WWECD50467.pdf

Comments_on_DOE
_Draft_PEIS_WWE..

Thank you for your comment, Stephen Burnage.

The comment tracking number that has been assigned to your comment is WWECD50467. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:21:29PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50467

First Name: Stephen
Last Name: Burnage
Organization: National Grid, USA
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\doc\Comments on DOE Draft PEIS.pdf

Comment Submitted:
If possible, print the last page of the document (the map) on 11 x 17 paper for clarity.

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

February 13, 2008

COMMENTS OF NATIONAL GRID USA, ARIZONA PUBLIC SERVICE AND THE WYOMING INFRASTRUCTURE AUTHORITY ON THE DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, DESIGNATION OF ENERGY CORRIDORS ON FEDERAL LAND IN 11 WESTERN STATES (DOE/EIS-0386)

On behalf of National Grid USA, Arizona Public Service (APS)[1] and the Wyoming Infrastructure Authority, all of which are participants ("the Participants") in the development of the TransWest Express transmission project, National Grid appreciates the opportunity to submit the following comments on the Draft Programmatic Environmental Impact Statement, *Designation of Energy Corridors on Federal Land in the 11 Western States* (Draft PEIS). [2] Now in the planning stages, TransWest Express is a 500 kV project intended to transmit energy produced from a variety of sources in resource-rich Wyoming to load centers in the Southwest.

In general, the Participants are very supportive of the Federal Agencies' efforts to designate energy corridors in the West. We appreciate the Agencies' recognition of the unlikelihood that conservation measures alone could reduce energy demand to the point that the West would not need additional transmission routes and infrastructure. It takes all three – transmission, generation and conservation – to sustain a robust economy in the West; the adoption of Section 368 corridors will assist in the first of these, without diminishing the significance of the others. 50467-001

We support the establishment of procedures that can increase the efficiency of processing right-of-way (ROW) applications and the use of designated corridors for energy transmission. The elimination of inter-agency barriers to infrastructure development would help to meet the needs of the energy-hungry West as well as the utilities that serve the West to achieve their obligations to serve customers.

The Participants wholeheartedly support the Agencies' amendment of their land use plans to accommodate Section 368 corridors. Please note below our suggestions for increasing the number of listed corridors. The Participants also encourage the Agencies' adoption of uniform interagency operating procedures for reviewing applications within Section 368 corridors, while recognizing the due process rights of ROW applicants and the public. 50467-002

The Participants' specific comments are as follows:

Corridor widths – As Participant APS explained in its previously-filed comments and in Mr. Robert Smith's Congressional testimony on June 27, 2006, it is critical that utility 50467-003

[1] APS will also submit separate comments regarding the Draft PEIS

[2] Previously, the Participants individually filed comments during the scoping for the PEIS and the development of the Preliminary Energy Corridor Map. Those comments remain standing and do not conflict with those discussed herein.

corridors be wide enough to allow infrastructure to avoid environmentally sensitive areas, to address engineering and technical constraints, and to meet mandated clearances to allow sufficient separation (i.e., space) between electric transmission lines to avoid simultaneous outages of multiple lines within a single corridor. Corridors wider than the nominal 3500 feet will also be able to accommodate more diverse means of supplying energy needs, such as safe co-location of electric, gas and oil transmission facilities. We strongly believe that a minimum one-mile wide corridor would be more practical to sufficiently address the issues we mention above.

50467-003 (cont.)

Property values – In addressing the issue of Environmental Justice in Table ES-2 at ES-33,[3] the Agencies seem to imply that the establishment of corridor designations could have a negative effect on the property values of low income or minority populations. The Agencies further imply that the nature and magnitude of such effects on minority or low-income populations could depend in part on the actual use of federal lands as corridors. The Participants disagree with such unfounded assertions and their negative connotations for infrastructure development. In contrast, it could also be said that without sufficient electric energy supply and distribution, minority or low-income communities will not be able to flourish and property values could diminish as a result. We feel that this issue should be more thoroughly and quantitatively supported and evaluated before it can be included in the Final PEIS. We suggest that the Agencies address any such concerns in project specific environmental documents ***if*** ROW applications for use of designated corridors appear to affect existing low-income or minority populations

50467-004

Interagency Operating Procedures (IOPs) – The Participants generally concur with and support the Agencies' proposed IOPs at 2-27 through 2-34. The IOPs are deliberate, clear and reasonable. We do, however, suggest the following additional language that would strengthen two of the IOPs:

2.4.1 – 16. Applicants should follow the best management practices of the states in which the proposed project would be located unless the best management practices of the Applicant are more stringent.

2.4.2 – 2. Applicants should salvage, safeguard, and reapply topsoil from all excavations and construction activities during restoration unless such topsoil has been determined to be unnaturally polluted, in which case the Applicant should arrange for safe transport and disposal of same.

50467-005

Electromagnetic Fields – At 3-211, the Draft PEIS states that EMF "exposure can potentially alter the behavior, physiology, endocrine systems, and immune functions of birds, which in theory, could result in negative repercussions on their reproduction or development". This statement relies on one study, is not consistent or indicative of the body of knowledge on EMF and is insufficient to support the statement of potential effect

50467-006

[3] All references are to the Draft PEIS document.

attributed to EMF in Table 3.8-9 regarding "…health effects from electromagnetic field exposure. To support this view continue on page 3-211, where it states "…the reproductive success of some wild bird species, such as ospreys, does not appear to be compromised by electromagnetic field conditions". This alternately implies that there is no effect. We believe that the Draft PEIS should either include a more robust analysis of potential EMF issues related to species that would be typically exposed to those conditions, such as the Osprey or the reference to potential health impacts to wildlife from EMF should be deleted. 50467-006 (cont.)

Corridor Maps --

We support all of the corridors proposed in the Draft PEIS. Although the desire to reduce the number of Section 368 corridors to be evaluated is understandable, some corridors identified during scoping have not been – and should be -- included in the Final PEIS as Section 368 corridors. As detailed below, these corridors are key to addressing the reliability, redundancy, and congestion of the western electrical grid. 50467-007

Several studies, including the *Rocky Mountain Area Transmission Study (RMATS)* commissioned by Utah and Wyoming and the *National Electric Transmission Congestion Study* commissioned by the DOE, have identified the state of Wyoming's rich sources of wind, gas and coal as potential new energy supplies for the West. The corridors hereby proposed for inclusion in the Final PEIS are key to serving Major Energy Demand Areas cited within the Draft PEIS, including Salt Lake City, Las Vegas, Phoenix, Los Angeles, and San Diego. To provide the greatest interconnection possibilities between these energy supply and demand areas, corridors previously identified during scoping from (1) Casper, Wyoming, to the I-80 east-to-west corridor, (2) East of Flaming Gorge, (3) Wyoming to Salt Lake City, (4) Salt Lake City to Las Vegas, and (5) North Las Vegas to South Las Vegas, should be included pursuant to Section 368 and as detailed below. 50467-008

1. Casper, Wyoming area to I-80 east-to-west corridor

   Corridor 78-255 does provide north-to-south routes for transmission lines from energy supply area north of Casper to identified east-to-west corridors, such as the I-80 corridor. However, by itself it may not be sufficient to fully and reliably access the northeastern section of the Wyoming energy supply area. To increase the likelihood of achieving that objective, two other north-to-south routes identified during scoping, are shown as corridors A and B on the attached map. One runs from Casper to Rawlins, the other from Casper to Rock Springs. Their inclusion in the Final PEIS list of corridors would enhance the movement of power in this general area. 50467-009

2. East of Flaming Gorge

During scoping, an additional north-to-south transmission corridor was identified by the Participants between Rock Springs, Wyoming, and Vernal, Utah, east of the Flaming Gorge area. Corridor 126-218 provides the required north-to-south route, however the corridor is designated within the Draft PEIS as underground-only utilities. To make the most use of potentially available land and provide the required contiguous north-to-south access to the I-80 corridor, corridor 126-218 should be expanded to a multi-modal designation within the Final PEIS. 50467-010

3. Wyoming to Salt Lake City

Because of "existing administrative challenges to federal right-of-way authorization", in western Colorado and eastern Utah, discussed at ES-3, including heterogeneous mix[es] of private, state, and Tribal land ownership, an additional corridor from Wyoming, south into Colorado, and west into Utah is necessary. Corridors identified during scoping by National Grid and APS avoided the Uintah and Ouray Indian Reservation, as well as large areas of private land in northeastern Utah. However, these corridors were not included in the Draft PEIS, but should be to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy. Congestion exists between the Energy Supply Areas of Wyoming and Energy Demand Areas, such as Salt Lake City, Las Vegas, and Phoenix. Additional corridors from Wyoming to the south towards the "energy demand areas" are needed, because "congestion of the grid could be relieved, in part, by locating electricity transmission projects in locations that would provide additional paths around or through electricity transmission bottlenecks." ES-2 and ES-15. The Draft PEIS states, "Approximately 61 percent of the proposed corridors follow or include existing utility and/or transportation rights-of-way." ES-19. A corridor avoiding the Uintah and Ouray Indian Reservation would follow large amounts of currently designated utility corridors on federal land. 50467-011

Corridor 73-133 was identified during scoping as a corridor that should be included as a Section 368 Corridor. The corridor was included, but only for use by underground utilities. This corridor should be revised to include overhead utilities such as electric transmission lines. Additional north-to-south corridors are needed for electricity transmission lines, in order to circumvent issue areas, including the Uintah and Ouray Indian Reservation.

In addition to the change of corridor 73-133 to include overhead utilities, an east-to-west corridor was identified during scoping, and is needed south of the Uintah and Ouray Indian Reservation. Corridor D, as identified on the attached map, going west from near Meeker, Colorado, to near Huntington, Utah, will help to avoid existing administrative challenges to federal ROW authorization." ES-3. The corridor will help meet the "need for upgraded and new electricity

transmission and distribution facilities to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy." ES-2.

Corridor C will connect the north-to-south corridor 132-276 to the east-to-west corridor D.

Corridor 66-212 provides a single southeast-to-northwest corridor into the energy demand area of Salt Lake City. As identified in scoping, additional corridors into the energy demand area are needed to improve reliability and relieve congestion. Corridors E and F provide two east-to-west corridors, from near Huntington, Utah, to near Fountain Green, Utah, and Sigurd, Utah, respectively, which in conjunction with corridor D will help the Section 368 Final PEIS meet its purpose of improving utilization of federal lands for energy transmission to meet reliability standards and growing demand. 50467-011 (cont.)

4. Salt Lake City to Las Vegas

As identified in the Participants' scoping comments, the rights-of-way hosting the IPP 500kV DC transmission line should be considered a Section 368 corridor from the IPP Substation in Utah to the Adelanto Substation in California. In Utah, for example, the 113-114 corridor interconnects with the Red Butte Substation, whereas the IPP corridor travels farther to the west, avoiding potential land use and visual conflict while traveling on federal land through the Dixie National Forest. This corridor is identified on the attached map in two segments: one is identified as G, which starts near Lynndyl, Utah and ends near Black Rock, Utah; the other is identified as H, which starts near Newcastle, Utah, and ends in Nevada. In addition, an existing designated utility corridor between the two corridors south of the Red Butte Substation should also be included as a Section 368 corridor in order to avoid potential land use and visual impacts southwest of the substation. This corridor is identified as I on the attached map. 50467-012

5. North Las Vegas to South Las Vegas

Interconnecting corridors at the Harry Allen or Crystal substation will likely meet some of the needs of the Energy Demand Area of Las Vegas. For additional capacity to be supplied to Phoenix and Los Angeles, two additional corridors previously identified in our scoping comments should be included in the Final PEIS. Specifically, a new corridor traveling south from corridor 223-224, east of Humbolt National Forest, and across the BLM land located west of Las Vegas could then turn east into the Marketplace Substation area. This proposed corridor could be continued on to the Energy Demand Areas of Phoenix and Los Angeles, in addition to that of Las Vegas. Similarly, a corridor located east of corridor 39-231, following existing lines for a short distance, could interconnect at the Mead or Marketplace substations, while avoiding environmental constraints (e.g., potential land use and visual impacts in Boulder City and/or Sunrise Mountain 50467-013

Instant Study Area). Given the growth and land-use constraints, identifying more than one Section 368 Corridor in the Las Vegas area is imperative, because congestion of the grid could be relieved, in part, by locating electricity transmission projects in locations that would provide additional paths around or through electricity transmission bottlenecks. 50467-013 (cont.)

6. Las Vegas to Phoenix

A) Presently, only one corridor crossing (corridor 47-231) of the Lake Mead National Recreation Area is shown. This corridor, because of engineering constraints (width of the current designated corridor, along with steep topography on either side of the existing transmission lines), will not physically accommodate additional transmission lines required to deliver power needs to Phoenix. Given that energy supplies from Wyoming will likely be required to meet the Energy Demand Area of Phoenix, additional lines will also be required to reduce grid congestion. The corridor to the north, which currently hosts a 500kV and a 345kV line, and identified as N on the attached map, should be widened and included as a Section 368 Corridor.

B) As previously stated during scoping, the objective of the Final PEIS should include a preliminary west-wide energy corridor network that avoids private, state, and tribal lands. In Arizona, two alternatives identified in scoping were not included as Section 368 corridors. First, corridor 47-231 follows an existing 500kV line from the Marketplace Substation east to the western boundary of the Hualapai Indian Reservation, where it stops. Although the line continues through the Hualapai Reservation, the Draft PEIS does not designate an alignment around the southern end of the Reservation, through BLM land. This new corridor is critical for future west-to-east lines to meet the energy demands of Phoenix, Las Vegas, and Los Angeles from the Energy Supply Areas of Wyoming and New Mexico. This approximately 25-mile addition to the 47-231 corridor could be located on BLM land and was previously evaluated in the Navajo Transmission Project EIS, which was determined to be environmentally acceptable by the Department of Energy, Western Area Power Administration as the lead agency, and the US Forest Service, Bureau of Indian Affairs, BLM, National Park Service, Navajo Nation, Hopi Tribe, and Hualapai Tribe as cooperating agencies, in August 1997. Furthermore, the corridor around the Hualapai Reservation, as part of the Navajo Transmission Project, was granted a Certificate of Environmental Compatibility and approved by the Arizona Corporation Commission as environmentally compatible. 50467-014

Secondly, in order to deliver capacity to Phoenix, electric energy needs to be delivered to the northeastern side of Phoenix (the proposed Rye or existing Pinnacle Peak substations). The most direct route avoiding the most private land and associated environmental constraints would be a north-to-south corridor intersecting the 47-68 corridor alignment crossing the Coconino and

Tonto national forests. The corridor is shown as P on the attached map. Beginning north of Flagstaff, Arizona, this corridor would also be significantly shorter, avoid private land, and result in fewer environmental constraints than corridor 62-211. We do agree with maintaining corridors 62-211 and 61-207 because of the large energy demand of the Phoenix area.

50467-014 (cont.)

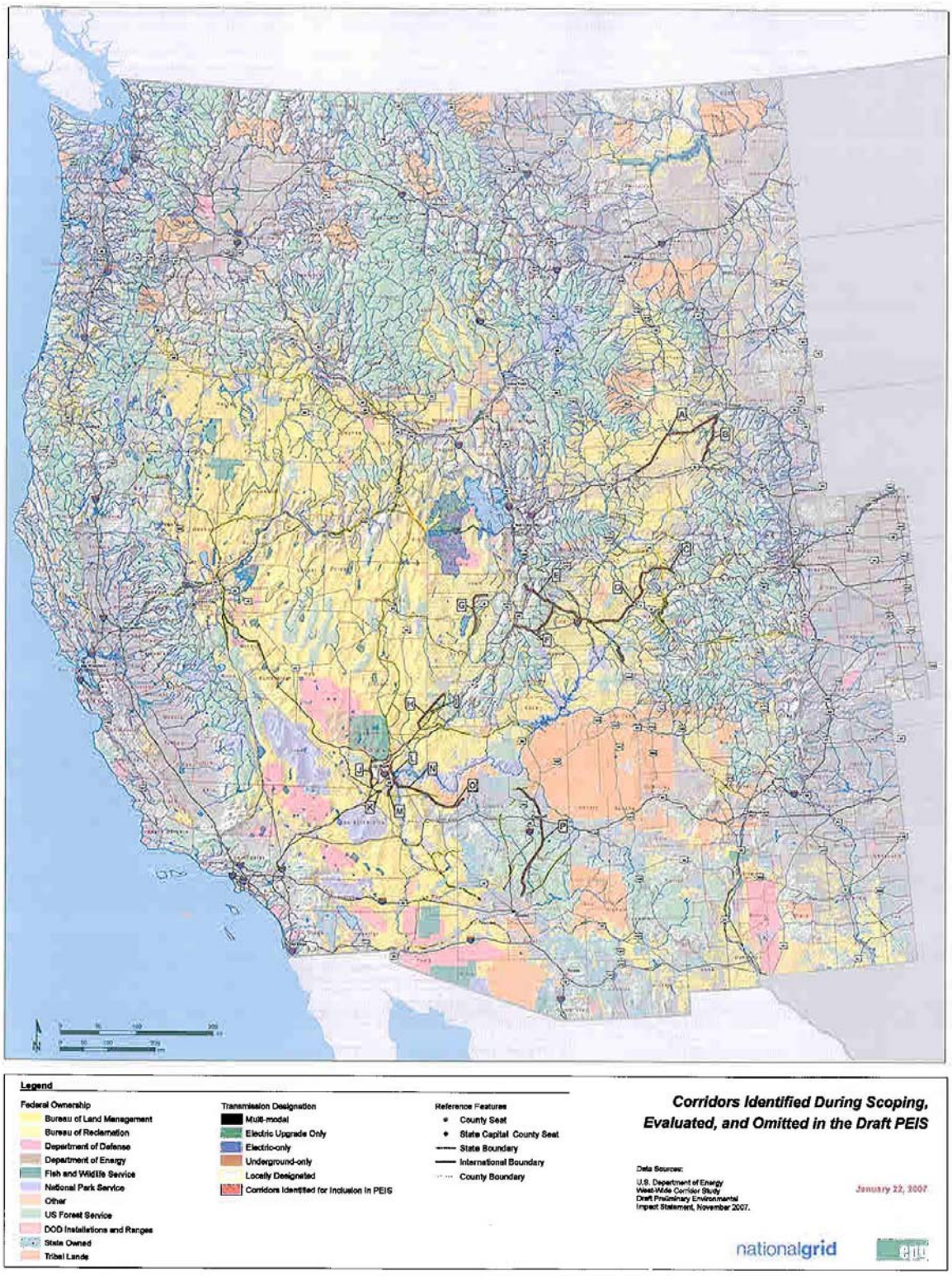
In summary, the Participants in the TransWest Express transmission project support the great majority of proposals in the Draft PEIS. To meet the stated objectives of increasing the reliability of the western grid and meeting growing demand in the region, we urge the lead and cooperating federal agencies to expand the list of corridors to be designated under Section 368. The Participants furthermore respectfully request that the agencies modify their preliminary statements regarding property values and electric magnetic fields in accordance with our described suggestions. As for Interagency Operating Procedures (IOPs), we suggest that ROW grantees could be required to follow their own Best Management Practices when they are more stringent than IOPs.

The Participants look forward to further work with the lead and cooperating federal agencies as they continue to develop Section 368 corridors for the benefit of the western states and their residents.

Cordially,

Stephen Burnage,
Senior Vice President
Business Development
National Grid USA

Attachment: Corridor Map


Legend
Federal Ownership
Bureau of Land Management
Bureau of Reclamation
Department of Defense
Department of Energy
Fish and Wildlife Service
National Park Service
Other
US Forest Service
DOD Installations and Ranges
State Owned
Tribal Lands
Transmission Designation
Multi-modal
Electric Upgrade Only
Electric-only
Underground-only
Locally Designated
Corridors Identified for Inclusion in PEIS
Reference Features
County Seat
State Capital County Seat
State Boundary
International Boundary
County Boundary
Corridors Identified During Scoping, Evaluated, and Omitted in the Draft PEIS
Data Sources:
U.S. Department of Energy
West-Wide Corridor Study
Draft Preliminary Environmental
Impact Statement, November 2007.
January 22, 2007
nationalgrid

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:24 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50468

Attachments: WestwideEndergyCorridorPEIS_SC_comments_WWECD50468.doc

WestwideEndergyCorridorPEIS_SC...

Thank you for your comment, Wayne Hoskisson.

The comment tracking number that has been assigned to your comment is WWECD50468. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:23:42PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50468

First Name: Wayne
Middle Initial: Y
Last Name: Hoskisson
Organization: Sierra Club Utah Chapter
Address: 746 Millcreek Drive
City: Moab
State: UT
Zip: 84532
Country: USA
Email: wyh@xmission.com
Privacy Preference: Don't withhold name or address from public record
Attachment: /Users/wayne/Desktop/WestwideEndergyCorridorPEIS SC comments.doc

Comment Submitted:
We have attached comments from the Sierra Club Utah Chapter

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

Sierra Club Utah Chapter
2159 South 700 East, Suite 210
Salt Lake City, UT 84106

Feb. 14, 2008

Westwide Corridor DEIS
Argonne National Laboratory
97000 S. Cass Ave.
Bldg. 900, Mail Stop 4
Argonne, IL 60439

Submitted via the Web at http://corridoreis.anl.gov

Dear Sir or Madam:

Please accept these comments on the programmatic environmental impact statement for the designation of energy corridors on federal land in the 11th western state. In these comments, we will abbreviate this proposal as PEIS.

First a thank you to the extensive information that came with this proposal. It is rare that these proposals are so thorough. We are especially appreciative of the GIS data that helped us analyze this proposal relative to land impacts.

These comments are organized as follows. We first review assumptions implied in the PEIS relative to the choices made in the preferred alternative. We next recommend alternatives that are realistic and should be considered in this environmental analysis. We then review the environmental analysis and its adequacy to meet NEPA standards. We suggest some analysis that you should conduct in this decision process.

Assumptions made in this PEIS are not always fully explained. For example, these corridor designations assume a future development projection of population, energy use, and energy creation. The need for this decision is linked to this assumption. The nature of this development projection and justification behind this assumption remains unexplained. Without such justification, the level of projected development that justifies the corridors proposed is arbitrary and the preferred alternative unreasonable. 50468-001

We ask that you consider two additional alternatives. 50468-002

Balanced use alternative: The first alternative would identify the need for additional corridors under the PEIS energy generation scenario that would continue to protect candidate roadless and proposed wilderness areas. In addition to protecting candidate wilderness areas, this alternative would also protect linkages between core areas in wildlands network designs. This alternative would not expand corridors that cross into candidate wilderness areas.

50468-002 (cont.)

The specific candidate BLM wilderness areas and Forest Service roadless area that are involved in the balanced use alternative are shown in Table 1. This alternative would allow limited new utility development within current rights of way or chose routes that were outside the boundaries of the areas identified in this table.

Table 1 Proposed energy corridors that we suggest be reduced in size or relocated.

Candidate Wilderness Area (roadless area)	Land Management Agency	Corridor Issue	Corridor Name/ Number	Corridor Width (feet)
Coldspring Mountain Proposed Wilderness	BLM	A corridor runs through the middle of the Proposed Wilderness not on a road.	126-218	3,500
Beaver Dam Wash Proposed Wilderness	BLM	A corridor runs through the northwestern boundary of the Proposed Wilderness not on a road.	113-114	3,500
Scarecrow Peak Proposed Wilderness	BLM	A corridor runs through the southeastern boundary of the Proposed Wilderness not on a road.	113-114	3,500
Beaver Dam Mountains North Proposed Wilderness	BLM	A corridor runs through the northwestern boundary of the Proposed Wilderness not on a road.	113-114	3,500
Square Top Mountains Proposed Wilderness	BLM	A corridor runs through the southeastern boundary of the Proposed Wilderness not on a road.	113-114	3,500
Joshua Tree Proposed Wilderness	BLM	A corridor runs through the southern boundary of the Proposed Wilderness not	113-116	5,280

50468-003

		along a road.		
Beaver Dam Mountains East and West Proposed Wilderness	BLM	A corridor runs through the northeast boundary of the Proposed Wilderness not along a road.	113-116	5,280
Mountain Home Range North Proposed Wilderness	BLM	A corridor runs through the northeast boundary of the Proposed Wilderness along State HWY 21.	110-114	3,500
North and Central Wah Wah Mountains Proposed Wilderness	BLM	A corridor splits the Proposed Wilderness areas along Pine Valley Road.	110-114	3,500
Desolation Canyon, Lost Spring Wash, and Price River Proposed Wilderness Areas	BLM	A corridor splits the Proposed Wilderness areas along US HWY 6.	66-212	3,500
Dead Horse Pass, Lower Flaming Gorge, O-Yi-Wu-Kuts, Mountain Home, and Red Creek Badlands Proposed Wilderness	USFS	A corridor splits the Proposed Wilderness areas not along a road.	126-218	3,500
Arches National Park	NPS	A corridor is immediately adjacent to the southwest portion of the Park along US HWY 191.	66-212	Approx. 9,500
Glenn Canyon National Recreation Area	NPS	A corridor runs through a 3 mile portion of the NRA not along a major road.	68-116	3,500
Dinasaur National Monument	NPS	A corridor is barely within 1 mile of the western edge of the Monument not along a major road.	126-218	3,500
Grand Staircase-Escalante National Monument	BLM	A corridor runts through the southern portion of the Monument not along a road for approximately 20 miles.	68-116	3,500
Negro Bill Canyon WSA	BLM	A corridor is within 1 mile of the western boundary of the WSA along US HWY 191.	66-212	22,000
Wah Wah Mountains WSA	BLM	A corridor is within 1 mile of the southern boundary of the WSA along State HWY 21.	110-114	3,500
Mill Creek Canyon WSA	BLM	A corridor is within 1 mile of	66-212	22,000

50468-003 (cont.)

		the western boundary of the WSA along US HWY 191.		
Behind the Rocks WSA	BLM	A corridor is within 1 mile of the eastern boundary of the WSA along US HWY 191.	66-212	22,000
Willard and Lewis Peak IRAs	USFS	A corridor splits the two IRAs and appears to be within both along N. Ogden Canyon Rd. for about 2.1 miles and with the western boundary of Willard IRA for not on a road.	256-257	2,640
481017 IRA	USFS	Two corridors, one on the north and one on the south within the IRA -southern one is on US HWY 6.	North: 66-259, South: 66-212	3,500, 3,500
481008 IRA	USFS	A corridor runs through the southern portion of the IRA not along a road for about 2.3 miles.	66-259	3,500
481009 IRA	USFS	A corridor runs through the northern portion of the IRA not along a road for about 6.5 miles.	66-259	3,500
Mogatsu, Atchinson, Gum Hill, and Cove Mountain IRAs.	USFS	A corridor splits the four IRAs and apears to be in each along State HWY 18 for about 15 miles.	113-114	Variable width
Old Spanish Trail	Various	Some corridors cross the trails, others run concurrent. Those running concurrent were previously designated.	Various	Various
Pony Express Trail	Various	Some corridors cross the trails, others run concurrent. Those running concurrent were previously designated.	Various	Various
California Trail	Various	Some corridors cross the trails, others run concurrent. Those running concurrent were previously designated.	Various	Various
Pony Express Trail	Various	Some corridors cross the trails, others run concurrent. Those running concurrent were previously designated.	Various	Various

50468-003 (cont.)

California Trail	Various	Some corridors cross the trails, others run concurrent. Those running concurrent were previously designated.	Various	Various

50468-003 (cont.)

The corridor widths shown in the table would be reduced in size in order to prevent encroachment within these areas shown in Table 1. Please contact us if you need specific GIS coverages for these roadless areas. We can help provide these.

The second alternative that this PEIS should consider is called the smart energy future alternative. This would then assess the change in today's corridors needed to support energy use and production described in "Tracing Climate change in the U.S., potential carbon emissions reductions from energy efficiency and renewable energy by 2030." The full citation for this alternative is "Kutscher, Charles F. 2007. Please consider this document which can be downloaded from the web as a submission for comments to this DEIS. Tracing Climate change in the U.S., potential carbon emissions reductions from energy efficiency and renewable energy by 2030. American Solar Energy Society." This alternative assumes that we are on a path towards repairing the problems caused by climate change. Potential carbon reductions (in MtC/yr in 2030) would come from the following categories: Energy efficiency 688, Concentrating solar power 63, Photovoltaics 63, Wind 181, Biofuels 58, Biomass 75, Geothermal 83.

The preferred alternative differs from the smart energy alternative in a number of ways. First, new fossil fuel plants for coal would not be built in the west. Second, renewable energy would be expanded and primarily focus on local energy generation. Regional or large centralized power generation would require few sites and unlikely to require new capacity for regional energy transmission. This alternative meets better the requirements of EPAct 2005 for reliability, efficiency, and ability to be accomplished in the face of increased uncertainty for centralized power facilities.

50468-004

This alternative assumes that there would be approximately an 80% reduction in electrical power from coal. This alternative would analyze the ability of today's corridors to meet this reduced capacity demand.

Is this alternative feasible? As of today nearly 1,000 U.S. cities have signed on reductions in climate affecting gas generation that matches the smart energy future alternative. (Look at cool cities on the web). Climate change is one of the most significant issues before our country's leaders. The most likely future outcome of our energy policy favors this alternative over that assumed in this PEIS. In fact you would be hard pressed to find much political support for the development alternative used in this PEIS to justify these corridors.

The preferred alternative in this PEIS follows to Section 368 of the Energy Policy Act of 2005 (EPAct 2005). This law requires that the PEIS consider (1) improve reliability; (2) relieve congestion; and (3) enhance the capability of the national grid to deliver electricity. We argue

that the fossil future chosen for the preferred alternative is not the best way to meet these considerations. Improved conservation and load management are a far better way to improve congestion and ensure capacity of the electricity grid and fossil fuel pipeline system meet future needs. We request analysis in the PEIS that compares the smart energy future alternative and the preferred alternative to meet these consideration. 50468-004 (cont.)

The PEIS fails to follow the guidance in FLPMA to minimize adverse environmental impacts, to reduce the "proliferation" of rights of way, and to use in the most effective and least impacting existing rights of way. For example, this PEIS does not consider the alternative of upgrading existing power lines rather than duplicating power lines as a way to minimize corridor impacts. The PEIS fails to show adequate consideration to these legal requirements described in FLPMA Title 43, chapter 34, Section 1763 (criteria and procedures applicable for designation). As a result, the PEIS fails to meet the legal obligations required in a decision affecting BLM lands. 50468-005

While the kinds of impacts that are anticipated are listed in some cases incompletely, there is not the impact analysis required when assessing the impacts of corridors with the kinds of industrial use that the PEIS would allow. Here is one example that explains more about the nature of this problem on page 5-37 of the PEIS

> **4.6.7.3 Wildlife**
> The cumulative impacts of past, present, and future actions on wildlife result from increased construction and operations activities (e.g., ground disturbance, vegetation removal, and installation of facilities and infrastructure) associated with oil and gas development and production, mining, transmission and distribution systems, renewable energy development, timber harvesting, urbanization, and increased recreational use and tourism. Adverse impacts include injury and mortality, habitat disturbance (fragmentation) or loss, interference with behavioral activities (e.g., migration), and increased risk of toxic release exposures. The construction and operation of energy transport projects under the Proposed Action could contribute significantly to these impacts. 50468-006

The section just cited is not an impact analysis. As a result the PEIS offers inadequate analysis of the impacts that this decision would bring to a specific location along a corridor. As a result, the PEIS fails to meet the NEPA requirement to describe the cumulative impacts that the proposed decision would allow. BLM RMP and Forest Service plans are amended through analysis that reviews the ability to meet habitat desired considered conditions. This analysis reviews if the proposed action is consistent with other standards and plan goals. Such analysis has not been conducted in this PEIS and as a result, the proposed action fails to meet the requirements for amending land us plans. This PEIS defers impact analysis until a later time while making the decision today. The PEIS fails to adequate meet the requirements for analyis in order to update land use plans.

Under consideration of the impacts to species requiring attention from the Endangered Species Act, the PEIS makes the following conclusion: 50468-007

"As a result of this examination, the action agencies have determined that designating corridors through land use plan amendments would have no effect on a listed species or on critical habitat." PEIS 1-13

This conclusion remains unsubstantiated. The PEIS should report the process that this decision team went through to consult with FWS and receive the required reports for each species in each local. We request that the PEIS publish as an appendix all communication with FWS and all consultation documents that support this conclusion. In the absence of this information, this conclusion can not be made. Recent communicaiton with FWS has led us to conclude that the required analsysis of the impacts to listed species has not been conducted for this decision document. For this reason this PEIS must be found to be inadequate and not meeting NEPA requirements.

50468-007 (cont.)

We are also concerned that the decision to be made will in fact have on the ground consequences. While the BLM may maintain that this will not have any on the ground effects since there will be no actual ground disturbance based on this PEIS that is an illusory conclusion. In the future should a new energy transmission project be planned it would in fact be restricted to these corridors. Should a future EIS determine that actual construction through a segment of the proposed corridors would entail significant and undesirable harm to the human environment then any proposed transmission route could become fragmented and fail to provide for effective and actual transmission of energy. There would be a number of consequences. Either the future decision maker would have their decision limited by this PEIS. Any actual transmission would have to occur in this corridor even when future decisions indicate it should not. Or energy transmission would have to stop along a proposed corridor.

50468-008

The maps for the proposed corridors show some strange anomalies. For instance in Spanish Valley, Grand County, Utah, the proposed corridor splits and becomes essentially unusable land on steep slopes beneath the cliffs on each side. These do not actually create a usable corridor without using existing corridors. There appear to be many such breaks in the proposed corridors. Essentially this would indicate that existing energy transmissions would need to be used in order for the proposed routes to work. If that is the case then the BLM should consistently use current corridors. This would allow minimal detrimental effects on the environment while still permitting transmission.

50468-009

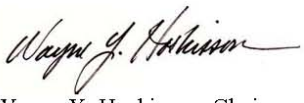
Other gaps seem equally mysterious. For example the route that appears to travel up Johnson Canyon in Kane County, Utah. This corridor ends at the Grand Staircase/Escalante National Monument boundary but then apparently resumes on the north side of the monument. This route then has not truly been analyzed for in this document. This particular corridor should be remove from the plan. All such proposed corridors should be examined for such inconsistencies and removed from consideration when such omissions occur.

The draft PEIS is not sufficient to make such decisions for the future and does not pretend to be. Thus all routes in the PEIS would be arbitrary and capricious. 50468-010

We have also reviewed the comments submitted by The Wilderness Society. We concur with their comments and incorporate them by reference.

Thank you for considering our comments. We look forward to seeing how you will use them in developing the decisions to be made.

You can contact me through the Sierra Club Utah Chapter office as shown on the letterhead or through my personal contact information with my signature.



Wayne Y. Hoskisson, Chair
Sierra Club Utah Chapter
746 Millcreek Drive
Moab, UT 84532
wyh@xmission.com

Kutscher, Charles F. 2007. Tracing Climate change in the U.S., potential carbon emissions reductions from energy efficiency and renewable energy by 2030. American Solar Energy Society

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:28 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50469

Attachments: Idaho_Power_WWEC_PEIS_comments_WWECD50469.pdf

Idaho_Power_WWE
_PEIS_comments..

Thank you for your comment, Brett Dumas.

The comment tracking number that has been assigned to your comment is WWECD50469. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:27:45PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50469

First Name: Brett
Last Name: Dumas
Organization: Idaho Power Co.
Address: PO Box 70
City: Boise
State: ID
Zip: 83707-0070
Country: USA
Email: BDumas@idahopower.com
Privacy Preference: Don't withhold name or address from public record
Attachment: G:\Environmental Services\Utility Corridors\Idaho Power WWEC PEIS comments.pdf

Comment Submitted:
Idaho Power Company's comments are attached.

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

IDAHO POWER®
An IDACORP Company

February 14, 2008

West-wide Energy Corridor PEIS
Argonne National Laboratory
9700 S. Cass Ave., Bldg. 900
Mail Stop 4
Argonne, IL 60439

Subject: Comments on the West-wide Energy Corridor PEIS

Idaho Power Company (Idaho Power) applauds the efforts the Departments of Energy and Interior have undertaken in producing the Programmatic Environmental Impact Statement (PEIS) for the *Designation of Energy Corridors on Federal Land in the 11 Western States.* We would also like to recognize the cooperating agencies, whose participation is critical to the success of this endeavor. Thank you for the opportunity to comment and address the PEIS and future energy corridor needs in the West. 50469-001

Idaho Power is an integrated electric utility company based in Boise, Idaho that serves approximately 472,000 customers in a 24,000 square mile service territory in southern Idaho and eastern Oregon. Idaho Power has a long history of involvement in, and is a proponent of, designated energy corridors. We have participated in a number of working groups in recent years to identifying corridors and evaluate source to market needs, which should serve as the foundation for identifying corridors (e.g., Western Utility Group, Northern Tier Transmission Group, Rocky Mountain Area Transmission Study group, and Northwest Transmission Assessment Committee.)

The geographic disparity between where energy sources and load centers are located deems it necessary that energy be transported long distances. The predominance of Federal lands in the West necessitates that energy facilities be located on public lands. As identified in the National Transmission Grid Study (DOE 2002), the process for siting and permitting high voltage electric transmission lines on Federal lands has been one of the impediments to building new lines. The competing interests for use of these public lands necessitates that energy needs be fully accounted for in agency planning and land use allocation. The energy corridors identified in the PEIS will help meet that need. 50469-001 (cont.)

The following are Idaho Power's general and specific comments on the PEIS:

Meeting the Intent of Section 368 of the Energy Policy Act of 2005 50469-002

Section 368 of the Energy Policy Act of 2005 (EPA) had two primary goals:

1) To designate energy corridors on federal lands in the 11 western states and establish procedures to ensure that additional corridors are identified and designated as necessary.

P.O. Box 70 (83707)
1221 W. Idaho St.
Boise, ID 83702

2) Develop procedures that would expedite applications to construct or modify pipelines and transmission lines.

While the Agencies conducted a systematic analysis of energy corridor needs and associated constraints in the process of identifying the corridors presented in the PEIS, there are important electrical pathways that are not addressed. Idaho Power and Rocky Mountain Power have a 500-kilovolt transmission line project (Gateway West) underway that would bring renewable and other generation resources west from eastern Wyoming to load centers in Utah and Idaho. Even though this project is eminent and critical to relieving transmission congestion, a corresponding corridor is not identified in the PEIS. This suggests that there is a disconnect between the process the Agencies used to identify corridors for the PEIS and that which the electric utility industry uses to identify needed infrastructure. We encourage the Agencies to considering designating a corridor along this critical pathway. 50469-002 (cont.)

Corridor segment 43-44 in northern Nevada lies at a critical junction of north-south and east-west corridors. Yet this segment is classified as only accommodating underground utilities. We could not deduce the basis for this decision (i.e., no basis in Appendix G or P.) If implemented as proposed, the bottleneck this segment creates would significantly constrain the use of the connecting corridors for high voltage electric transmission lines. A proposed transmission line would have to by-pass this segment and rejoin the corridor after this point. We would not bury a high voltage transmission within this segment. Doing so would be economically infeasible and operationally impractical. It is our understanding that this corridor is already designated in a land use plan and includes Idaho Power's 500-kV Southwest Intertie Project right-of-way. The decision to designate this corridor segment as underground is highly questionable given the intent of the PEIS as described by Congress. 50469-003

There appears to be a missing link in a corridor route proposed between southwestern Idaho and northeastern Oregon. There is federal land (BLM) between segments 29-36 in Idaho and 250-251 in Oregon that would have to be crossed in order to use this corridor, however the area has no corridor designation. This seems counter-intuitive to the intent of designating functional corridors that can accommodate actual projects. 50469-004

In terms of proposing a process that will facilitate or expedite energy projects within corridors, the PEIS comes up short. The only substantive action that may streamline a project is the designation of a single Point-of-Contact (POC) on interagency/cross-jurisdictional projects. Idaho Power's experience is such that unless this POC is well versed in agency bureaucracy, is experienced with large energy projects, and has the ear of decision makers, this person ends up being another layer of bureaucracy, rather than a facilitator. On the other hand, our experience with the BLM's national project managers has been exceptional. The role and function of the national project managers is something that should set the baseline for the function of a POC. (e.g., add examples? activities?) Otherwise, the PEIS does not address, nor provide for, procedures that will facilitate inter-agency coordination and decision-making, such that an applicant's project is not unnecessarily delayed simply by agency and inter-agency bureaucracy. In fact, the proposed 'Interagency Operating Procedures', or IOPs, are a bureaucratic list of requirements put on the applicant, including the responsibility to effectively use the corridor in consideration of subsequent applicants and to avoid conflicts with other land uses in the corridor. 50469-005

The highest and best use of the corridor should be energy projects and it should be the Agency's responsibility to manage corridors effectively under direction of the EPA, rather than having applicants managing corridors. There is not a single IOP that facilitates inter-agency coordination, reduces or streamlines bureaucratic processes, or otherwise provides an incentive for an applicant to site a project within a corridor. 50469-005 (cont.)

The PEIS will expedite energy transmission projects if the applicant, by using a designated corridor, does not have to evaluate route alternatives and is only required to conduct on-the-ground clearances of the proposed route. Correspondingly, the level of NEPA evaluation required would be limited to an environmental assessment, assuming no significant effects would result from the project. The PEIS does not clearly identify how projects that are partially located in a corridor would be addressed, nor does it identify the threshold required to expedite a project by tiering to the FEIS. 50469-006

We support the proposal in the PEIS that land use plans would be amended to incorporate the designated corridors. The PEIS also states clearly that the designation of corridors would not preclude an applicant from applying for a right-of-way outside of the corridor. This statement is paramount in the industries ability to meet future energy requirement. In contrast, there are a number of existing land use plans for National Forest and BLM Districts that preclude transmission lines from being sited anywhere except in designated corridors. Thus, in a future land use amendment, it would be possible to apply this same limitation to these corridors. Such a move would undermine the ability of land use managers and the utility industry from appropriately meeting future siting needs. How will the FEIS or ROD address this potential end-run? 50469-007

Definition and Function of Energy Corridors

Most of the energy corridors proposed are intended to support multiple facilities and/or uses. Consolidating energy infrastructure has potential benefits such as reduced land use impacts, streamlined siting and permitting, and enhanced planning opportunities to meet future needs. On the other hand, consolidation of energy infrastructure can also reduce reliability, constrain energy transport, create safety hazards, and increase security risks. Therefore, the balancing of competing objectives is critical to the usefulness of these corridors. We believe the PEIS is imbalanced in favor of non-energy related concerns.

The Western Electric Coordinating Council (WECC) oversees reliability of the western electric grid. When high voltage lines are located in proximity to each other, or cross, the combined amount of power they are rated to carry can be reduced, sometimes significantly below the total capacity of the individual lines. If the WECC determines that a single event (e.g., wild fire) could take out multiple lines, the carrying capacity of lines is reduced. Therefore, utilities prefer adequate separation of lines such that energy transport efficiency and business investment is optimized. 50469-008

Transmission lines have different operational functions. High voltage lines function to serve native load, regional load, or a combination of the two. For example, one transmission line may connect two local substations that serve local load or connect a generation plant to a local area. A

different transmission line may be used to move energy from one region to another, such as between Montana and California, without delivering any energy to the local service areas it passes through. Yet a different transmission line may provide both functions of moving energy long distances while dropping off some in a local area it passes through.

The standard 3500 ft. corridor width proposed may be adequate for some uses and insufficient for others. Facilities with no functional overlap could likely be located relatively close together as long as they meet the National Electric Safety Code provisions for minimum clearance distances. Siting parallel facilities that serve to same function in a corridor of this size, such as two transmission lines providing electricity to the Boise area, would likely be de-rated by the WECC, thus creating a disincentive for siting within the corridor and investing in inefficient yet expensive infrastructure. 50469-008 (cont.)

The PEIS does not address how corridors will be managed. The first facility/use developed in a corridor will set precedent for future uses. For example, designating a corridor where a gas pipeline currently exists can complicate co-locating high voltage electric transmission lines. Depending on the proposed separation distances, it can be very difficult and expensive to retrofit an existing pipeline with adequate cathodic protection to make the uses compatible. Whereas, adding a gas pipeline to a corridor that contains a high voltage transmission line is less of a problem. Will the first applicant develop standards of where other facilities can be located? How will the Agencies balance the needs of a single applicant versus the intent of the corridor to serve multiple utilities? Interagency operating procedure (IOP) #9 suggests that it is the responsibility of the first applicant. That is not acceptable. How will the Agencies balance the needs of a single applicant versus the intent of the corridor to serve multiple utilities?

The separation requirements for multiple transmission lines within a corridor, and recognizing the operational function as previously described, does allow multiple lines to share the same corridor when their function or purpose does not impact reliability concerns. Therefore, an energy corridor is not constrained or "full" based solely upon the number of lines it contains, but becomes fully used when facility additions or upgrades do not increase the transfer ratings based upon reliability criteria. This can only be evaluated by the regional transmission planning entities in regards to system needs and performance. The work by these regional study groups should be recognized to determine the need and suitability of projects within a designated corridor. 50469-009

Corridors are likely to accommodate infrastructure from different utilities and industries. The PEIS does propose a process for managing corridors. How corridors are managed needs to be equitable, identify independent vs. cooperative maintenance requirements, and address liability exposure.

Specific Comments

Page 1-12, #3, second column. The Proposed Action does not alter an agency's internal procedures for review and approval of site-specific projects. It is unclear how the Proposed Action will streamline processing of applications. The Proposed Action will not address inconsistencies between federal agencies and within federal agency districts/offices. It appears 50469-010

that the POC would be another layer that will help coordinate, but does not have the authority to over-rule individual offices. 50469-010 (cont.)

Page 2-2, 2nd column, last paragraph. The presumed right-of-way width of 400-feet for a 500kV transmission line does not take into account operational constraints (e.g., need for separation based on blow-out distances) or reliability ratings. It is more likely that a separation of 1500-feet or more (depending on span length) between lines will be necessary. Depending on location, the proposed corridor could accommodate only 2 or 3 utilities, not 9. Additionally, mixed uses may also require wider spacing and further limit the number of utilities in the corridor. 50469-011

Table 2.2-6. Did corridor selection take into account proposed sensitive areas or only existing sensitive areas? If a proposed sensitive area is designated after corridor designation, will projects be required to evaluate alternatives outside of the corridor? How were "major sensitive resource areas" defined? Where are critical habitat for federally-listed species and areas of critical environmental concern addressed in corridor selection? 50469-012

Page 2-22. How did BLM prioritize or weight sensitive resources for avoidance? Understanding this may be useful in the future when projects tier to the FEIS. 50469-013

Page 2-25. What specific criteria were used in Step 3 of corridor location? Information about how corridor alternatives were prioritized or weighted may be useful in the future when tiering to the FEIS. 50469-014

P. 2-27, Sect 2.4.1.: A number of the IOPs are redundant, especially those related to cultural resource procedures. IOP#9 suggests that the applicant identify resources in the vicinity of the projects and mitigate or avoid impacts to these resources. The term "in the vicinity' is likely to create confusion, disagreement, and outright abuse and will likely not streamline the process. We have had well-meaning Agency resource specialists require us to collect data outside the project area because it would facilitate their work outside the context of our project. 50469-015

In general, the document seems to confuse types of erosion and sediment control protection measures (e.g., page 3-54; silt fence is generally considered sediment, and not erosion, control.)

Page 3-55. The document states that the BLM's standard operating procedures should be followed when using pesticides and herbicides. Does this mean that BLM procedures should be used on all federal lands (e.g., Forest Service)? This is just one example of how a laundry list of mitigation measures in a programmatic document may not be appropriate. 50469-016

Page 3-221, 1st column, last bullet. Is there a jurisdictional basis for a 500-foot wide buffer around wetlands, streams, seeps, etc.? 50469-017

Page 3-255, last bullet, 1st column states that placing transmission towers on ridge lines should be avoided. Page 3-53, 2nd column, states that roads should be placed on ridge tops. Service roads go to transmission towers. There will likely be a conflict in direction based on these two mitigation suggestions. 50469-018

In Conclusion

Idaho Power would like to reiterate our appreciation for the opportunity to submit comments. We recognize that our comments focus on what Idaho Power would like to see changed, and thus could be conveyed as a negative response to the PEIS. On the contrary, we very much support the purpose and effort put forward in producing the PEIS. Our comments are intended to facilitate a product that meets the intent of Congress when they passed the EPA. We look forward to working with the Agencies on the implementation of the designated corridors.

Sincerely,

Brett Dumas
Environmental Supervisor

cc: David Sikes, Idaho Power
Lisa Grow, Idaho Power
Jeff Malmen, Idaho Power
Paul Kjellander, State of Idaho, Office of Energy Resources
Margaret Hunt, Edison Electric Institute
Mark Murray, Western Utility Group

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:29 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50470

Attachments: DPA_Letter_Re_Sec_368_PEIS_WWECD50470.pdf

DPA_Letter_Re_Se
:_368_PEIS_WWE...

Thank you for your comment, Steven Begay.

The comment tracking number that has been assigned to your comment is WWECD50470. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:29:20PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50470

First Name: Steven
Middle Initial: C
Last Name: Begay
Organization: Dine Power Authority
Address: PO Box 3239
City: Window Rock
State: AZ
Zip: 86515
Country: USA
Email: dpasteve@citlink.net
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\Owner\Desktop\DPA Letter Re Sec 368 PEIS.pdf

Comment Submitted:
Please find attached letter.

For questions please contact Steven C. Begay at 928-871-2133. Thank you.

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

DINÉ POWER AUTHORITY
P.O. BOX 3239
WINDOW ROCK, ARIZONA 86515
(928) 871-2133
FAX: (928) 871-4046

February 14, 2008

Department of Energy
Washington, DC 20585

Re: Comments of the Diné Power Authority on the West-wide Energy Corridor Programmatic EIS

Please allow the Diné Power Authority (DPA) to submit the following comments to the West-wide Energy Corridor Draft Programmatic EIS. Pursuant to 21 N.N.C. § 201 et. seq., the Navajo Nation Council established the DPA as an enterprise and instrumentality of the Navajo Nation to engage in wholesale energy businesses for the benefit of the Navajo Nation. The Navajo Nation created DPA to conduct overall development and operations of electric generation production, including all associated high voltage transmission lines, related transmission facilities, renewable and alternative energy projects that utilize Navajo Nation resources and lands.

DPA supports the continuation of the government-to-government consultation practices protected by the Navajo Nation Treaties, the federal trust responsibility, federal statutes, regulations, and executive orders. As an energy developer on the Navajo Nation, DPA further notes the requirements of federal agencies to enter into government-to-government consultations when proposed actions have the potential to affect tribal natural resources, including land. 50470-001

With regard to the proposed designations of energy corridors on federal lands throughout the West, DPA stresses the federal agencies' requirements to consult with tribes concerning potential land management plan changes that could affect tribal natural resources. In short, DPA asserts that the consultations protect the interests of the tribes while preserving the existing relationships tribes have built to date.

For any questions regarding these comments, please contact Steven C. Begay at 928-871-2133.

Thank you,

Steven C. Begay
General Manager,
Diné Power Authority

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:38 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50471

Thank you for your comment, Johnie Lewis.

The comment tracking number that has been assigned to your comment is WWECD50471. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:37:35PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50471

First Name: Johnie
Middle Initial: E
Last Name: Lewis
Organization: Indian Springs Civic Association
Address: P O Box 1
City: Indian Springs
State: NV
Zip: 89018
Country: USA
Email: lewis61@sbcglobal.net
Privacy Preference: Don't withhold name or address from public record

Comment Submitted:
Indian Springs Civic Association (ISCA); is a community organization for Indian Springs and Cactus Springs, Clark County, Nevada; requests that any and all corridor designations in the vicinity of Indian Springs, Nevada follow the alignment granted recently to Valley Electric, south of the mountains known locally as Grandpa Mountain. Any corridor designations that intercept the privately held lands of this small community, and or are on the north slope of Grandpa Mountain, represent a threat to future viability of the community, its springs, economic, historic, aesthetic, wildlife and natural resources. 50471-001

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

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:38 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50472

Attachments: Draft_comments_for_the_PEIS_Energy_Corridor_(2)_final_WWECD50472.doc

Draft_comments_for_the_PEIS_En...

Thank you for your comment, Ronald Maldonado.

The comment tracking number that has been assigned to your comment is WWECD50472. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:38:13PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50472

First Name: Ronald
Middle Initial: P
Last Name: Maldonado
Organization: Navajo Nation Division of Natural Resources/ Historic Preservation Department
Address: P. O. Box 4950
City: Window Rock
State: AZ
Zip: 86515
Country: USA
Email: ronpmaldonado@navajo.org
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\ron\Draft comments for the PEIS Energy Corridor (2) final.doc

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

West-Wide Energy Corridor Draft Programmatic EIS
Navajo Nation Division of Natural Resources

Location of Corridor

In reviewing the proposed locations of these energy corridors on federal lands outside of the boundaries of the Navajo Nation, it is apparent that in order to connect the initial placement of these corridors, pathways through the Navajo Nation will be needed. The Navajo Nation is providing comments on this assumption because no pathways are identified that would go around the Nation. The Navajo Nation currently has existing oil and gas pipelines and electrical transmission lines crossing the reservation. Through negotiations and following the Nation's rights-of-way process, additional request for new pipelines and transmission lines could be accommodated, but only after following the prescribed processes in place with the Nation. The designation of the corridors on federal lands that border the exterior boundaries of the Nation places an undue burden on the Nation to designate similar corridors to accommodate federally designated corridors. The review of the draft EIS indicates that Tribes are not a part of the EIS nor is land under Tribal jurisdiction being considered for energy corridors, but the Nation wants to make it clear that in order to connect lines developed through this process, the federal government and future developers must work with the Nation through its ROW process. This process takes into account: 50472-001

- The necessary environmental and cultural resource reviews;
- Issues concerning the management of fish and wildlife;
- Issues concerning land use and compensation to land permittees for surface damage to grazing areas; and
- Compensation to the Nation for utilization of the land being considered.

Width of the Corridor

The EIS indicates that the federal agencies are considering a corridor width averaging 3,500 ft, which is a little less than ¾ of a mile. What the federal agencies choose to do outside of the boundaries of the Navajo Nation is their decision, but do not expect the Navajo Nation to accommodate a corridor this wide across the Nation. As noted before, the Navajo Nation has a ROW process in place and land use issues are addressed in the process. The different factors involving the construction and operation/maintenance of a new pipeline or transmission line are taken into consideration when the width of the ROW is negotiated. Given the multi-use aspects of lands on the Nation, which would include sensitive areas for environmental, scenic, and wildlife protection, cultural and sacred sites, livestock grazing, hunting, housing locations, and recreational activities, to name a few, establishing a corridor that would average 3,500 ft. would be very difficult to put in place and the Nation would not consider such an effort as being in the best interest of the Nation. 50472-002

Impact to land outside of the Nation

The Division is in agreement with the observations made in the draft Programmatic EIS that areas identified outside the Nation could have significant cultural and traditional meaning or threaten plant or wildlife important to the Nation or the Navajo people. Consultation on a government-to-government basis would be in order to address possible impacts to locating new infrastructure in designated corridors outside of the Nation's boundaries. 50472-003

It is unclear how the PEIS can presume that there will be no impact, to cultural resources located in the area of potential affect of the corridors. The PEIS assumes that each undertaking in the corridor, will follow NEPA and Section 106 of the National Historic Preservation Act, as each project is proposed. What is not taken into account in the PEIS are the cumulative impacts of placing "For example, assuming an operational ROW width of 400 feet, about 9 individual 500-kV transmission lines could be supported within a 3,500-foot-wide corridor. As another example, as many as 35 liquid petroleum pipelines (each consisting of a 32-inch-diameter pipe and a 100-foot construction ROW) or 29 natural gas pipelines (42-inch-diameter pipe and 120-foot construction ROW) could be supported within a 3,500-foot-wide." What impacts will the potential placement , of 9 KV lines, or 35 pipelines have on traditional cultural properties on federal lands? 50472-004

Formal government to government consultation was not initiated as part of the PEIS as required under section 106 of the National Historic Preservation Act.

The Department of Energy is responsible for being aware of the potential impacts of their plans, projects, and activities that may affect tribal trust resources. When the Department of Energy was engaged in the planning of the energy corridors they had a responsibility to ensure that any anticipated effects on the Indian trust resources were explicitly addressed in the planning process and creation of the Environmental Impact Statement through consultation with the appropriate office of Bureau of Indian Affairs, and the Navajo Nation government. The Programmatic Environmental Impact Statement claims the designated corridors are not a, undertaking and are simply a lines drawn on the map. Just because the lines on the map stop at the boarders of the Navajo Nation, does not mean they will not have an impact on tribal trust lands. Consultation and coordination with the Navajo Nation government and their agencies is necessary. 50472-005

The Department of Energy is responsible for being aware of the potential impacts of their plans, projects, and activities that may affect tribal trust resources. When the Department of Energy was engaged in the planning of the energy corridors they had a responsibility to ensure that any anticipated effects on the Indian trust resources were explicitly addressed in the planning process and creation of the Environmental Impact Statement through consultation with the appropriate office of Bureau of Indian Affairs, and the Navajo Nation government. The Programmatic Environmental Impact Statement claims the designated corridors are not a, undertaking and are simply a lines drawn on the map. Just because the lines on the map stop at the boarders of the Navajo Nation, does not

mean they will not have an impact on tribal trust lands. Consultation and coordination with the Navajo Nation government and their agencies is necessary.

The Programmatic Environmental Impact Statement presumes that there will be no impact as it assumes each undertaking in the corridor will follow the statutory requirements under the National Environmental Policy Act, Endangered Species Act for rights-of-way that may cross extremely diverse ecosystems and wildlife habitats. Cumulative impacts from such a large scale of development need to be considered in the Programmatic Environmental Impact Statement. The U.S. Department of Energy needs to take a hard look at the past, present, and reasonably foreseeable future actions that may affect the quality of the environment. Under the National Environmental Policy Act that the assessment of cumulative impacts may be one of the most critical components of a NEPA analysis as *Evidence is increasing that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time* (Council on Environmental Quality 1997). Judicial review has set precedent that cumulative impact need to be addressed under the following rulings: 50472-006

Klamath-Siskiyou Wildlands v. BLM (2004; 387 F.3d 968)
Lands Council v. Powell (2004; 379 F.3d 738)
Muckleshoot Indian Tribe v. U.S. Forest Service (1999; 177 F.3d 800)
Neighbors of Cuddy Mtn. v. U.S. Forest Service (1998; 137 F.3d 1372)

Impact to land Within the Exterior Boundaries of the Nation

PEIS states that corridors were designated on, BLM, NPS, Forest Service, and lands owned by the FERC. What is not explained how the designation of the corridors on BLM, will affect trust, fee, and allotted lands with in the exterior boundaries of the Navajo Nation. Specify lands in the in the Eastern Agency of the Navajo Nation.

Sovereignty of the Navajo Nation

The Navajo Nation is a sovereign nation with laws and regulations in place to address: 50472-007

- rights-of-ways that would cross the Nation;
- land use issues resulting from the development of new infrastructure within the boundaries of the Nation; and
- compensation issues that would result from surface damage and land rental. The land to be crossed should not be condemned nor should the amount of rental be considered to be at condemnation rates. As was shown in the Section 1813 study within the Energy Policy Act of 2005, the rental rate for ROW's are fair and the federal government should continue to support Tribal efforts to negotiate with future developers for the use of Tribal lands. It areas are identified that would be of concern to the federal government, consultation procedures should be initiated to resolve these issues.

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:40 PM
To: mail_corridoreisarchives; corridoreiswebmaster@anl.gov
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50473

Attachments: WestwideEnergyCorridors-DraftPEIS-Comments_WWECD50473.pdf

WestwideEnergyCorridors-DraftP...

Thank you for your comment, Nada Culver.

The comment tracking number that has been assigned to your comment is WWECD50473. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:39:43PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50473

First Name: Nada
Last Name: Culver
Organization: The Wilderness Society
Address: 1660 Wynkoop Street, Suite 850
City: Denver
State: CO
Zip: 80202
Country: USA
Email: nada_culver@tws.org
Privacy Preference: Don't withhold name or address from public record
Attachment: C:\Documents and Settings\nadac.NADAC-T61\My Documents\WestwideEnergyCorridors-DraftPEIS-Comments.pdf

Comment Submitted:
The Wilderness Society is submitting comprehensive comments, focusing on the need to analyze the impacts that these corridor designations will truly have on our public lands and consider alternatives to the lone option provided in the Draft PEIS. I have attached the main text of our comments. We are also sending this document with the referenced attachments.

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

THE WILDERNESS SOCIETY

February 14, 2008

Delivered via electronic mail and overnight mail (with attachments)

West-wide Energy Corridor DEIS
Argonne National Laboratory
9700 S. Cass Avenue
Building 900, Mail Stop 4
Argonne, IL 60439

Re: Comments on the West-wide Energy Corridors Draft Programmatic Environmental Impact Statement

To Whom It May Concern:

Please accept and fully consider these comments on behalf of The Wilderness Society and the other organizations identified below. The Wilderness Society, founded in 1935, strives to deliver to future generations an unspoiled legacy of wild places. Our more than 300,000 members and supporters nationwide care deeply about the management of our public lands. We appreciate the opportunity to submit these comments to the Department of Energy, the Bureau of Land Management, the U.S. Forest Service and their cooperating agencies on the Draft Programmatic Environmental Impact Statement (Draft PEIS) for designation of the West-wide Energy Corridors. We are submitting these comments today via electronic mail and also forwarding a copy with attachments to you separately.

We have participated in the West-wide Energy Corridor designation process from the outset and have previously submitted scoping comments (on November 23, 2005) and comments on the preliminary map of potential corridors (on July 10, 2006), which we incorporate herein by reference. We are extremely concerned by the agencies' cavalier disregard of the likely impacts from designation of these energy corridors and the related failure to consider any alternatives to the corridors proposed in the Draft PEIS. These omissions render the Draft PEIS woefully inadequate for designation of energy corridors that, as the agencies essentially acknowledge elsewhere in the Draft PEIS, are likely to alter the character of our public lands. These failures can only be remedied by preparation of a supplemental, legally compliant PEIS and another opportunity for review and comment by interested parties. 50473-001

Issues Addressed: **Page**

I. The Draft PEIS must be revised to comply with the Energy Policy Act of 2005.

The agencies are conducting the West-wide Energy Corridor process pursuant to the Energy Policy Act of 2005 (EPAct). However, the Draft PEIS does not fulfill the agencies' responsibilities as directed by EPAct.

A. Section 368

Section 368 of EPAct directs the agencies to designate corridors for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities on federal land, starting with the Western States, but Section 368 also includes additional requirements, which the agencies have failed to fulfill in this process. Section 368(a) directs the agencies to consult with other units of government and "interested persons" as part of the designation process. Accordingly, the agencies must consult in good faith and provide the public with sufficient information to effectively participate in designation. By failing to provide sufficient information about the decision-making process, the impacts of designation and alternatives, the agencies have not adequately consulted with interested parties. 50473-002

Section 368(a)(2) also directs the agencies to "perform any environmental reviews required to complete the designation," which necessarily includes sufficient review of environmental consequences, including through compliance with the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA). As will be discussed in detail below, the agencies have not performed sufficient environmental reviews to support designation.

Section 368(d) requires the agencies, in carrying out this section of EPAct, to:

> take into account the need for upgraded and new electricity transmission and distribution facilities to-
> (1) improve reliability;
> (2) relieve congestion; and
> (3) enhance the capability of the national grid to deliver electricity.

However, the agencies have not conducted an extensive study of the need for the proposed corridors or provided detailed information showing that the corridors will improve reliability, relieve congestion, or enhance the capability of the grid. For instance, in the Red Desert of Wyoming, there are multiple corridors proposed for designation in close proximity to one another, without an explanation of need (there are 7 segments in this fairly small area: 121-220, 121-221, 220-221, 219-220, 218-240, 121-240, 129-218), even though they all join with single corridors at relatively close locations (segment 73-129 to the east and segment 55-240 to the west). At a minimum, the northernmost corridor (segment 121-221) should be removed and all other corridors in the area should be subject to a showing of need.

Section 368(e) provides that corridor designations must, "at a minimum, specify the centerline, width, and compatible uses of the corridor." This language, especially when taken in conjunction with the requirements to conduct environmental review and consider the need for corridors, indicates that the agencies should be designating width and uses for each corridor. Instead, the vast majority of the corridors are designated with an average width of 3500 feet and provide for all types of uses. As the Draft PEIS (at pp. 2-3 – 2-5) explains:

50473-002 (cont.)

> A corridor width of 3,500 feet was selected by the Agencies for the Section 368 energy corridors (Text Box 2.2-2). This width would provide sufficient room to support multiple energy transport systems. For example, assuming an operational ROW width of 400 feet, about 9 individual 500-kV transmission lines could be supported within a 3,500-footwide corridor. Alternately, as many as 35 liquid petroleum pipelines (each consisting of a 32-inch-diameter pipe and a 100-foot construction ROW) or 29 natural gas pipelines (42-inch-diameter pipe and 120-foot construction ROW) could be supported within a 3,500-foot-wide corridor.

This approach essentially permits large-scale development of power lines and pipelines in the corridors, without sufficient justification of each corridor, in each place, for a well-defined width and set of uses.

Perhaps most troubling, the agencies have interpreted the language of Section 368 to somehow limit their ability to involve the public, perform environmental reviews and take into account the need for new corridors. For instance, the agencies have interpreted the designation of corridors on *federal* land as an excuse not to provide the public with projected locations of entire corridors – resulting in corridor maps that consist of "dots" and "dashes" on federal lands, with interested parties left to guess how they might be connected across state, private and tribal lands. In addition, despite the explicit language directing consideration of both "upgraded" and "new" facilities, the agencies interpret the "designation" of corridors as an excuse not to consider alternatives that would rely primarily or even completely on increasing the efficiency of existing facilities. The agencies have similarly interpreted the "designation" of corridors as a mandate to

designate new corridors, seemingly regardless of need and without consideration of *not* designating corridors based on potential conservation measures. These are realistic alternatives that are in no way prohibited by the language of Section 368 and the agencies are disregarding their responsibilities in carrying out Section 368, complying with applicable law and managing our public lands by their overly narrow interpretation.

50473-002 (cont.)

Recommendations: In order to comply with Section 368, the agencies must provide for meaningful public participation and conduct thorough environmental reviews of potential corridors, which includes providing substantial detail on decision-making processes, data considered, alternatives to designation of new lines and specific designations based on need for corridors.

B. Section 1221

Section 1221 of the EPAct directed the Department of Energy to complete an analysis of congestion and constraints. The Draft PEIS (at p. 1-5) acknowledges the study and the information gained, stating:

> In response to Section 1221(a), a separate provision of EPAct, the DOE recently completed a nationwide analysis of electricity transmission congestion. The *National Electric Transmission Congestion Study* examined in-depth historical data, existing studies of transmission expansion needs, and regionwide modeling of the western transmission grid. The report concluded that a combination of several factors, including new energy demands and lack of investment in energy transport facilities, are creating electric infrastructure problems in some areas in the West (DOE 2006a) (see Figure 1.1-2).

50473-003

The Draft PEIS proceeds to identify the three types of areas where additional attention is needed in the West: Critical Congestion Areas, Congestion Areas of Concern, and Conditional Congestion Areas. However, the designations of corridors in Section 368 do not correspond to these areas and do not appear to take into account the study results to inform the width and uses of designated corridors.

Recommendations: The agencies should incorporate the results of the Section 1221 study into the PEIS and use these results to designate corridors on federal lands based on need, type of use required and width needed.

II. The Draft PEIS must be revised to comply with NEPA.

NEPA, 42 U.S.C. § 4321 *et seq*., dictates that the agencies take a "hard look" at the environmental consequences of a proposed action and the requisite environmental analysis "must be appropriate to the action in question."[1] As discussed in detail below, the environmental analysis in the Draft PEIS is woefully inadequate. Prior to designating corridors, the agencies must complete an additional EIS and provide for sufficient public participation.

50473-004

[1] Metcalf v. Daley, 214 F.3d 1135, 1151 (9th Cir. 2000); Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 348 (1989).

A. Direct, indirect and cumulative impacts

In order to take the "hard look" required by NEPA, the agencies are required to assess impacts and effects that include: "ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, **whether direct, indirect, or cumulative**." 40 C.F.R. § 1508.8. (emphasis added). NEPA regulations define "cumulative impact" as:

> the impact on the environment which results from the **incremental impact of the action when added to other past, present, and reasonably foreseeable future actions** regardless of what agency (Federal or non-Federal) or person undertakes such other actions. **Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time**.

40 C.F.R. § 1508.7. (emphasis added). A failure to include a cumulative impact analysis of actions within a larger region will render NEPA analysis insufficient.[2] The scope of NEPA analysis must be appropriate to the scope of the proposed action.[3] In the context of this PEIS, the NEPA analysis must take into account the likely use and path of the designated corridors. The Draft PEIS fails to adequately account for the likely impacts of designating corridors on public land.

50473-004 (cont.)

1. <u>The Draft PEIS improperly denies that corridor designations will have environmental consequences.</u>

The Draft PEIS proposes to designate approximately 6000 miles of corridors affecting close to 3 million acres of federal lands. The agencies acknowledge that: "[i]f the Agencies decide at the end of this environmental review, under NEPA, to designate a system of energy corridors, it will be for the purpose of establishing those corridors as *preferred locations for energy transport projects*." Draft PEIS, p. 1-11. (emphasis added). Further, once corridors are designated, Section 368(c)(2) of EPAct directs the agencies to "*expedite* applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during the designation of such corridors." (emphasis added). The Draft PEIS carries out this direction by providing that "Individual project analyses, reviews, and approvals and denials may *tier off the PEIS*, thus using and referencing the information, analyses, and conclusions presented in the PEIS to supplement the project-specific reviews and analyses." Draft PEIS, p. 1-17. (emphasis added). Further, the Draft PEIS will amend land use plans to incorporate the corridors and "[b]y amending land use plans at the designation stage, the proposed action may *accelerate the process* of subsequently applying for energy project ROWs. In particular, an applicant could avoid delays associated with seeking a land use plan amendment for a specific project." Draft PEIS, p. 1-11, 1-17. (emphasis added).

50473-005

---

[2] *See, e.g.*, <u>Kern v. U.S. Bureau of Land Management</u>, 284 F.3d 1062, 1078 (9th Cir. 2002) (analysis of root fungus on cedar timber sales was necessary for entire area).
[3] <u>Kern v. U.S. Bureau of Land Management</u>, 284 F.3d at 1072.

Nonetheless, the agencies spend many pages of the Draft PEIS claiming that they cannot analyze likely impacts of the designations and conclude that "[u]ntil a site-specific project is presented to the Agencies and the project is evaluated, authorized, and implemented, the land and resources within a designated energy corridor would remain unchanged." Draft PEIS, p. 1-16. This contradicts the likely effects of designating a "preferred location" and "expediting" approval. Further, there is no commitment in the Draft PEIS that the agencies will prepare environmental impact statements for projects in the corridors or even a commitment to provide opportunities for public comment on environmental assessments that might be prepared. Accordingly, there is ample evidence that NEPA analysis for individual projects will be limited and will rely on the PEIS to justify placement of projects in designated corridors. The analysis currently presented in the Draft PEIS cannot support tiering of later analysis or expediting later NEPA review.

Section 368(a)(2) of EPAct mandates that the agencies "perform any environmental reviews that may be required to complete the designation of such corridors." Because NEPA requires that agencies perform an environmental review for major federal actions significantly affecting the human environment, this action of designating energy corridors with the intent to expedite energy development is without a doubt a major federal action. It is irresponsible for the agency to suggest that impacts will not occur from the designation of corridors until site-specific projects are proposed. To the contrary, the designation of corridors will create likely locations for projects. For instance, the Bureau of Land Management (BLM), upheld by the Interior Board of Land Appeals, has found that simply identifying a route as "open" on a map increases the likelihood that individuals will use it.[4] Similarly, designation of an energy corridor, especially in conjunction with a guarantee of expedited approval, radically increases the likelihood of projects being proposed (and approved) in those corridors. Amendment of the affected agencies' land use plans through the PEIS will also ensure that the NEPA analysis normally required to amend management plans will not occur in conjunction with specific projects. Accordingly, designation of corridors will alter future land use decisions. For example, a corridor identified in a BLM resource management plan (RMP) significantly changes how the land in that area will be assessed for various management prescriptions, including: recreation, visual resources, protection of roadless areas, lands with wilderness characteristics, and other special land classifications. Further, large-scale transmission projects are already proposed that will coincide with the proposed corridors and ensure their immediate and intensive use. Maps prepared by Western Resource Advocates highlight a number of these projects, including the Mountain Sates Intertie Transmission Proposal and the Northern Lights Inland Express MT and WY Transmission Proposals. *See*, maps provided as Attachment 1.

50473-005 (cont.)

Recommendations: In order to comply with NEPA, the agencies cannot designate corridors and amend land use plans without a thorough analysis of the likely impacts of corridor designations on lands within the corridors and surrounding lands.

2. The Draft PEIS must analyze the impacts of the likely path of the corridors.

50473-006

The maps of the corridors do not show the likely path of the projects as they would cross state, private and tribal lands; instead, they show only the portions on federal lands. The Draft PEIS acknowledges that these corridors would eventually connect, stating (at p. 3-31):

[4] Arizona State Association of 4-Wheel Drive Clubs, Inc., 165 IBLA 153 (2005).

> Land use and property values on nonfederal land (i.e., privately owned land, Tribal and trust land, and land controlled by state and local governments) could also be affected by the corridor designations under this alternative, either as a result of being adjacent to federal land on which a corridor has been designated or as a consequence of being a nonfederal land "gap" that would connect projects on designated corridors if they were to be built.

However, the Draft PEIS does not show the manner in which these gaps are likely to be connected or fully assess the effects of the continuation of these corridors, which would include not only impacts on land use and property values, but also impacts on other natural resources, such as wilderness qualities, wildlife habitat and recreation opportunities. NEPA requires the agencies to assess "reasonably foreseeable" impacts. 40 C.F.R. § 1508.7. Based on the proposed corridors received during scoping, which were included in preliminary maps (*see, e.g.*, Figure 2.1-1, p. 2-3), and the "conceptual network" of corridors that the agencies included in the Draft PEIS (Figure 2.2-5, p. 2-19) the agencies can unquestionably predict likely locations of corridors with sufficient definition to assess their impacts and provide all of this data to the public. 50473-006 (cont.)

Recommendation: The agencies must create maps that show the likely routes of corridors, analyze their impacts and provide the public with an opportunity to review and comment on these impacts.

3. Analysis of connected and cumulative impacts should address impacts at a landscape level and take into account other pending large-scale projects and programmatic efforts, as well as additional development to be supported by new corridors.

The scope of NEPA analysis must be appropriate to the scope of the proposed action.[5] In the context of this PEIS, the agencies should look to the overall effect on the landscape of these contiguous eleven Western States, and the many resources it contains.

A landscape level analysis of proposed energy corridors will take into account the distribution of resources across the affected states, complying with the agencies' legal obligations to truly assess potential impacts and yielding management decisions that will balance and protect the multiple resources of these public lands. The placement of and conditions placed on energy corridors can define which areas will remain or become roadless, and which areas will be disturbed and how. By affecting the fragmentation of the landscape, energy corridors can affect how naturally or unnaturally a landscape will behave in terms of water flow and quality, wildlife migration, and species composition and function. In considering the potential impacts of permitting an entire network of energy corridors, the agencies must consider how this placement will change the landscape and interfere with species' ability to migrate and survive. 50473-007

The correct scope of analysis necessitates consideration of the connected landscapes of these states. As documented in the *Heart of the West Conservation Plan* (available at: http://www.wildutahproject.org/Templates/sub%20Available%20publications.dwt and previously submitted) -- a science-based spatial analysis of the relative importance of various

[5] Kern v. United States Bureau of Land Management, 284 F.3d 1062, 1072 (9th Cir. 2002).

wildlife habitat cores and linkages throughout the Heart of the West ecoregion -- the areas of northeastern Utah, northwestern Colorado, and southwestern Wyoming are inextricably linked in an ecoregion with core habitat areas and key migratory linkages. As a result, impacts to wildlife habitat in one part of the Heart of the West ecoregion will affect wildlife viability throughout the ecoregion. Similarly, there are basin-wide impacts, in terms of changes to the water quantity and quality in the Green River system, and cumulative impacts to the common airshed, all of which affect the entire Heart of the West ecoregion. The Draft PEIS also acknowledges the existence of numerous ecoregions within the eleven states considered for designation, and provides an overview of effects; Appendix O to the Draft PEIS describes these regions in detail. *See, e.g.*, Draft PEIS, pp. 3-184 – 3-186. However, a more thorough analysis of effects can and should be completed and provided to the public for review.

A landscape approach is supported by NEPA guidance on cumulative and connected impacts, which requires that the entire area potentially affected be included in an analysis of potential environmental consequences and holds that a failure to include an analysis of actions within a larger region will render NEPA analysis insufficient.[6] Thus, in order to accurately evaluate the potential environmental consequences of west-wide designation of energy corridors, the analysis of environmental impacts would necessarily look at the cumulative and connected impacts on all of the directly and indirectly affected landscapes. The Environmental Protection Agency, in providing direction to its reviewers, emphasizes the importance of ensuring that the cumulative impact analysis is based on "geographic and time boundaries large enough to include all potentially significant effects on the resources of concern. The NEPA document should delineate appropriate geographic areas including natural ecological boundaries, whenever possible, and should evaluate the time period of the project's effects."[7]

50473-007 (cont.)

The Council on Environmental Quality's (CEQ) guidelines on cumulative effects analysis provide the following steps for determining the appropriate geographic boundary of cumulative impact analysis:

1. Determine the geographic area that will potentially be directly affected by an action – known as the "project impact zone";
2. Identify resources in the project impact zone that could be affected by the action;
3. Determine the geographic areas occupied by the resources outside the project impact zone.
4. Identify the appropriate area for analysis of cumulative effects based on the largest of the areas determined in step 3.[8]

For the energy corridors, the geographic area of impact will include the resources, such as wildlife, within areas of proposed development and their habitat extending outside such areas. The agencies can and should take the overall impacts of the corridors on the affected landscapes

---

[6] *See, e.g.*, Kern v. U.S. Bureau of Land Management, 284 F.3d 1062, 1078 (9th Cir. 2002) (analysis of root fungus on cedar timber sales was necessary for entire area).
[7] U.S. Environmental Protection Agency, 1999, *Consideration Of Cumulative Impacts In EPA Review of NEPA Documents*. (emphasis original).
[8] Council on Environmental Quality, 1997, *Considering Cumulative Effect Under the National Environmental Policy Act*.

into account when considering their potential environmental consequences.[9] A landscape level analysis is an important part of a programmatic EIS, even if site-specific analysis might be deferred until authorization of specific projects. For instance, the U.S. Court of Appeals for the Second Circuit has held that analyzing the overall environmental risks involved in transporting oil from off-shore leases was appropriate and necessary in a PEIS, although specific analysis of individual pipeline locations could be deferred.[10] In order to fulfill the mandate of NEPA that the agencies make an informed assessment of the environmental consequences of their actions, the landscape level effects of an expanded large-scale corridor system must be assessed.

The analysis of impacts included in the PEIS must address the cumulative and connected impacts of both the proposed energy corridors and other foreseeable connected activities within the same general areas. As noted above, the resources that allow an ecosystem to function often share a common geography, such that changes to the water quantity and quality in a river system or impacts to an airshed (which may be affected by activities such as oil and gas drilling or operation of coal-fired power plants), all contribute in common. Similarly, changes to these resources may affect the core habitat and linkages that are critical for survival of wildlife and vegetation in a region. Accordingly, where there are shared environmental resources that can act as indicators of the health of ecosystems, the agencies must analyze all of the direct and indirect impacts that affect them.

50473-007 (cont.)

The Environmental Protection Agency provides the following guidance to its reviewers on assessing the range of other activities to be considered in cumulative impacts analysis:

1. the proximity of the projects to each other either geographically or temporally;
2. the probability of actions affecting the same environmental system, especially systems that are susceptible to development pressures;
3. the likelihood that the project will lead to a wide range of effects or lead to a number of associated projects; and
4. whether the effects of other projects are similar to those of the project under review.
5. the likelihood that the project will occur -- final approval is the best indicator but long range planning of government agencies and private organizations and trends information should also be used;
6. temporal aspects, such as the project being imminent.[11]

In this case, the agencies' obligation to analyze impacts must encompass not only the proposed corridors, but also the cumulative impacts of the corridors, taken together with the impacts of existing, proposed, or reasonably foreseeable projects, on the environment. Thus, the agencies

---

[9] *See, e.g.*, Newmont Mining Corp., 151 IBLA 190 (1999) (Where the Bureau of Land Management could take into account the overall degradation from existing and connected proposed operations, a cumulative analysis of all impacts was required); Kern v. United States Bureau of Land Management, *supra.* (BLM must perform cumulative impact analysis of reasonably foreseeable future timber sales on spread of root fungus before approving single proposed sale).

[10] County of Suffolk v. Secretary of Interior, 562 F.2d 1368, 1376-1377 (2nd Cir. 1977) (It was "essential to consider and weigh the environmental aspects of transportation, as well as of exploration and production.").

[11] U.S. Environmental Protection Agency, 1999, *Consideration of Cumulative Impacts in EPA Review of NEPA Documents.*

must analyze the cumulative impacts not just of the proposed corridors, but also of other projects that will impact resources in common with this proposed action. For instance, the BLM is currently evaluating or has approved a number of other programmatic environmental impact statements, such as the Programmatic Vegetation Treatments EIS and Environmental Report, the PEIS on Wind Development and programmatic environmental impact statements for development of oil shale and tar sands, as required by Section 369 of the Energy Policy Act of 2005. Section 1221 of the Energy Policy Act of 2005 also requires DOE to conduct a study and designate national interest electric transmission corridors. Section 368 of the Energy Policy Act of 2005 requires not only this PEIS for the eleven contiguous Western States, but also a follow-on PEIS for the rest of the nation. There are also large projects proposed in the same landscape, such as the TransWest Express, Rockies Express and Ruby pipelines – most of which have proposed specific locations and uses. *See*, maps of proposed routes provided as Attachment 2.

In addition, once energy corridors are put in place, it is reasonably foreseeable that energy development projects will proceed and increase based on the location of those corridors – indeed, that is the entire purpose of this initiative: to increase the opportunities for energy development projects. The increased level of projects that is likely to occur around these corridors will have a correspondingly increased level of impacts on the surrounding lands. For instance, branch powerlines will need to be constructed to make best use of the powerlines in the approved corridors. Similarly, pipelines will likely support additional oil and gas development projects and also require construction of feeder pipelines. As noted by the Environmental Protection Agency in commenting on a Draft EIS for the Piceance Basin Expansion Pipeline (copy attached for your reference as Attachment 3):

50473-007 (cont.)

> **Increased gas transportation capacity will facilitate increased density and intensity of gas development. Increased transportation capacity will also increase the rate of gas development.** The FEIS should examine the indirect environmental impacts associated with increasing capacity for natural gas transportation and identify mitigation that will be implemented to reduce these impacts. Although the Piceance Basin DEIS did include a section on the cumulative impacts of oil and gas in the Piceance Basin, the analysis did not identify the indirect impacts that will be induced by increasing gas transportation capacity nor was any mitigation identified for impacts other than the impacts directly resulting from construction of the pipeline. (emphasis added)

The reasonably foreseeable growth of projects related to the corridors requires a thorough discussion of the "growth-inducing impacts" of the actions contemplated by the PEIS.[12]

In determining the appropriate scope of environmental analysis for an action, the Government must consider not only the single proposed action, but also three types of related actions:

> (1) Connected actions - Actions which are closely related and:

[12] Davis v. Mineta, 302 F.3d 1104, 1122-1123 (10th Cir. 2002) (Indirect impacts of proposed highway construction project would be to support increased development, so "the agency must provide an adequate discussion of growth-inducing impacts."),citing Laguna Greenbelt, Inc. v. United States Dep't of Transp., 42 F.3d 517, 526 (9th Cir. 1994).

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously; or

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

(2) Cumulative actions – Actions, which when viewed with other proposed actions, have cumulatively significant impacts.

(3) Similar actions – Actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.

40 C.F.R. § 1508.25. Under any of these classifications, the coordinated actions that the agencies are taking through this PEIS trigger a broader assessment of the cumulative and connected impacts. The designation of individual corridors triggered by the PEIS may well require preparation of an EIS; and the corridor designations are all a part of the mandate from Section 368 of the Energy Policy Act of 2005. In addition, this PEIS and the other corridor programs identified above are all part of a policy to increase transmission and distribution facilities. So, the resulting agency actions are connected as "interdependent parts of a larger action," all of which "depend on the larger action [the Government policy] for their justification." Further, the many corridors that may be authorized based on this EIS, plus the other corridor designation efforts, the oil shale and tar sands development, and vegetative treatments will all have a compounding impact on natural resources, such as air and water, as well on species and habitat, causing a "cumulatively significant" impact. Finally, since the PEIS covers corridors in the eleven contiguous Western States, and the Wind Development PEIS, oil shale EIS, tar sands EIS and vegetative EIS also focus on these areas and are all in process or recently completed, these reasonably foreseeable actions will have "common timing and geography" and will be similar in terms of permitting more activities on these same lands, possibly even in the same places.

50473-007 (cont.)

The increased level of energy development projects that will follow these corridors are also connected, as the individual projects (such as an oil and gas development project) are likely to trigger preparation of an EIS. Similarly, the clustering of projects to access the transmission corridors is likely to have a cumulatively significant effect on the resources in the area. And, since the additional energy development projects will be tied, at least to some extent, to the location of the corridors, these projects are certainly similar in terms of geography.

Both the various programs and the increased development projects will have a connected and cumulative effect on resources ranging from elk and pronghorn herds to bird of prey populations, sage grouse populations, air quality, water quality (and erosion and sedimentation), and overall potential for primitive recreation. Therefore, their combined impact should be taken into account as part of the analysis of impacts associated with this PEIS.

Courts have held that there are situations where an agency must consider several related actions in a single NEPA document. For instance, the U.S. Court of Appeals for the Fifth Circuit held that in a cumulative impact analysis, an agency should consider "(1) past and present actions without regard to whether they themselves triggered NEPA responsibilities and (2) future actions that are 'reasonably foreseeable,' even if they are not yet proposals and may never trigger NEPA-review requirements.[13] The court noted that the applicable law "does not limit the inquiry to the cumulative impacts that can be expected from proposed projects; rather, *the inquiry also extends to the effects that can be anticipated* from "reasonably foreseeable future actions."[14] Similarly, the U.S. Court of Appeals for the Ninth Circuit has specifically required analysis of activities on both public and private land, since both may impact federal resources, and has also found cumulative impacts analysis insufficient where it did not include foreseeable projects in the same geographical region.[15]

50473-007 (cont.)

In this case, the agencies' obligation to analyze impacts extends beyond the immediate impacts of the proposed corridor initiative to include the cumulative and connected impacts of this project, taken together with the impacts of existing, proposed, or reasonably foreseeable projects, on the environment. As noted above, an insufficient cumulative or connected impact analysis of actions within a larger region will render NEPA analysis insufficient.[16]

Recommendations: In order to fulfill the mandate of NEPA that the agencies make an informed assessment of the environmental consequences of their actions, the agencies can and should take these connected, cumulative and similar actions into effect and perform an analysis of their potential effects on the overall Western landscapes. "It is not appropriate to defer consideration of cumulative impacts to a future date when meaningful consideration can be given now."[17]

4. The Draft PEIS must disclose the basis of the agencies' decision-making and provide accurate data to the public for comment.

The agencies must "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." 40 C.F.R. § 1502.24. Information regarding reasonably foreseeable significant adverse impacts that is essential to a reasoned choice among alternatives shall be included in an EIS if the costs of obtaining it are not exorbitant. 40 C.F.R. § 1502.22(a). In addition, regarding the content of an environmental analysis:

50473-008

> NEPA procedures must **insure that environmental information is available to public officials and citizens** before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.

---

[13] Fritiofson v. Alexander, 772 F.2d 1225, 1245 (5th Cir. 1985).
[14] Id. at 1243. (emphasis added).
[15] *See*, Natural Resources Defense Council v. U.S. Forest Service, 421 F.3d 797, 815-16 (9th Cir. 2005); Muckleshoot Indian Tribe v. U.S. Forest Service, 177 F.3d 800 (9th Cir. 1999).
[16] *See, e.g.*, Kern v. U.S. Bureau of Land Management, 284 F.3d at 1078.
[17] Kern v. United States Bureau of Land Management, 284 F.3d at 1075.

40 C.F.R. § 1500.1(b). (emphasis added). The Data Quality Act and the agencies' interpreting guidance expand on this obligation, requiring that the agencies ensure the "quality, objectivity, utility and integrity" of the information disseminated to the public.[18]

The Draft PEIS omits data, provides inaccurate data, and fails to disclose sufficient information about the agencies' decision-making process to support its conclusions or to permit meaningful public comment. While the Draft PEIS identifies wilderness, wilderness study areas (WSAs) and national conservation areas (NCAs) as resources to be avoided (*see*, Table 2.2-7, p. 2-23), none of the maps identify these special areas as distinguished from broader federal agency management, thereby preventing the public from understanding the potential impacts of the corridors on these areas in the context of surrounding lands. A corridor is actually located between the Alvord Desert and Bowden Hills WSAs on BLM lands in Oregon (segment 24-228), but the maps do not depict these units and Table G does not include these or other WSAs that are within one mile of the corridors. When the GIS data is mapped, this corridor appears to impinge on the WSAs, requiring clarification both on the maps and in the text of the document.

The omission of data is especially egregious in the context of NCAs on BLM lands, which are crossed by these corridors, because the information on impacts is also omitted from Appendix G (Sensitive Resource Areas That Would Be Intersected by Proposed West-wide Energy Corridors) and Table 2.2-6 (Major Sensitive Resource Areas That Would Be Intersected by the Centerlines of the Proposed Energy Corridors under the Proposed Action). Proposed corridors do, in fact, cross the Snake River - Birds of Prey NCA in Idaho (segment 36-228) and the Black Rock Desert – High Rock NCA in Nevada (segment 16-24) ,

50473-008 (cont.)

Where corridors are located in proximity to special places but are not intended to impact those areas, the maps should be accurate and the location of the corridors as outside these areas must be confirmed in the text of the document and any records of decision (RODs). For instance, a number of corridors intersect Forest Service Roadless Areas, but current regulation and policy prohibits development of corridors in these areas. Not only should the maps of the corridors be corrected to avoid these areas, but also the PEIS and RODs should clarify that the corridors are not to be located in the Forest Service Roadless Areas. The corridor that tracks the boundary of Arches National Park in Utah (segment 66-212) actually appears as within the Park boundary on certain maps, presumably due to an error in GIS or other data. It is imperative that the maps and other data be corrected and that the PEIS confirm that this corridor will not encroach upon Park lands.

Data regarding wildlife habitat, including special status species habitat, crucial winter range and migration corridors, are also not provided on any of the maps or in any form that would permit reviewers to assess the manner in which the agencies may or may not have accounted for such impacts. A similar glaring omission relates to lands that have been identified by citizens - and often acknowledged by the agencies – as having wilderness characteristics, which are suitable for eventual protection as wilderness, are being considered by the agencies for interim protection, are especially sensitive to development, and in some cases already being considered for

[18] Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub.L.No. 106-554, § 515. *See also*, Bureau of Land Management Information Quality Guidelines, available at http://www.blm.gov/nhp/efoia/data_quality/guidelines.pdf.

designation in legislation before Congress. The agencies should be taking these values and potential protection of them into consideration and should be providing the public with the opportunity to make informed comments on how proposed corridors could affect these lands.

The Draft PEIS also fails to disclose the manner in which the agencies made decisions on specific corridor locations and about avoiding or mitigating impacts of corridors on other resources. For instance, the Draft PEIS indicates that other than federal agencies, "two states, three county governments, two conservation districts, and one Tribe" acted as cooperating agencies and that the California Energy Commission established an "interagency" team" for input from that state. For the federal agencies, the Draft PEIS provides a general description of GIS data being provided to 55 national forests, 74 BLM district and field offices, 17 Department of Defense facilities and the national office of the U.S. Fish and Wildlife Service. Draft PEIS, p. 2-25. The managers and staff were then asked to apply "their unique, site-specific knowledge of sensitive resources, management activities, and compatible lands uses," and then certain adjustments were apparently made based on their recommendations with "detailed supporting rationale." Id. Many of these meetings were held as "webcasts," identified in Appendix I (Summary of WWEC PEIS Webcasts for Corridor Review and Revision). However, there is not detail provided in the PEIS or in Appendix I about the types of resources that were taken into account or the changes that were made to protect them. Since the corridors unquestionably impact "sensitive resources" and current management, a more detailed discussion of the factors that were taken into account and the development of the specific corridor locations is critical for disclosing the agencies' process and permitting public scrutiny.

50473-008 (cont.)

Recommendations: The agencies should ensure the quality and completeness of the data provided. The PEIS should identify wilderness, wilderness study areas, national conservation areas, and lands with wilderness characteristics on the maps. For all sensitive places that are being avoided but are in proximity to the corridors, the maps and language in the PEIS and RODs should confirm that the lands of these areas are not included with the corridor designations. The confusing and inaccurate information also necessitates that the public be provided with clarification and an opportunity to comment on the impacts of the proposed corridors on these special places. Details should also be provided regarding data taken into consideration on wildlife habitat, including the data utilized and the decisions made. Further, a more comprehensive description of the values taken into consideration and how they were protected (or not) through the agencies' discussions and "webcasts" is needed in order for the public to meaningfully comment on the information that was or was not considered and the actions that were or were not taken by the agencies in arriving at the proposed designations.

5. Specific examples of impacts not considered/adequately addressed in the Draft PEIS.

In addition to the fatal flaws in the agencies' approach to analyzing direct, indirect and cumulative impacts, there are specific types of impacts that have been ignored or especially inadequately discussed. These omissions also affect the alternatives that have or should have been developed for designating corridors, compounding the agencies' failure to comply with NEPA.

50473-009

a) *Climate change*:

Global climate change is now acknowledged to be a major consideration for effects of major federal actions. The Supreme Court has concluded that "[t]he harms associated with climate change are serious and well recognized."[19] Further, the Supreme Court has held that while agency action may not completely reverse global warming, it does not relieve the agencies of the responsibility to take action to reduce it.[20] In fact, an order issued by the Secretary of the Interior requires that:

> Each bureau and office of the Department will consider and analyze potential climate change impacts when undertaking long-range planning exercises, when setting priorities for scientific research and investigations, when developing multi-year management plans, and/or when making major decisions regarding the potential utilization of resources under the Department's purview.

U.S. Dept. of the Int., Sec. Order No. 3226 (Jan. 19, 2001), Section 3. The Draft PEIS discussing the *existing* climate and meteorology in the eleven Western states that will be affected by corridor designation in the contexts of a number of resources, including air quality (Section 3.6.1.1) and vegetation (Section 3.8.1.1). However, the Draft PEIS does not discuss the potential direct, indirect and cumulative impacts on climate change from these energy corridors, even though these impacts are reasonably foreseeable. For instance, at this point, the energy corridors are likely to support and increase use of electricity generated by coal-fired power plants, a significant contributor to the generation of greenhouse gases (GHG) and, consequently, to climate change. Maps prepared by Western Resource Advocates shows that the proposed corridor locations will support proposed and existing coal power plants, but are less likely to support power generated by wind and solar power. *See*, Appendix C to these comments. It is essential that the PEIS examine not only the increase in GHG and other air pollutions from the proposed corridors, but also the global and regional impacts on precipitation, air temperatures, wind, lightning storms and secondary impacts including decreased snow pack and insect outbreaks. 50473-010

(1) Key considerations for analysis of impacts from climate change.

The analysis of impacts from climate change arising out of designation of corridors must address the following:

- Climate change will alter the distribution of species and their productivity, so how will this affect the structure, function and health of the forests and rangeland in the Rockies? How will changes in productivity affect the distribution of suitable grazing lands? How will changes in climate alter the rate of restoration for the hundreds of thousands oil and gas wells in the region?

- Because climate change will alter the distribution of species, it is critical that a supplemental PEIS examine the potential impact on species migration and distribution. How will climate

[19] Massachusetts v. E.P.A., 127 S.Ct. 1438, 1455 (2007).
[20] Id. at 1458.

change impact the efforts of state wildlife officials and federal agencies to conserve areas for species migration? How will migration routes change as the climate changes?

- Climate change has the potential to affect the structure, function and health of forest as much as timber harvesting (Joyce et al. 2000b). How will climate change, facilitated by the bias towards coal evident with the proposed corridors, impact the amount and distribution of high quality old-growth forests? What are the impacts on habitat connectivity needed to support viable wildlife populations? How will climate change affect the ability of key species to survive and is there adequate protection for predicted changes in habitat?

- There is growing concern from the ski industry about the impacts of climate change on snow pack. States and communities are also concerned about water yields from the snow pack, the timing of runoff, and the potential for increased drought in the west. What are the impacts to our snow pack and our water yield, if we increase our use of coal as a result of the biased corridor selection process?

- There is also concern about increased outbreaks of mountain pine beetles and the change in forest structure from such outbreaks. How might insect outbreaks increase if our emissions of GHG increase as a result of the corridor bias towards coal?

- The spread of non-native species is often facilitated by natural disturbances, including fire and flooding and riparian scouring. How might climate change affect the threat of invasive species in the west? How will the potential spread of invasive species impact native species, water yields and suitable land for grazing?

50473-010 (cont.)

- It is also apparent that the proposed corridors have the potential to provide the excessive amount of energy necessary to possibly produce oil from oil shale in Colorado and Utah. What are the cumulative impacts of the proposed corridors from the construction of more coal-fired power plants and the potential large scale commercial development of oil shale?

- Air pollution from oil and gas drilling are already increasing the air pollution in Class 1 airsheds in the Rockies, as well as in communities and cities. What are the cumulative impacts when the air pollution from the current oil and gas operations are combined with increased air pollution from proposed coal-fired power plants and the pollution from potential oil shale development – all facilitated by the proposed and biased corridor routes selected?

- Leading ecologists studying climate change impacts are employed by the USFS, USGS, and Universities, yet the Draft PEIS fails to consider the results of these studies. The failure to use the best available science must be addressed.

- The IPCC used 5 Global Climate Models and several emissions scenario A1B (IPCC 2007). These models can be used to predict changes in temperatures and precipitation from historical averages. Coupling these types of climate data with a Dynamic Vegetation Model will make it possible to examine the impact of the climate change on a range of environmental conditions.

- The following studies should be analyzed at a minimum:

Aber, J.D., R.P. Neilson, S. McNulty, J.M. Lenihan, D. Bachelet and R.J. Drapek. 2001. Forest processes and global environmental change: predicting the effects of individual and multiple stressors. Bioscience. 51(9):735–751. Existing ecological communities probably will not survive climate change intact.

Dale, V.H., L.A. Joyce, S. McNulty, R.P. Neilson, M.P. Ayres, M.D. Flannigan, P.J. Hanson, L.C. Irland, A.E. Lugo, C.J. Peterson, D. Simberloff, F.J. Swanson, B.J. Stocks, and B.M. Wotton. 2001. Climate change and forest disturbances. BioScience, 51: 723-734. Climate change can affect forests by altering the frequency, intensity, duration and timing of fire, drought, introduced species, insect pathogen outbreaks, hurricanes, windstorms, ice storms and landslides.

Hansen, AJ, Neilson, RP, Dale VH, Flather, CH, Iverson, LR, Currie, DJ, Shafer, S., Cook, R, Bartlein, PJ. (2001). Global change in forests: responses of species, communities and biomes. Bioscience 51 (9): 765-779. Ranges of tree species and forest communities were predicted over 100 years using several models and six CO2 emission scenarios.

Haynes, R. W., Adams, D. M.; Alig, R. J.; Ince, P. J.; John R.; Zhou, X.. (2007). The 2005 RPA timber assessment update. Gen. Tech. Rep. PNW-GTR-699. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 212 p. Models can be used to predict the impacts of climate change and elevated CO_2 on the inventories of soft and hardwoods. Impacts on markets are at rates that reflect the change in inventories.

50473-010 (cont.)

Joyce, L. A.; Birdsey, R., Technical Editors. (2000a). The impact of climate change on America's forests: a technical document supporting the 2000 USDA Forest Service RPA Assessment. Gen. Tech. Rep. RMRS-GTR-59. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 133 p. This report documents trends and impacts of climate change on America's forests as required by the Renewable Resources Planning Act of 1974. Recent research on the impact of climate and elevated atmospheric carbon dioxide on plant productivity is synthesized. Modeling analyses explore the potential impact of climate changes on forests, wood products, and carbon in the United States.

Joyce, L.A.; Aber, J.; McNulty, S.; Dale, V.H.; Hansen, A.; Irland, L.C.; Neilson, R.P.; Skog, K. (2000b). Potential consequences of climate variability and change for the forests of the United States. In: National Assessment Synthesis Team, comps. Climate change impacts on the United States: the potential consequences of climate variability and change: foundation. Cambridge, UK: Cambridge University Press: 489-522. Increases in forest productivity by warming and elevated CO_2 are likely to be tempered by local environmental conditions (moisture stress, nutrient limitations). Increases in forest inventories are likely to be met with lower prices. Changes in severity, frequency and extent of natural disturbances are possible, with impacts on forest

structure, biodiversity and functioning. Ecological models indicated changes in the location and area of potential habitats for many tree species. Recreation and socioeconomic impacts are predicted and discussed.

Joyce, L. R., Haynes, White, R., and. Barbour R. J., Technical Coordinators (2007) Bringing climate change into natural resource management. Proceedings of a Workshop June 28-30, 2005 Portland, Oregon. PNW-GTR-706. Summary of ideas from a workshop to explore climate and natural resource management in the western US. Articles illustrate the complexity of climate change and the need for managers to consider how the impacts will unfold across regional and local landscapes.

Prasad, A. M. and L. R. Iverson. (1999-ongoing). A Climate Change Atlas for 80 Forest Tree Species of the Eastern United States [database]. http://www.fs.fed.us/ne/delaware/atlas/index.html, Northeastern Research Station, USDA Forest Service, Delaware, Ohio. Although exclusive to the Eastern US, this tool developed by the USFS demonstrates the methodology and application of climate change models towards predicting landscape change, especially species distributions.

Walsh, J.E., Chapman, W.L. Romanovsky, V., Christensen, J.H. and Stendel M. 2007. Global Climate Model Performance over Alaska and Greenland. Journal of Climate, submitted.

(2) A quantitative cumulative effects analysis is required.

50473-010 (cont.)

Cumulative Effects Analysis (CEA) is not intended to be a list of actions and receptors; it is intended to be a quantitative analysis of the "impacts to resources, ecosystems and human communities that may be affected and used towards developing an adequate understanding of how the resources are susceptible to effects" (CEQ 1997).

The PEIS must complete a quantitative assessment of climate change impacts from the proposed corridors' bias toward coal and hydrocarbon resources. A solely qualitative assessment will not be sufficient. CEQ provides seven primary methods for developing the conceptual causal model for a cumulative effects study of ecosystem-level effects, including (1) gathering information; (2) checklists to identify potential cumulative effects; (3) development of matrices to determine the cumulative effects on ecosystems by combining individual effects from different actions; (4) networks and system diagrams to trace multiple, subsidiary effects on various actions that accumulate upon ecosystems; (5) models to quantify the cause-and-effect relationships leading to cumulative effects; (6) trends analysis to assess the status of ecosystems over time and identify cumulative effects problems, establish appropriate environmental baselines, and project future cumulative effects; and (7) overlay maps and GIS analysis to incorporate local information into cumulative effects analysis (p. 50, CEQ 1992).

While uncertainty is prevalent in all actions and impacts, uncertainty cannot be used as an excuse for failing to assess the possible impacts and biological and value-based thresholds for the affected resources, ecosystem and human communities. The CEQ states that "Cumulative effects analysis necessarily involves assumptions and uncertainties, but useful information can be

put on the decision making table now. Decisions must be supported by the best analysis based on the best data we have or are able to collect. Important research and monitoring programs can be identified that will improve analyses in the future, but their absence should not be used as a reason for not analyzing cumulative effects to the extent possible now" (p. 3, CEQ 1992). This language is tied to the CEQ's principle of using the best analysis and the best data available in a quantitative analysis. While there is uncertainty in climate predictions, scientific analysis has revealed clear trends towards warming. Further, there is an extensive body of literature regarding the quantitative analysis of uncertainty and variability in environmental policy and decision making (e.g. Frey 1992 and onward; Morgan and Henrion 1990). Thus, within the scientific literature there are examples of a variety of statistical methods that can be used to address uncertainty (Webster 2002; Roe and Baker 2007).

Global and Regional Dynamic Ecosystem Models have been used to predict how ecosystems will respond to changes in temperature and precipitation across ranges of values as well as in combination with land use data (e.g. Starfield & Chapin 1996). This type of analysis represents the best available scientific method for addressing climate change at present. The data necessary to drive these models is publicly available, including land cover data, coarse and downscaled temperature and precipitation data. This input is critical towards modeling cumulative effects.

With respect to wildlife, we propose that a quantitative CEA incorporate at least the following components or similar analyses as these methods yield: 50473-010 (cont.)

1. A Resource Selection Model that incorporates wildlife movement monitoring data with land cover classification;
2. Population Viability Analysis that incorporates harvest and predator demands with wildlife population census data;
3. Establish Disturbance Coefficients that incorporate wildlife responses to industrial and other human activities;
4. Climate Change Scenarios that capture changes in temperature and precipitation in order to develop an understanding of the stability and trajectories for change of physical and biological resources;
5. Model Habitat Availability using a range of climate scenarios.

These data belong in a spatially explicit analysis (i.e., GIS-based) of cumulative effects, and should be interpreted within the best scientific understanding of wildlife and conservation biology. This type of quantitative ecosystem-level analysis will result in a truly quantitative, substantial set of results upon which the agencies can base their conclusions and decisions.

Recommendations: The potential effects on climate change from facilitating placement of transmission to support coal power plants and not providing the same support to other sources of power are inescapable and must be evaluated. The inquiries set out above must be analyzed in the PEIS, applicable studies must be utilized, and the revised analysis provided to the public for review and comment.

b) *Health and safety risks*. 50473-011

The types of projects contemplated for construction in the energy corridors already have documented health and safety risks. For instance, fires in Southern California last year were tied

to sparks from transmission lines. Associated Press, November 17, 2007, *California Fire Officials Fault Power Line Sparks for Largest San Diego Wildfire* (**http://www.foxnews.com/story/0,2933,312020,00.html** and Attachment 4). In Colorado, leaking gas pipelines have been tied to water contamination. Denver Post, March 7, 2006, *Inspections lagging amid oil, gas boom* (**http://www.denverpost.com/news/ci_3576313** and Attachment 5). The Draft PEIS discusses how placement of corridors coincides with areas of seismic activities and landslides, but does not discuss the potential for impacts to health and safety of explosions, leaks and fires. The Draft PEIS acknowledges that impacts arise with respect to corridors "within the designated corridors or on adjacent private lands through which those energy transport systems pass," but declines to consider them because they would arise only with specific projects. Draft PEIS, p. 3-304. This approach ignores the known risks associated with the projects and the proximity of these projects to communities, both of which are critical to identifying locations that are appropriate (or not safe) for energy corridors. It is neither reasonable nor acceptable for the agencies to identify locations that are preferable for locating pipelines and power lines and will be subject to expedited approval and abridged environmental review without acknowledging that there are risks associated with the health and safety of the people who live near those locations.

50473-011 (cont.)

c) *Lands with wilderness characteristics*:

The public lands contain significant lands that have wilderness characteristics and are under consideration for protection under the Wilderness Act, 16 U.S. C. § 1131-1136, or under specific administrative prescriptions. For instance, the BLM, which manages the bulk of the lands affected by these designations, has committed to continuing to protect wilderness values. Instruction Memoranda (IMs) Nos. 2003-274 and 2003-275 contemplate that BLM can continue to inventory for and protect land "with wilderness characteristics," such as naturalness or providing opportunities for solitude or primitive recreation, through the planning process. The IMs further provide for management that emphasizes "the protection of some or all of the wilderness characteristics as a priority," even if this means prioritizing wilderness over other multiple uses. (emphasis added). The guidance issued by the BLM's Arizona State Office serves to elaborate upon this guidance by providing for identification of lands with wilderness characteristics and development of management prescriptions to protect and enhance these values (*See* IM No. AZ-2005-007).

50473-012

Numerous BLM planning efforts now underway in the eleven Western states are contemplating protection of these lands. *See, e.g.,* Proposed RMP/Final EIS for the Arizona Strip, Table 2-10, pp. 2-131 – 2-134 (available at: http://www.blm.gov/az/lup/strip/docs/FEIS/CHAPTER_2.pdf); Draft RMP/EIS for Little Snake (Colorado) Field Office, pp. 2-47 – 2-51 (available at: http://www.blm.gov/pgdata/etc/medialib/blm/co/field_offices/little_snake_field/rmp_revision/documents.Par.50646.File.dat/05_LSDEIS_Chapter_2_SFS.pdf) ; Draft RMP/EIS for Moab (Utah) Field Office, pp. 2-5 – 2-6 (available at: http://www.blm.gov/pgdata/etc/medialib/blm/ut/moab_fo/rmp/draft_eis.Par.82643.File.dat/CHAPTER%202.pdf). Development of pipelines and power lines (made more likely by designation of these corridors) will unquestionably affect the wilderness characteristics of these lands, since they will affect their "naturalness" and/or opportunities for solitude and/or opportunities for primitive or unconfined recreation. For example, a proposed corridor (segment 126-218) would pass through lands with wilderness characteristics in the Vernal (Utah) Field Office, which are

being considered for protection in the ongoing RMP revision. *See*, map provided as Attachment 6; Vernal Supplement Draft RMP, Figure 20e (Non-WSA Lands with Wilderness Characteristics – Alternative E, available at: http://www.blm.gov/pgdata/etc/medialib/blm/ut/vernal_fo/planning/supplement_eis/supplement.Par.52783.File.dat/m.%20Figure%2020e.pdf). Further, as discussed in detail below, since the beginning of this process, The Wilderness Society has provided the agencies with detailed information on substantial areas with wilderness characteristics and proposed for protection under the Wilderness Act. The Draft PEIS should acknowledge the wilderness values present on the affected lands and consider the impacts of locating corridors on them.

d) *Wildlife habitat*.

It is our understanding that the agencies had data available on wildlife habitat and likely impacts to habitat from location of corridors. However, the agencies have not provided this data in the Draft PEIS in detail or conducted any specific analysis of the likely impact to wildlife. The agencies can also obtain additional data from the state Comprehensive Wildlife Conservation Strategies, which inventory habitat and provide general information on areas of concern, as discussed in more detail later in these comments.

Section 3.8 4 of the Draft PEIS describes numerous impacts that are likely to occur to wildlife and vegetation from construction of projects in the corridors. Table 3.8-5 identifies hundreds of threatened and endangered species listed under the Endangered Species Act that are found in the eleven Western states affected by corridor designation. Table 3.8-8 provides a list of damage to wildlife that can occur from construction of energy transport facilities. Table 3.8-9 provides an equally impressive list of damage that can occur from operation of these facilities. Table 3.8-10 sets out the likely damage to threatened, endangered and other special status species from construction and operation. The section also discusses mitigation measures that can be developed to minimize impacts. However, the section fails to analyze the *actual* impacts that can reasonably be expected from the proposed energy corridors. 50473-012 (cont.)

For instance, the Draft PEIS acknowledges the devastating impacts that can occur due to habitat fragmentation. The Draft PEIS (at p. 3-200) states: "The reduction, alteration, or fragmentation of habitat would result in a major construction-related impact to wildlife." With respect to fragmentation, in particular, the Draft PEIS confirms:

> Fragmentation can separate wildlife populations into smaller populations that are more susceptible to extirpation from random events such as drought, disease, introduction of exotic predators, and so forth. It can also make movement between habitat fragments more difficult during periods when resources are limited. Habitat fragmentation can degrade the unique habitat characteristics of large, unbroken habitat tracts; the characteristics include accessible migration corridors, cover and forage that are free from disturbance, and areas isolated from hunting and predators (BLM 2005d).

As discussed in detail in our scoping comments, there are numerous metrics available to measure habitat fragmentation and the Draft PEIS can and should make use of these in assessing the likely effects of development within these corridors. Existing road density can be calculated by measuring the length of linear features in a given sub-area at regular intervals and then reported

as miles of route per square mile (mi/mi^2). The degree of habitat fragmentation, the distribution of unroaded areas, or core areas, can also be measured and calculated based on the amount of land beyond a given distance or effect zone, from transportation routes (Forman, 1999). Wildlife species respond to disturbances related to this type of network at varying distances, so determining the size distribution of core areas for a range of effect zones (i.e., of 100ft, 250ft, 500ft and 1320ft) from all routes is also important.

The agencies have already performed similar analyses. For instance, the Draft RMP/EIS for the Monticello (Utah) Field Office conducts an analysis of habitat fragmentation from the various management alternatives, including an entire section (4.3.19.3.19) on "Impacts of Habitat Fragmentation on Wildlife." This section provides standards at which habitat is considered "unfavorable" and identifies the percent of the planning area that is unfavorable for certain species under each alternative. Monticello Draft RMP/EIS, pp. 4-598 - 4-602. The Draft RMP/EIS released by the Vernal (Utah) Field Office in January, 2005, included extensive measurement of potential habitat fragmentation using a range of effect zones and specific impacts to be expected for different affected species, including pronghorn and raptors. *See*, Vernal DRMP/EIS, Appendix I and Section 3.19.2. The recently-released Vernal Supplement also presents detailed information on habitat fragmentation from oil and gas development, including measurements of route density and percent of the area outside three functional habitat loss zones. Vernal Supplement, pp. 4-128 – 4-130. Without this information, not only the public, but also the agency is deprived of the opportunity to make an informed decision. The Draft PEIS neither conducts this analysis nor mandates that it be conducted as part of later analysis required for authorization of projects in the designated corridors. 50473-012 (cont.)

e) *Generation facilities and oil and gas development activities.*
Locations of energy corridors will also affect the location of generation facilities, because proximity to transmission is a key economic consideration in siting facilities. At this point, as discussed above, the proposed corridors will support proposed coal power plants. However, these corridors will also likely affect the location of other future generation facilities. Further, as discussed above, the location of the corridors will also affect the location of oil and gas development and related activities. The recent update for the TransWest Express Project, a massive pipeline project in the West, also cited the West-wide Energy Corridor designations as a major consideration. *See*, slide of potential corridors from TransWest Express Project Update provided as Attachment 7. The likely effects of these connected actions should be specifically identified in the Draft PEIS and analyzed as part of determining the most desirable corridor locations. 50473-013

f) *Designation of corridors encompassing existing rights-of-way.*
The Draft PEIS notes that many of the corridors are designated along existing corridors or rights-of-way. However, many of these designations require massive increases in the width of the areas available for development and are also likely to change the type of use currently occurring. For instance, the corridor proposed for designation adjacent to Arches National Park in Utah (segment 66-212) encompasses a number of preexisting rights-of-way and transmission lines, but none of these are 500 Kv lines and they are currently widely separated. Designating a wider corridor and designating it as "appropriate" for multiple 500 Kv lines would transform the type of development likely to occur in this area. Similarly, the corridor proposed for designation 50473-014

through Grand Staircase-Escalante National Monument in Utah (segment 68-116) currently contains a single 500 Kv line, but would now be "approved" for development of as many 500 Kv lines and pipelines as can be included in a 3500-foot wide corridor, projected as "about 9 individual 500-kV transmission lines"; "as many as 35 liquid petroleum pipelines (each consisting of a 32-inch-diameter pipe and a 100-foot construction ROW): or "29 natural gas pipelines (42-inch-diameter pipe and 120-foot construction ROW) could be supported within a 3,500-foot-wide corridor." Draft PEIS, ES-13. These are not minor changes in use; development at the level projected in the Draft PEIS would transform the character of these lands and must be thoroughly assessed as part of designating energy corridors.

50473-014 (cont.)

g) *Socioeconomic impacts.*

The socioeconomic impacts of potential corridor development go far beyond the construction and maintenance jobs analyzed in the Draft PEIS. They will leave permanent impacts on the landscape of the West – a landscape which is both iconic and an important economic driver in this region. The public lands that would be impacted by the corridors proposed in the Draft PEIS include places which are important and valuable to all Americans. These lands should not be sacrificed in order to facilitate the continued consumption of more energy than any other nation in the World. And it is especially egregious that these corridors favor the misguided continuation of the dirtiest of energy sources (coal) in a region where most of the states have embraced renewable energy. The analyses done for the Draft PEIS need to be expanded to incorporate the larger impact that the potential corridors will have on the West's public lands, opens spaces and natural amenities.

These analyses appear in two sections of the Draft PEIS: Section 3.12 and Appendix S. These comments refer to both these sections, and where very specific analysis is discussed it will be noted. Otherwise the two sections are considered together. Several specific and notable deficiencies in the Draft PEIS are noted here and discussed in more detail below.

50473-015

1. The Draft PEIS does not account for the non-market values associated with the National Parks, National Monuments, Wilderness Areas, National Wildlife Refuges, Roadless Areas and other undeveloped public lands through which many of the proposed corridors pass.
2. The Draft PEIS does not address the potential benefits to the local area economies that arise from these National Parks, National Monuments, Wilderness Areas, National Wildlife Refuges and other undeveloped public lands, and which will be impacted by the development of energy corridors.
3. The socioeconomic analysis in the Draft PEIS relies on IMPLAN and economic base analysis which is not adequate to fully predict or assess the economic impacts of the development of the proposed energy corridors on local communities.
4. The socioeconomic analyses relied solely on utility industry-sponsored studies to asses the potential impacts of energy corridor designation and development on residential property values.
5. The socioeconomic analysis does not adequately address the potential impacts on the quality of life for residents of communities that will be impacted by energy corridor development.

(1) Non-Market Values.

One of the most important purposes of public lands, especially places like National Parks, National Monuments Wilderness Areas and National Wildlife Refuges, is the provision of public goods. Non-market goods often fall into the category of public goods. These are things like opportunities for solitude, outdoor recreation, clean air, clean water, the preservation of wilderness and other undeveloped areas that would be underprovided if left entirely to market forces.

In the assessment of the socioeconomic impacts of the proposed corridors, the Draft PEIS does not account for the non-market values associated with these undeveloped wild lands and other special places. Many of the proposed corridors would cross lands such as National Parks, National Monuments, Wilderness Areas and National Wildlife Refuges, damaging some of the attributes which make them special and important sources of non-market values. The agencies implementing the Draft PEIS have an inherent responsibility to see that these lands are not impaired in order to endure that the public goods they produce continue to be provided and in quantities that meet the demand of all U.S. citizens.

Non-market values have been measured and quantified for decades. There is a well established body of economic research on the measurement of non-market values, and the physical changes (decreases in the source of these values) brought about by oil and gas development and motorized recreation are very easy to measure quantitatively.

This analysis is especially important when considering actions which would degrade or damage roadless areas or other lands with wilderness characteristics since these lands produce benefits and values that are seldom captured in the existing market structure. The literature on the benefits of wilderness is well established and should be used by the agencies to estimate the potential value of the lands with wilderness characteristics in the Monument. Krutilla (1967) provides a seminal paper on the valuation of wilderness lead the way for countless others who have done research all providing compelling evidence that these lands are worth much more in their protected state. Morton (1999), Bowker et al. (2005) Krieger (2001) and Loomis and Richardson (2000) provide overviews of the market and non-market, use and non-use values of wilderness and wildlands. See Walsh et al. (1984), Bishop and Welsh (1992), Gowdy (1997), Cordell et al. (1998), Loomis and Richardson (2001) and Payne et al. (1992) for several more examples.

50473-015 (cont.)

Peer reviewed methods for quantifying both the non-market and market costs of changing environmental quality have been developed by economists and are readily applicable to the present case. For a catalog of these methods see Freeman (2003). For a complete socioeconomic analysis, agencies implementing the Draft PEIS should adapt these methods to conditions in each of the proposed corridors locations to obtain a complete estimates of the economic consequences of the proposed corridors.

***Recommendations*:** The agencies must measure and account for changes in non-market values associated with the development of the proposed corridors. To do otherwise omits a very important socioeconomic impact that is the direct result of this development. The analysis must assess the non-market economic impacts on the owners of the public lands through which these proposed corridors would pass – all Americans. This analysis must include the passive use values of public lands such National Parks, National Monuments,

National Wildlife Refuges, Wilderness Areas, Roadless Areas and other undeveloped public lands.

(2) Economic Benefits of Natural Amenities.

In addition to non-market values, public lands, and especially National Parks, National Monuments, Wilderness Areas, National Wildlife Refuges, Roadless Areas and other protected and undeveloped public lands also produce measure economic benefits for local communities. These benefits are attributed to the mere presence of protected lands and the natural and recreational amenities that they provide for local communities.

The Draft PEIS fails to fully address the impacts that the development of the proposed corridors will have on the local economies throughout the West. The economic impact that undeveloped lands have on local economies is well documented and has grown in importance as the U.S. moves from a primary manufacturing and extractive economy to one more focused on service sector industries. This shift means that many businesses are free to locate wherever they choose. The "raw materials" upon which these businesses rely are people, and study after study has shown that natural amenities attract a high-quality, educated, talented workforce – the lifeblood of these businesses. The narrow scope of the socioeconomic analysis and the use of economic base methods to assess the potential impacts of the proposed corridors on the local communities affected fails to address this important facet of today's economy.

As the economy of the West evolves public lands, especially areas such protected from development and others that have been recognized for their unique natural and cultural attributes (such as National Parks, National Monuments, National Wildlife Refuges, Wilderness Areas, and Roadless Areas), are increasingly important for their non-commodity resources – scenery, wildlife habitat, wilderness, recreation opportunities, clean water and air, and irreplaceable cultural sites. To site the proposed energy corridors in any way that impairs these natural amenities would be short-sighted at best.

50473-015 (cont.)

A vast and growing body of research indicates that the economic prosperity of rural Western communities depends more and more on these amenities and less and less on the extraction of natural resource commodities. See Whitelaw and Niemi 1989, Rudzitis and Johansen 1989, Johnson and Rasker 1993 and 1995, Freudenburg and Gramling 1994, Snepenger et al. 1995, Power 1995 and 1996, Bennett and McBeth 1998, Duffy-Deno 1998, McGranahan 1999, Nelson 1999, Rudzitis 1999, Morton 2000, Lorah 2000, Deller et al. 2001, Johnson 2001, Shumway and Otterstrom 2001, Lorah and Southwick 2003, Rasker et al. 2004, Holmes and Hecox 2004 and Reeder and Brown 2005, for some examples.

New residents in the rural West often bring new businesses, and more and more of these are not tied to resource extraction. Some are dependent directly on the recreation opportunities on the surrounding public lands. Entrepreneurs are also attracted to areas with high levels of natural amenities. The Federal Reserve Bank of Kansas City has found that the level of entrepreneurship in rural communities is correlated with overall economic growth and prosperity (Low 2004). These businesses may be harmed or deterred if the quality of the scenic and natural amenities is harmed due to the development of the proposed energy corridors.

Retirees and other who earn non-labor income are also important to rural western communities. This income is important for the western states – making up an average of 26% of total personal in the region (Table 1). If investment and retirement income were considered an industry it

would be one of the largest in all of the eleven western states impacted by these proposed energy corridors. Retirees are attracted by natural amenities that are available on undeveloped public lands. The potential impact that the proposed corridors will have on this source of income and economic activity must be accounted for.

Table 1. Investment & Retirement Income as a Percentage of Total Personal Income (2005)

Arizona	25%
California	24%
Colorado	22%
Idaho	28%
Montana	30%
Nevada	27%
New Mexico	25%
Oregon	28%
Utah	21%
Washington	25%
Wyoming	32%

Source: U.S. Department of Commerce, Bureau of Economic Analysis, Regional Economic Information System (http://www.bea.gov/)

50473-015 (cont.)

The socioeconomic analyses of the impacts of development of the proposed corridors looks only the income and employment changes in the sectors directly involved in the development (utilities and construction). Furthermore it only looks at the potential gains of this development and construction activity and fails to examine the costs in a meaningful way.

This narrow analysis ignores any potential changes that may occur in other sectors if the corridors cause deterioration in the area's natural amenities. As discussed above these amenities are important economic drivers in the areas proposed for the corridor development. Much of the economic activity attributable to the presence of protected public lands is in the professional and service sector, and it is entirely possible that changes to these lands will have impacts on this sector.

Growth in the service sector is tied to the natural and other amenities in the area. The National Parks, National Monument, National Wildlife Refuges, Wilderness Areas and Roadless Areas, along with other public lands in the region enhance the West's attractiveness for both skilled workers and employers. Protected public lands provide indirect support for local and regional economies, a fact that is increasingly being recognized by communities throughout the West. These lands provide a scenic backdrop, recreation opportunities and a desirable rural lifestyle, and many other tangible and intangible amenities that attract new residents, business and income to the rural West.

As noted above, a vast and growing body of research indicates that the environmental amenities provided by public lands are an important economic driver in the rural West. In a letter to the President and the Governors of all the Western states, 100 economists from universities and

other organizations throughout the United States pointed out that, "The West's natural environment is, arguably, its greatest long-run economic strength" (Whitelaw et al. 2003).

Several studies of specific western communities have also found that protected public lands contribute to economic prosperity. In a report examining the economic health of Doña Ana County, New Mexico, the Sonoran Institute (2006) found that the county is set to prosper. The area possesses an abundance of natural amenities, beautiful scenery, and many of the other natural amenities and attributes correlated with economic growth in the rural West. Barrens et al. (2006) also focused their research in neighboring New Mexico, estimating the total economic benefits of protecting the state's inventoried roadless areas. They estimate that these areas provide between 563 and 880 jobs, generate from 13.7 to 21.5 million dollars of personal income and, most importantly, induce economic growth rates that are faster for counties containing roadless areas than for those without.

Local communities with nearby protected wildlands reap measurable benefits in terms of employment and personal income (Rasker et al. 2004). "Telework" using electronic communication has made it possible for more and more people in the West, and all over the country, to choose where they live and work. Many businesses are able to conduct national or international commerce from any location they choose. Other entrepreneurs simply choose to live in a particular place and build businesses in response to local needs. Retirees are also not tied to a specific location by employment. All of these people often seek an attractive place to live. Research supports the assertion that protected public lands contribute to rural economic health (Rasker et al. 2004, Rudzitis and Johnson 2000, Rudzitis and Johansen 1989). As development increases near the Monument (a prediction made in the DRMP/DIES), this landscape will become even more integral to the community (as its backdrop or setting), contributing to and even creating the amenities on which the communities' economies depend. See Haefele et al. (2007) for a detailed description of the amenity economy and the ways in which local economies benefit from protected public lands.

50473-015 (cont.)

The Center for the Study of Rural America, at the Federal Reserve Bank of Kansas City (the Rural Center) has developed a set of Regional Asset Indicators that are linked to the potential for economic growth in rural counties (Weiler 2004). The Rural Center describes the regional asset indicators as providing "…new, forward-looking metrics that regions can use to better understand their economic assets and to help inform private, public, and nonprofit regional development strategies." [21] These Regional Asset Indicators often corroborate and extend the findings of Rasker et al (2004).

An area's amenities often act as a key driver of economic prosperity. The Rural Center has developed an index to measure the level of human amenities for each county, which includes a measure of natural amenities (developed by the U.S. Department of Agriculture), access to healthcare, innovation (which is also measured separately as an additional Regional Asset Indicator below), recreation areas and restaurants. These are then standardized into one index for each county (Center for the Study of Rural America 2006a).

---

[21] Federal Reserve Bank of Kansas City, Regional Asset Indicators. The Regional Asset Indicators for every U.S. County can be downloaded here, along with documentation on the development of the Indicators and additional research showing their importance to rural economies.
http://www.kansascityfed.org/home/subwebnav.cfm?level=3&theID=9602&SubWeb=12

As the Rural Center points out, the human amenity index is highest in coastal and mountain regions. This helps to explain the high scores for all of the eleven western states potentially impacted by the designation and development of the proposed corridors (Table 2). The scores reflect the presence of the West's many National Parks, National Monuments, National Wildlife Refuges, Wilderness Areas, Roadless Aras, as well as the many other public lands potentially impacted by the proposed corridors. These lands produce the scenic amenities and recreation opportunities which make the West a high amenity area and which thus attract population and employers.

One of the facets that the Rural Center includes in its Human Amenities Index is the Natural Amenities score calculated by the U.S. Department of Agriculture. It is instructive to pull this score out by itself. The index is based on climate factors (warm winters and mild summers), proximity to water bodies and varied topography. Again, all of the western states have Natural Amenity Scores that are much higher than the U.S. average (Table 2).

Table 2. Amenity Indicators for the Western States

	Human Amenities Indicator [a]	Natural Amenities Scale [b]
Arizona	36	4.87
California	41	6.73
Colorado	36	4.03
Idaho	27	2.02
Montana	31	1.36
Nevada	32	4.72
New Mexico	30	3.54
Oregon	32	3.78
Utah	31	3.41
Washington	35	2.78
Wyoming	33	2.88
U.S. average	29	0.06

[a] Calculated by the Center for the Study of Rural America, Summer 2006
[b] U.S. Department of Agriculture, Economic Research Service, Natural Amenities Typology

Other Regional Asset Indicators reflect the quality of a region's workforce. Because areas which have abundant amenities are more able to attract and retain a high quality workforce, the Human Amenity Index is very important for the region as it may well be the key to enhancing and maintaining the other important workforce and demographic indicators discussed below. Human amenities have been found to be positively correlated with both income and employment growth (Center for the Study of Rural America 2006a).

50473-015 (cont.)

Workforce indicators include entrepreneurship, the general availability of skilled workers and the proportion of a region's workforce in creative occupations. A creative work force increases a region's human capital and its level of innovation and entrepreneurship - this index measures the level of specialized, highly creative occupations that are unique to an area, making a distinction between these unique concentrations and creative jobs that can be found in almost any location (The Center for the Study of Rural America 2006b).

The eleven western states all have high levels of entrepreneurship (Table 3), which has been found to correlate positively with economic growth (Low 2004). The states in the region vary with respect to the supply of skilled workers, and where deficits exist, the presence of natural amenities will most certainly play a role in addressing the lack of skilled workers. On the other hand, if the development of the proposed energy corridors which currently pass through National Parks, National Monuments, Wilderness Areas, Roadless Areas, National Wildlife Refuges and other undeveloped public lands comes to pass this will likely reduce the region's ability to attract vital skilled workers.

Business owners create jobs and wealth in a local economy and stimulate growth as the income and employment they generate filters through the economy. Entrepreneurship and long-term economic growth have been found to be correlated (Low 2004). Entrepreneurs can have both small and large impacts in local communities. Some small businesses may not produce large employment or income benefits; however, they enhance the local quality of life and the level of human amenities (for example local restaurants may not produce large numbers of jobs, but do contribute to the area's amenity index). Others bring both direct and indirect employment and income.

50473-015 (cont.)

Table 3. Workforce Indicators for the Western States

	Entrepreneurs as a percentage of the workforce [a]	Creative Workers as a Percentage of the Workforce [b]	Supply of skilled workers compared with demand [b]	
Arizona	18%	19%	-4.018	deficit
California	22%	23%	-1.822	deficit
Colorado	22%	23%	3.823	surplus
Idaho	21%	17%	-2.329	deficit
Montana	24%	15%	0.047	surplus
Nevada	17%	18%	-3.597	deficit
New Mexico	18%	19%	-0.987	deficit
Oregon	20%	19%	-1.321	deficit
Utah	19%	20%	-2.409	deficit
Washington	18%	21%	-1.305	deficit
Wyoming	21%	18%	0.714	surplus
U.S. average	18%	17%	-2.715	deficit

a U.S. Department of Commerce, Bureau of Economic Analysis (www.bea.gov) 2005 data.

(Entrepreneurs as a percentage of the workforce = non-farm proprietors / non-farm employment.)
b Calculated by the Center for the Study of Rural America, Summer 2006

Thompson et al. (2006) studied rural economies and found that areas with higher levels of entrepreneurship experienced higher employment growth. Low et al. (2005) analyzed the characteristics of rural economies to asses their potential for entrepreneurship and economic growth, and they found that lifestyle amenities, local workforce skills, access to capital and information and innovative activity were the strongest indicators of an area's ability to attract and maintain entrepreneurial activity.

In addition to attracting a quality workforce, amenities also attract retirees and others with non-traditional sources of income (Nelson 1999). These new residents in turn spur economic development (Deller 1995). Residents who rely on non-labor income become both a pool of customers and clients for new business and a potential source of investment capital.

Research into the motivation that drives entrepreneurs and businesses to choose particular locations consistently finds that amenities and quality of life top the list (Rasker and Hansen 2000, Snepenger et al. 1995, Rasker and Glick 1994, Whitelaw and Niemi 1989). Developing the proposed energy corridors through undeveloped public lands will hinder western communities' ability to attract more small businesses into the region to further enhance this sector. 50473-015 (cont.)

These findings together point to the value of public lands like National Parks, National Monuments, Wilderness Areas and other protected lands to strong local economies. Development of energy corridors through these western lands poses a very real threat that must be addressed in the final WWEC PEIS.

> ***Recommendations:*** The agencies proposing the energy corridors must collect and analyze actual data on the economic impacts of these corridors if they impact lands such as Wilderness Areas, National Wildlife Refuges, Roadless Areas, National Parks, National Monuments or other undeveloped public lands. Some suggested analyses and sources of data can be found in *"Socio-Economic Framework for Public Land Management Planning: Indicators for the West's Economy"* (Attachment 8).

The agencies must make a thorough examination of the full socioeconomic impacts likely to occur if the proposed corridors are developed. These analyses must take into account the impacts that the resulting degradation of undeveloped public lands will have on the surrounding communities, including the added cost of providing services and infrastructure, the long-term costs of the likely environmental damage, and the impacts on other sectors of the economy. The agencies must examine the role that protected public lands (including lands with wilderness characteristics) play in the local economies.

(3) Economic Base Models.

The use of economic-base models such as IMPLAN is insufficient to predict future economic impacts from the development of the proposed corridors. While these models can be useful as a tool to develop static analyses of the regional economy, the agencies proposing the corridors and local communities potentially impacted must be aware of the shortcomings and poor track record of such models as predictive tools. Economic base models do not consider the impacts of many important variables that affect regional growth in many rural communities, especially in the 50473-016

West. Attributes such as natural amenities, high quality hunting, fishing and recreational opportunities, open space, scenic beauty, clean air and clean water, a sense of community, and overall high quality of life are not measured or accounted for in economic base models, however these amenities are associated with attracting new migrants as well as retaining long-time residents. Many residents of Western communities (both long-time and new) earn retirement and investment income, and while it is technically possible, most economic base models completely fail to consider the important economic role of retirement and investment income.

Many economists have offered constructive critiques of such models. See for example: Krikelas (1991), Tiebout (1956), Haynes and Horne (1997), Hoekstra, et al. (1990), Richardson, 1985 and the Office of Technology Assessment (1992). The ease of data acquisition for estimating the impacts of manufacturing, construction and resource extractive sectors combined with the difficulty of estimating the impacts of recreation and tourism underscores the potential bias favoring development in economic base models. The concern over the accuracy of these models combined with concern over the use of such models for planning, suggests that it is not only inappropriate but a disservice to rural communities to rely on economic base analyses to estimate the economic impacts of public land management alternatives on rural communities. 50473-016 (cont.)

Recommendations: We recommend that the agencies proposing the corridors do not rely solely on IMPLAN or on other models derived from economic base theory to predict the economic impacts of these corridors. As these comments demonstrate the relationship between public land management and local and regional economic prosperity and growth is far more complex than these models assume, and given the potentially significant impacts on many of the region's public lands use of such models will result in an incomplete and inadequate analysis of the socioeconomic impacts.

(4) Use of utility industry-sponsored studies to determine impacts to property values.

The Draft PEIS relies entirely on utility industry-sponsored studies of property value changes to assess these potential impacts. It is not surprising that these studies found no significant impacts. This ignores a much broader and more independent body of work which looks at the positive impacts of open space and protected public lands on property values. These studies can be applied to infer the inverse decline in property values associated with the loss of protected public lands and open spaces. Numerous studies show that there is a positive correlation between property values and open spaces and protected public lands. Given that the proposed corridors will impact a great deal of public land and open space throughout the West, it is likely to have negative impacts on the property values in the region. 50473-017

Several examples of such studies include Earnhart (2006), Bengochea Moranco (2003), Espey and Owosu-Edusei (2001), Bolitzer and Netusil (2000), Lutzenhiser and Netusil (2001), Geoghegan et al. (2003), Geoghegan (2002), Acharya and Bennett (2001), Irwin (2002), Tajima (2003), Luttik (2000), Loomis et al. (2004) and Breffle et al. (1998). . McConnell and Walls (2005) provide a good overview of both property values and non-use values associated with open spaces. All of these studies provide empirical evidence of the potential losses to western citizens from the development of the proposed corridors.

A credible quantitative analysis of the potential impacts on property values is especially important when the property in question is residential. "Residential property" means people's homes which are often a family's single largest asset or investment. A decrease in the value of

residential property will be a real and negative impact of the proposed corridor development and is therefore well within the scope the analysis.

Recommendations: The agencies proposing these corridors should examine a more broad and less potentially biased body of literature on the impacts of development (or the lack thereof) on residential and other property values. The agencies should make a quantitative assessment of these potential impacts. 50473-017 (cont.)

(5) Incomplete analysis of impacts on quality of life.

The socioeconomic analysis does not adequately address the potential impacts on the quality of life for residents of communities that will be impacted by energy corridor development. The analysis implies that the only way that the quality of life will be impacted is by the reduction of property values (and the assessment of this potential impact is, as noted above, inadequate). The quality of life in many communities with abundant protected public lands is often tied inextricable with those lands. The proposed energy corridors will have negative impacts on these lands and therefore will cause deterioration in at least one other aspect of western quality of life.

As discussed above, such a decline will have more than just emotional or psychological impacts. Areas with high quality of life are better able to attract the entrepreneurs, skilled and creative workers, retirees and others who are the economic drivers of many western communities.

Recommendations: The agencies proposing the West-Wide Energy Corridors must assess the full quality of life impacts that are likely to be associated with corridor development. The potential resulting economic impacts of these quality of life impacts must also be assessed in order to fully evaluate the proposed corridors.

h) *Community expansion and sprawl.*

Because designating energy corridors will increase the likelihood of projects being constructed in those corridors, the designation will support expansion of communities and "sprawl" beyond the current physical boundaries of urban and suburban areas. The Draft PEIS implicitly acknowledges this likelihood in discussing the purpose of designation, stating that "the Section 368 energy corridors that comprise the Proposed Action were sited, in part, considering the need to address reliability and congestion, and to enhance the capability to deliver electricity of the western portion of the grid." Draft PEIS, ES-20. 50473-018

Expansion and sprawl place additional pressures on both related infrastructure (i.e., highways and other roads) and the public lands. In fact, the BLM has emphasized the relationship between sprawl and public lands, stating:

> In the fast-growing West, the 12-State population has risen from 19.6 million in 1950 to more than 60 million today, placing new pressures on the public lands—particularly in the form of "urban sprawl" and the increased use of public lands for new and diverse forms of outdoor recreation.

"The Bureau of Land management Today"; available at: http://www.blm.gov/nhp/news/releases/pages/2006/pr060206_budget.pdf. The Draft PEIS does not discuss the predictable expansion of communities along these corridors or the likely impacts on public lands.

Recommendations: The agencies cannot ignore the serious impacts likely to occur from corridor designation; their claims that likely impacts cannot be predicted or analyzed until specific projects are unsupportable. The Draft PEIS does not include any requirements for completion of a thorough NEPA analysis of most of the impacts summarized above, nor does the Draft PEIS specify methodology or metrics that should be used to quantify them. There is no assurance that these impacts will ever be addressed in later NEPA analysis and the agencies must address them in this PEIS. Further, the lack of analysis of impacts in the Draft PEIS indicates that the agencies cannot reasonably rely on the inclusion of potential mitigation measures (discussed in detail in the following section of these comments) to lead to sufficient avoidance or mitigation. The PEIS must conduct a thorough analysis of the risks from corridor designation highlighted above and provide specific results, which can then be used to support the reasonableness of the location of these corridors (or indicate the need for relocation) and the reliability (or lack thereof) of mitigation measures.

50473-018 (cont.)

B. Mitigation measures.

The Draft PEIS (at p. 3-34) identifies the need for mitigation measures to address potential impacts of projects sited in the corridors, stating:

> The greatest potential for land use impacts would occur as a result of decisions made during the design and siting phases of an authorized project. **A variety of mitigation measures could be incorporated**, as stipulations, into the design and development of energy corridors to reduce potential land use impacts. However, it may not be possible to mitigate all impacts of a given project (e.g., the development of access roads needed by the project but deemed undesirable by some users). (emphasis added)

The Draft PEIS also identifies general types of mitigation measures that could be used. Draft PEIS, pp. 3-34 – 3-35. Additional types of mitigation measures are also identified for each of the affected resources listed in Chapter 3, although, as noted in the Draft PEIS, the Draft PEIS merely provides "standard mitigation measures that may be used as appropriate during future development." Draft PEIS, p. 3-1. (emphasis added). Section 2.4 of the Draft PEIS also sets out interagency operating procedures (IOPs) for planning, construction and operation of projects, which will be incorporated into the amended land use plans and adopted as "appropriate" for projects, which could serve to mitigate certain impacts. Draft PEIS, pp. 2-26 – 2-34.

50473-019

The agencies are obligated to manage the public lands to protect their varied natural resources. For instance, the Federal Land Policy and Management Act requires the BLM to "minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved." 43 U.S.C. §1732(d)(2)(a). In order for the agencies to rely on mitigation to reduce potentially significant impacts, NEPA requires that the agencies make a firm commitment to the mitigation and discuss the mitigation measures "in sufficient detail to ensure that environmental consequences have been fairly evaluated…"[22] NEPA defines "mitigation" of impacts (at 40 C.F.R. § 1508.20) to include:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

[22] Communities, Inc. v. Busey, 956 F.2d 619, 626 (6th Cir. 1992).

- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- Compensating for the impact by replacing or providing substitute resources or environments.

Simply identifying mitigation measures, without analyzing the effectiveness of the measures violates NEPA. Agencies must "analyze the mitigation measures in detail [and] explain how effective the measures would be . . . A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA."[23] NEPA also directs that the "possibility of mitigation" should not be relied upon as a means to avoid further environmental analysis. *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*.[24]
While the Draft PEIS raises important considerations, additional commitments and measures are necessary.

1. Mitigation measures must be mandatory.

As noted above, the mitigation measures identified in Chapter 3 of the Draft PEIS are not required to be included in the land use plan amendments. Further, it is not clear that the inclusion of the IOPs in the land use plan amendments will specify that these measures are required to be included in each and every permit as long as certain circumstances are present. Unless the mitigation measures are guaranteed to be applied, the agencies cannot rely upon them to avoid or lessen potential impacts from siting projects in the corridors. 50473-019 (cont.)

Recommendations: The PEIS should include language requiring that the mitigation measures identified in Chapter 3 and other applicable measures be included in land use plan amendments and in all grants of rights-of-way or other permits for construction in the energy corridors. Similar language must be included with respect to IOPs.

2. Mitigation measures must be based on credible science.

The Draft PEIS does not provide scientific support for its conclusions that the mitigation measures included in the IOPs or Section 3 are likely to be effective. As noted above, both NEPA and the Data Quality Act require the agencies to use and present information of sufficient scientific quality. Further, as discussed in the comments of BIO-Logic, Inc., additional mitigation measures and improvement of proposed measures are required to ensure adequate protection of the natural resources of the affected lands.

Recommendations: The PEIS must assess and present the scientific basis for the proposed mitigation measures and make the additions and improvements to these measures identified in the expert comments of BIO-Logic, Inc., incorporated herein by reference.

---

[23] Northwest Indian Cemetery Protective Association v. Peterson, 764 F.2d 581, 588 (9th Cir. 1985), rev'd on other grounds 485 U.S. 439 (1988).
[24] *See also* Davis v. Mineta, 302 F.3d 1104,1125 (10th Cir. 2002).

3. Monitoring and adaptive management approaches include specific standards and commitments.

Many of the mitigation measures identified in the Draft PEIS rely on deferred actions, usually involving monitoring, and then development of more specific management and mitigation. In order to fulfill the agencies' obligations to protect the natural resources of our public lands and to comply with NEPA's requirements regarding mitigation measures, the PEIS must include or require that the agencies' permits for projects include concrete commitments to specific actions, including definitive standards, timing and details for actions that will be taken and a discussion of the agencies' basis for relying on their success, including likely funding.

Recommendations: The PEIS should contain and/or require permits for projects to contain specific commitments, including timelines, for preparation and implementation of inventorying and monitoring programs, and standards for when monitoring as part of management is not appropriate.

All such programs should also identify the existing condition of resources, standards for when management change will be triggered and the use of a "fallback prescription" where adaptive management is not suitable or funding for necessary monitoring is not sufficient. All data should be identified in terms of its source, location, and time. Furthermore, data, and its application, should be available for independent review and evaluation; it should be formalized and standardized to allow for sophisticated and accurate aggregate understanding of the landscape and the impacts of management practices within the landscape to enhance agency credibility and accountability. The agencies should disclose not only the results of a given analysis, but the underlying methodology and data management practices used. The focus of data collection should be on the impacts – whether adverse or beneficial – caused by particular activities and not the activity itself. 50473-019 (cont.)

The agencies should limit use of this type of "adaptive management" to appropriate situations (where the risk of failure will not cause harm to sensitive resources). The management framework should be based on best available science and include the following elements:

- **Ensure adequate baseline prior to starting adaptive management and identify indicators.**

Projects can only be approved along with a requirement for a detailed analysis of current inventory status to accompany the environmental analysis, which clearly specifies resources that may be affected by various activities and their baseline condition, then identify indicators for resources or groups of resources that will demonstrate the effects of management decisions.

- **Set out a detailed monitoring plan and ensure agency commitment to fund monitoring.**

A detailed monitoring plan is crucial for assessing potential impacts on resource conditions, ensuring that indicators are measured at regular and consistent intervals. Commitment of adequate resources should be firm and sufficient to support the full implementation of adaptive management. Funding for adaptive management should not be dependent on shifting the financial and personnel burden to various user interests or other cooperating community groups.

- **Include defined limits of acceptable change in resource conditions and specify actions to be taken if change reaches or exceeds those limits.**

For all indicators, the PEIS must require that, for all projects, the agencies prepare an identification of range of acceptable change from the baseline condition, using best available science, and specify those actions that will be taken in the event that unacceptable levels of change are identified.

- **Have a "fallback" plan should monitoring or other aspects of the adaptive management process not be fully carried out.**

Adaptive management must include requirements for when and how the proposed outcome will be reevaluated if it is not being met. The agencies' ability to reevaluate or amend desired outcomes should not be the sole fallback if either the adaptive management process is not working or outcomes are not being met. The PEIS should require the agencies to build into project analysis and approvals provisions to address situations based on new information, circumstances, regulatory requirements, or discontinued agency funding for monitoring that would trigger a plan amendment or revision under a new EIS.

50473-019 (cont.)

4. Projects should be presumptively limited to designated corridors.

The Draft PEIS does not require the agencies to limit projects to designated corridors. Draft PEIS, p. 1-11. The effectiveness of mitigation measures depends on the agencies' applying them to all projects. Further, the benefit to other lands from designation of energy corridors derives in large part from the placement of development projects in those corridors. The failure to limit projects to designated corridors also jeopardizes the effectiveness of the constraints imposed on certain corridors in sensitive areas. For instance, the corridor designated through the Sevilleta National Wildlife Refuge in New Mexico (segment 81-272) is limited to 1500 feet in width, as opposed to the 3500-foot width applied to most corridors. However, other corridors in the area are not limited to this width. Accordingly, development proposed outside the borders of the corridor on other lands could lead to pressure to permit development within the Refuge, outside the proposed corridor, unless projects are limited to designated corridors. The PEIS and amended land use plans could certainly include exceptions from these limitations, such as where cultural resources are located in the proposed location; however, the PEIS does not even attempt to impose a presumptive limitation.

50473-020

Recommendations: The PEIS must require that amended land use plans and other relevant documents limit power lines and pipelines to designated corridors, subject to exceptions where needed to comply with applicable law.

5. More stringent mitigation measures should be applied to corridors in or adjacent to sensitive resources or protected lands.

Certain corridors are limited in width or limited in use. As noted above, the corridors through the Sevilleta National Wildlife Refuge in New Mexico is limited to 1500 feet in width; the corridor through Snake River-Birds of Prey National Conservation Area in Idaho is limited to 1000 feet in width. For two corridors proposed along the borders of the Mojave National Preserve (northern segment 27-225, southern segment 27-41), use is limited to electric lines and those lines must be buried. Projects in other corridors are limited to "upgrade only," prohibiting

50473-021

construction of new facilities. *See*, Draft PEIS, p. 2-35; Appendix F (Section 368 Corridor Parameters). However, these types of limitations are not uniformly applied to corridors in or adjacent to sensitive areas, such as the areas that the agency identifies as sensitive resource areas (*see* Table 2.2-6, Appendix G) or potentially sensitive visual resource areas (*see* Appendix P).

50473-021 (cont.)

Recommendations: The Draft PEIS should impose additional restrictions on width and use of corridors where sensitive resources and lands already managed for conservation or recreation are impacted.

C. Alternatives.

1. The Draft PEIS fails to consider a reasonable range of alternatives

The Draft PEIS only considers two alternatives: the "no action" alternative, where no corridors are designated, and the "proposed action" designating the proposed corridors selected by the agencies. Draft PEIS, p. 2-1. However, in this situation, where the agencies have interpreted Section 368 of EPAct to require designation of corridors, the "no action" is only presented as a point of reference and is not a seriously considered alternative.[25] Thus, the Draft PEIS only thoroughly considers one alternative – the proposed action.

NEPA requires that the agencies consider a range of management alternatives, which is "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. NEPA requires the agencies to "rigorously explore and objectively evaluate" a range of alternatives to proposed federal actions. *See* 40 C.F.R. §§ 1502.14(a) and 1508.25(c). "An agency must look at every reasonable alternative, with the range dictated by the nature and scope of the proposed action."[26] An agency violates NEPA by failing to "rigorously explore and objectively evaluate all reasonable alternatives" to the proposed action.[27] This evaluation extends to considering more environmentally protective alternatives and mitigation measures.[28] For this Draft PEIS, the consideration of more environmentally protective alternatives is also consistent with the obligations of the agencies to protect the many resources of the public lands, including those areas designated for conservation purposes, such as national wildlife refuges.

50473-022

NEPA requires that an actual "range" of alternatives is considered, such that the Act will "preclude agencies from defining the objectives of their actions in terms so unreasonably narrow that they can be accomplished by only one alternative (i.e. the applicant's proposed project)."[29] This requirement prevents the EIS from becoming "a foreordained formality."[30] The Draft PEIS spends pages describing the numerous alternatives that were proposed by the public, as well as additional alternatives identified during scoping, and explaining why *none* of those merited full consideration. Draft PEIS, pp. 2-34 – 2-38.

---

[25] *See, e.g.*, California v. Block, 690 F.2d 753, 765 (9th Cir. 1982).
[26] Northwest Envtl Defense Center v. Bonneville Power Admin., 117 F.3d 1520, 1538 (9th Cir. 1997).
[27] City of Tenakee Springs v. Clough, 915 F.2d 1308, 1310 (9th Cir. 1990) (quoting 40 C.F.R. § 1502.14).
[28] *See, e.g.*, Kootenai Tribe of Idaho v. Veneman, 313 F.3d 1094,1122-1123 (9th Cir. 2002) (and cases cited therein).
[29] Colorado Environmental Coalition v. Dombeck, 185 F.3d 1162, 1174 (10th Cir. 1999), citing Simmons v. United States Corps of Engineers, 120 F.3d 664, 669 (7th Cir. 1997).
[30] City of New York v. Department of Transp., 715 F.2d 732, 743 (2nd Cir. 1983). *See also*, Davis v. Mineta, 302 F.3d 1104 (10th Cir. 2002).

By only thoroughly considering one alternative, the proposed action, the agencies have reduced the Draft PEIS to a "foreordained formality" and improperly limited the alternatives under consideration. This limitation has especially damaging effects because NEPA analysis for projects within the designated corridors will inevitably be limited to a single proposed action when projects are actually proposed. Because the PEIS has identified the corridor locations as acceptable for pipelines, power lines and related facilities, it will be virtually impossible for the agencies or the public to urge consideration of alternative locations or additional mitigation measures in connection with specific projects.

50473-022 (cont.)

Recommendations: The Draft PEIS incorrectly and unacceptably limits consideration of corridor locations to the proposed action in violation of NEPA's requirement to consider a range of alternatives. The agencies must thoroughly consider and present the public with a true range of alternatives.

2. The Draft PEIS should have considered an alternative to maximize access for renewable energy.

The Draft PEIS identifies "new energy policies seeking renewable resources" as one of the reasons that additional electric infrastructure in the West is needed. Draft PEIS, p. 1-3. The Draft PEIS also identifies the relationship of the proposed corridor locations to wind, solar and geothermal energy resources. Table 2.2-6, Draft PEIS, p. 2-20. However, the Draft PEIS does not consider an alternative that would increase or maximize access to transmission capacity for renewable energy sources, such as locating corridors to accommodate proposed development or including requirements to give priority to projects developing renewable resources.

As noted by the agencies, many states have made commitments to use energy generated by renewable energy sources. As documented by the Department of Energy, the following standards have been adopted as commitments to the portion of electricity that will be obtained from renewable resources by twenty-eight states and the District of Columbia, including eight of the eleven Western states in which the corridors will be designated:

50473-023

Summary of State Renewable Portfolio Standards

The following table gives a rough summary of state renewable portfolio standards and links to organizations that are administering these standards or explain the details involved. Percentages refer to a portion of electricity sales and megawatts (MW) to absolute capacity requirements. Most of these standards phase in over years, and the date refers to when the full requirement takes effect.

State	Amount	Year	Organization Administering RPS
Arizona	15%	2025	Arizona Corporation Commission
California	20%	2010	California Energy Commission
Colorado	20%	2020	Colorado Public Utilities Commission

Connecticut	23%	2020	Department of Public Utility Control
District of Columbia	11%	2022	DC Public Service Commission
Delaware	20%	2019	Delaware Energy Office
Hawaii	20%	2020	Hawaii Strategic Industries Division
Iowa	105 MW		Iowa Utilities Board
Illinois	25%	2025	Illinois Department of Commerce
Massachusetts	4%	2009	Massachusetts Division of Energy Resources
Maryland	9.5%	2022	Maryland Public Service Commission
Maine	10%	2017	Maine Public Utilities Commission
Minnesota	25%	2025	Minnesota Department of Commerce
Missouri*	11%	2020	Missouri Public Service Commission
Montana	15%	2015	Montana Public Service Commission
New Hampshire	16%	2025	New Hampshire Office of Energy and Planning
New Jersey	22.5%	2021	New Jersey Board of Public Utilities
New Mexico	20%	2020	New Mexico Public Regulation Commission
Nevada	20%	2015	Public Utilities Commission of Nevada
New York	24%	2013	New York Public Service Commission
North Carolina	12.5%	2021	North Carolina Utilities Commission
Oregon	25%	2025	Oregon Energy Office
Pennsylvania	18%	2020	Pennsylvania Public Utility Commission
Rhode Island	15%	2020	Rhode Island Public Utilities Commission

50473-023 (cont.)

Texas	5,880 MW	2015	Public Utility Commission of Texas
Vermont*	10%	2013	Vermont Department of Public Service
Virginia*	12%	2022	Virginia Department of Mines, Minerals, and Energy
Washington	15%	2020	Washington Secretary of State
Wisconsin	10%	2015	Public Service Commission of Wisconsin

*Three states, Missouri, Virginia, and Vermont, have set voluntary goals for adopting renewable energy instead of portfolio standards with binding targets.

50473-023 (cont.)

See, U.S. Department of Energy, Energy, Efficiency and Renewable Energy, States with Renewable Portfolio Standards (available at: http://www.eere.energy.gov/states/maps/renewable_portfolio_states.cfm).

As proposed, the designated energy corridors would support existing and proposed development of coal power plants. *See*, map included in Appendix C. The corridors do not offer the same support to development of wind, solar or geothermal energy projects. *See*, maps included in Appendix C.

Recommendations: Designation of energy corridors can and should take into account accommodation of renewable energy resources. The agencies must consider alternatives that would support renewable energy projects and/or require priority for approval in designated corridors to be given to projects developing renewable energy.

3. The Draft PEIS should have considered an alternative that would minimize or eliminate the need for new transmission.

The agencies acknowledge that "[a]lternatives calling only for increased energy efficiency of existing transport facilities and energy conservation by users could help alleviate concerns related to congestion and increased energy demand in the West." Draft PEIS, p. 2-37. However, the agencies have declined to consider an alternative that would not require new corridors, claiming that "Section 368 specifically calls for the designation of federal energy corridors and does not authorize the agencies to direct energy users to be more efficient and effective in their use of energy" and relying also on Section 368's requirement that the agencies identify corridor centerlines and widths. Draft PEIS, p. 2-37. The agencies also decline to consider alternatives that specifically require increased efficiency and/or increased conservation, even though they acknowledge that these alternatives "would be possible" and provide no explanation for omitting such requirements from consideration.

50473-024

The agencies' rather casual dismissal is rebutted by the expert comments of Utility System Efficiencies, Inc. (incorporated herein by reference), which detail the reasonable, cost-effective and environmentally beneficial approaches that can be taken instead of merely considering

designation of new corridors. These comments also provide feasible alternate locations for corridors that should be considered.

The agencies' interpretation of Section 368 is, as discussed previously, overly narrow. Where corridors are not needed, Section 368 does not somehow obligate the agencies to designate them – as shown by Section 368's specific direction to consider the "need" for new transmission and distribution facilities. Where there is no need for new facilities, the agencies need not designate them. Further, Section 368 does not override the requirements of NEPA and the agencies' other obligations in managing the public lands, which include considering alternatives to minimize environmental damage.

50473-024 (cont.)

Recommendations: The agencies must consider alternatives that would minimize and/or eliminate the need for new transmission, including through increasing efficiency of existing transmission and increasing conservation.

4. The Draft PEIS should consider alternatives that would reduce impacts on climate change.

As discussed in detail above, the agencies must consider the potential impacts of the designation of corridors on climate change. Further, the current proposed corridor locations would support use of coal power plants, which would contribute to additional climate change. By ignoring the potential effects of the designations on climate change, the agencies have also ignored the need to develop an alternative that would avoid or limit these impacts.

50473-025

Recommendations: Another environmentally protective alternative that the agencies must consider would decrease the effects of corridor designation and related projects on global climate change. Such an alternative could include requirements for project proponents seeking to construct projects in the corridors to show that they will avoid or reduce impacts on climate change and/or require use of energy sources that do not contribute to climate change, such as renewable energy resources.

III. The agencies have not complied with the Endangered Species Act.

Congress enacted the Endangered Species Act (ESA) as "a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved." 16 U.S.C. § 1531(b). As the Supreme Court observed, the statute "afford[s] endangered species the highest of priorities."[31] To achieve its objectives, Congress directed the U.S. Fish and Wildlife Service (FWS) to list species that are "threatened" or "endangered," as defined by the ESA. 16 U.S.C. § 1533; § 1532(6), (20).

50473-026

Once a species is listed, Section 7 of the ESA mandates that every federal agency "consult" with FWS, as well as with the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS – collectively referred to as "FWS" below unless specified) when taking any action that "may affect" listed species." 16 U.S.C. § 1536(a)(2); 50 C.F.R. §

[31] TVA v. Hill, 437 U.S. 153, 194 (1978).

402.14(a).[32] The purpose of the Section 7 consultation process is to insure that no agency actions "jeopardize the continued existence" of a listed species. Id. To facilitate the consultation process, the "action agency" prepares a "biological assessment," which identifies the listed species in the action area and evaluates the proposed action's effect on the species. 16 U.S.C. § 1536(c); 50 C.F.R. §§ 402.02, 402.12. Through a biological assessment, the agency determines whether formal or informal consultation is necessary. 50 C.F.R. § 402.13(a). When formal consultation is necessary, FWS prepares a "biological opinion" that determines whether the agency's action will result in jeopardy to the species. 16 U.S.C. § 1536(b)(3)(A); 50 C.F.R. § 402.14(g). If there is jeopardy, FWS sets for "reasonable and prudent alternatives" aimed at avoiding jeopardy. 16 U.S.C. § 1536(b)(3)(A). If there is no jeopardy, FWS identifies the reasonable and prudent mitigation measures. 16 U.S.C. § 1536(b)(4).

The agencies did not consult with the FWS or prepare a biological assessment, deciding that the designation of energy corridors will have "no effect" on listed species and critical habitat, because it would be too difficult to assess potential impacts on listed species. Draft PEIS, p. 1-14. The agencies' conclusion is contraverted by the Draft PEIS, which identifies hundreds of species in the areas where corridors may be designated, identifies the impacts to species from construction and operation of facilities in the corridors, and acknowledges that "[p]ortions of the corridors would likely include areas occupied by listed species or within critical habit." Draft PEIS, p. 1-14 and Tables 3.8-5 (identifying listed species), Table 3.8-8 (identifying impacts to wildlife from construction of energy transport facilities), Table 3.8-9 (identifying impacts to wildlife from operation of energy transport facilities) and Table 3.8-10 (identifying impacts to threatened, endangered and other special status species from construction and operation of facilities). Further, the NMFS has disagreed with the agencies' conclusion, sending in formal comments to emphasize that:

50473-026 (cont.)

- Designation "may affect" listed species;
- The Draft PEIS has not presented any reason to discount likely adverse affects on listed species; and
- Consultation under the ESA is required.

Draft PEIS, p. 1-14. The agencies have refused to adhere to the recommendations of the NMFS constituting a refusal to comply with the ESA.

The ESA defines agency action broadly. 16 U.S.C. § 1536(a)(2).[33] It includes "*all* activities or programs *of any kind* authorized, funded, or carried out, in whole or in part, by Federal agencies." 50 C.F.R. § 402.02 (emphasis added). Agency actions include those "actions directly or indirectly causing modifications to the land, water, or air." 50 C.F.R. § 402.02. The agencies' designations of energy corridors constitute agency actions within the meaning of the ESA.

By designating energy corridors without taking steps to consider potential adverse effects to protected species and to incorporate appropriate limitations on potential projects, the agencies are failing to comply with the mandates of the ESA to ensure that its actions are "not likely to jeopardize the continued existence of any endangered or threatened species." 16 U.S.C. § 1536(a)(2). In fact, the agencies' designations of energy corridors and the resulting development

[32] *See also* Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv., 422 F.3d 782, 790 (9th Cir. 2005).
[33] *See also* Lane County Audubon Soc'y v. Jamison, 958 F.2d 290, 294 (9th Cir. 1992).

in those corridors are likely to jeopardize the continued existence of many endangered or threatened species.

Moreover, all federal agencies are obligated to conserve listed species by "carrying out programs for the conservation of endangered species and threatened species." 16 U.S.C. § 1536(a)(1). Under the ESA, "conserve" is defined as recovering a species. Therefore, the agencies are not only obligated to avoid jeopardizing the survival and recovery of listed species, but are also required to take steps within its purview to recover these species. 16 U.S.C. § 1532(3) (definition of "conserve").

In order to remedy this error, the agencies must engage in the Section 7 consultation process directed by the ESA to determine the effects of its corridor designations on the endangered and threatened species—and then make necessary adjustments to the designations. The agencies must prepare biological assessments for the designation of energy corridors, engage in formal consultation with FWS, and identify and incorporate appropriate alternatives and/or mitigation measures in connection with each corridor. *See* 16 U.S.C. § 1536(c)(1), 1536(a)(2); 50 C.F.R. §§ 402.12(k)(1), 402.14(a). The agencies also must carry out programs to conserve listed species in the action area. *See* 16 U.S.C. § 1536(a)(1). 50473-026 (cont.)

Recommendations: Until the agencies complete the consultation process mandated by Section 7(d) of the ESA, they may not lawfully designate corridors or otherwise commit agency resources under Section 368 of the EPAct.[34] The agencies must fulfill their obligations to prepare biological assessments and engage in consultation, then include alternatives and mitigations, including conservation of listed species, in the PEIS.

IV. The agencies have not complied with the National Historic Preservation Act.

A. The agencies have not fulfilled their responsibilities under Section 106 and Section 110 of the NHPA.

A federal "undertaking" triggers the Section 106 process, which requires the lead agency to identify historic properties affected by the action and to develop measures to avoid, minimize, or mitigate any adverse effects on historic properties. 16 U.S.C. § 470f; 36 C.F.R. §§ 800.4, 800.6. Because the designation of energy corridors is an "undertaking," Section 106 review must occur prior to approving these designations in the record of decision. 50473-027

The NHPA stipulates that consultation among agency official(s) and other parties with an interest in the effects of the undertaking on historic properties commence at the early stages of project planning, focusing on the opportunity to consider a broad range of alternatives. 36 C.F.R. § 800.1(c). Compliance with Section 106 is applicable "at any stage where the Federal agency has authority . . . to provide meaningful review of . . . historic preservation goals."[35]

---

[34] *See* NRDC v. Houston, 146 F.3d 1118, 1127-28 & n.6 (9th Cir. 1998) (agency action that commits resources before agency completes ESA Section 7(d) consultation violates the ESA).

[35] Morris County Trust for Historic Preservation v. Pierce, 714 F.2d 271, 280 (3d Cir. 1983) (emphasis added); Vieux Carre Property Owners v. Brown, 948 F.2d 1436, 1444-45 (5th Cir. 1991).

Therefore, the agencies cannot rely on later review process as a justification for refusing to comply with the NHPA.

The agencies claim that they have fulfilled their Section 106 requirements through an overview of the types of cultural resources that could be found in the areas where corridors are designated and a general data request to agencies with management responsibilities, but note that the data received was not consistent or complete; in fact, one state did not respond at all to the inquires. Draft PEIS, pp. 3-263, 3-266, Appendix R (Cultural Resources Data Request). In addition, the Draft PEIS does not contain specific commitments as to how Section 106 consultation will be carried out or impose mandatory mitigation measures in order to ensure compliance with the NHPA prior to approval of projects in the designated corridors. Further, State Historic Preservation Officers were not given the opportunity to review changes to corridor locations based on data received. Appendix R, p. R-3.

Section 106 regulations require BLM to "make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey." 36 C.F.R. § 800.4(b)(1). As part of this duty, BLM must account for information communicated to it by parties expressing an interest in historic properties affected by the undertaking.[36] While the initial efforts conducted by the agencies are a good first step, further efforts are required prior to the designation of energy corridors, including documentation of the extent of data that needs to be compiled, specific requirements for inventory of proposed locations, and obtaining at least a minimum level of data for each state. The Draft PEIS neither performs the necessary level of analysis nor contains sufficiently clear and mandatory requirements for actions to be taken in connection with applications for rights-of-way to satisfy the requirements of the NHPA.

50473-027 (cont.)

To satisfy the Section 106 compliance requirement, the Responsible Agency Official must consult with the State Historic Preservation Officer(s) (SHPO), and appropriate Tribes and/or Tribal Historic Preservation Officer(s) (THPO). The agencies' present designation process has also denied SHPOs and THPOs their required right to consultation. This must be rectified.

Section 110 of the NHPA obligates the agencies to identify sites that may be eligible for the National Register. The Draft PEIS acknowledges this obligation as an ongoing effort of various agencies, but does not include any commitments to further compliance in connection with designation of these energy corridors. Draft PEIS, p. 3-261. The agencies should take this opportunity to analyze the information obtained to identify eligible sites and to commit to or require commitments to further inventory and submissions of proposals for listing. The agencies should maximize the opportunity to obtain and use information on cultural resources to fulfill their obligations under the NHPA and increase our knowledge and protection of our cultural heritage.

***Recommendations*:** The agencies must satisfy their obligations to identify and inventory cultural resources within the area of potential effects associated with each proposed corridor locations. At a minimum, this includes updating the data received, providing another opportunity for

[36] Pueblo of Sandia v. United States, 50 F.3d 856, 860–61 (10th Cir. 1995).

review by SHPOs, specifying mitigation measures, and assessing sites as appropriate for nomination to the National Register, including archaeological districts, as well as incorporating similar requirements into procedures for evaluation and approval of projects within the corridors. In this manner, the agencies can also ensure that cultural resources are protected. 50473-027 (cont.)

B. The agencies have not fulfilled their obligations to consult with tribal representatives.

Beyond the NHPA compliance and consultation requirements, the agencies must consult with, invite, and offer opportunities for federally-recognized Indian Tribes to collaborate and participate in the planning process. This is to satisfy the necessary Government-to-Government consultation with Tribes stipulated under Executive Order 13175.

The agencies state that they sought such consultation, in order to "ensure that the designation of energy corridors considers and accounts for the interests of Indian Tribes." Draft PEIS, pp. 1-21 – 1-22. Appendix C (Tribal Consultation) provides additional detail regarding the manner in which this consultation was carried out, including letters sent during the scoping process, letters inviting representatives to information meetings, meetings with information distributed after the meetings, and letters inviting further consultation. For those Tribes that requested consultation, some additional in-person meetings were held. 50473-028

However, based on the documentation attached as exhibits to Appendix C of the Draft PEIS, the vast majority of written contact was conducted through form letters. There is little documentation in the Draft PEIS supporting the contention that the agencies have made significant efforts to engage in robust consultation with Indian Tribes that did not respond to the form letters, or that the consultation letters inviting participation specifically identified cultural or religious properties of significance that would be relevant to the Tribes' participation. Meaningful consultation with Indian Tribes cannot be accomplished by sending form letters to tribal councils or leaders or by having brief conversations regarding potential effects.[37]

Recommendation: The agencies must engage in meaningful consultation with potentially-affected Tribes and make a good faith effort to reach out to these Tribes.

V. The PEIS must address specific concerns regarding conservation values and incorporate appropriate protection.

As discussed in our scoping comments and comments on the preliminary map, certain areas should be presumptively avoided in placing transmission corridors under this process. These places have been formally designated or otherwise identified because of their special natural values, which could be damaged or destroyed by the surface disturbance, alteration of viewsheds and features, impact to air and water quality, erosion, and increased human access likely to occur in connection with the construction and use of energy corridors. Accordingly, energy corridors should not be sited in the following areas: 50473-029

1. Wilderness Areas;
2. Wilderness Study Areas (WSAs);

[37] Pueblo of Sandia v United States, 50 F.3d 856, 860-862 (10th Circuit 1995).

3. National Parks;
4. National Wildlife Refuges;
5. National Monuments;
6. National Conservation Areas;
7. Other lands within BLM's National Landscape Conservation System (NLCS), such as Outstanding Natural Areas and Cooperative Management Areas, or areas that have been proposed for designation by pending legislation[38];
8. National Historic and National Scenic Trails;
9. National Wild, Scenic, and Recreational Rivers, study rivers and segments, and eligible rivers and segments;
10. Areas of Critical Environmental Concern (ACECs)[39];
11. Forest Service Roadless Areas;
12. Threatened, endangered and sensitive species habitat;
13. Other critical cores and linkages for wildlife habitat, such as that identified by state wildlife agencies through State Comprehensive Wildlife Conservation Strategies[40];
14. Citizen Proposed Wilderness Areas; and
15. Other lands with wilderness characteristics as identified by the land management agencies or the public.

50473-029 (cont.)

Based on GIS analysis, The Wilderness Society has prepared a list of conservation areas that appear to be impacted and state-by-state maps detailing impacts to these areas, attached as Appendix A to these comments, and recommend that corridors avoid these values. Appendix A includes areas identified as suitable for wilderness designation by citizens and we are also including GIS data identifying those areas to facilitate avoidance. In addition, the Center for Native Ecosystems has conducted an analysis to assess areas with conservation values and species habitat that appear to be impacted for Colorado, Utah and Wyoming, attached as Appendix B to these comments. **The agencies should not only take the information in Appendices A and B into account in considering our comments, but also provide this and**

---

[38] Such as:

- S.2483, to designate the Piedras Blancas Historic Light Station as an Outstanding Natural Area in California;
- S. 275, to establish the Prehistoric Trackways National Monument in New Mexico;
- S.260, to establish the Fort Stanton-Snowy River Cave National Conservation Area in New Mexico;
- H.R.3576, to designate Wilderness areas in Colorado;
- H.R. 222, to designate Wilderness areas and otherwise promote economic development and recreational use of public lands in central Idaho; and
- H.R.3682, to designate certain Federal lands in Riverside County, California, as wilderness, to designate certain river segments in Riverside County as a wild, scenic, or recreational river, to adjust the boundary of the Santa Rosa and San Jacinto Mountains National Monument, and for other purposes.

[39] As an example, *see* attached listing of ACECs in Colorado, Utah and Wyoming affected by the proposed corridor locations included in Appendix B to these comments.

[40] For example, the Arizona Game and Fish Department has identified the Kaibab-Paunsagunt wildlife corridor as a critical linkage for migrating mule deer between southern Utah and northern Arizona's Kaibab Plateau. See: Carrel, William K., Richard A. Ockenfels, and Raymond E. Schweinsburg. 1999. An Evaluation of Annual Migration Patterns of the Paunsaugunt Mule Deer Herd Between Utah and Arizona. Arizona Game and Fish Department Technical Report 29. Phoenix. 44 pages

comparable information for the other affected states to the public as part of providing sufficient information regarding the potential impacts of the proposed corridor locations and alternative approaches. Further discussion of these values and recommendations for improving management in the Draft PEIS is provided below.

50473-029 (cont.)

*A. **Proposed wilderness***

There are numerous areas that have been identified as suitable for wilderness protection in the West. For decades citizens and public land management agencies have identified lands throughout the West that meet the criteria for permanent wilderness protection. Today, many of these proposals have been forwarded to Congress and are awaiting congressional approval. However, there are many areas that have been identified as having wilderness characteristics that have not yet had the opportunity to be considered by Congress; and others have not yet been formally submitted to the land management agencies.

Proposed wilderness areas were not discussed or evaluated in the Draft PEIS. It is critical that these areas be included with other sensitive lands analysis due to their documented natural and remote character. In addition, such areas should be avoided and/or impacts mitigated so as not to inhibit their potential inclusion in the National Wilderness Preservation System at some point in the future. Currently, there are approximately twenty pieces of legislation pending in the 110th Congress that would designate wilderness. Over half of those legislative packages have a good chance of being enacted before the end of 2008 and the remainder, as well as other areas, may be protected at a later date. Therefore, we feel strongly that these areas should not be impacted by the energy corridors.

50473-030

We have attached a list of lands that have been identified as suitable for wilderness designation that are affected by the proposed corridors; these areas need to be discussed and considered for avoidance in the PEIS (Attachment 9).

As an example, a corridor (segment 133-142) runs through the northern portion of the Yampa River unit of the Colorado's Canyon Country Wilderness Proposal. The corridor is not along a road, would be 3500-feet wide, and would be open to all uses. This proposed wilderness includes a 17-mile stretch of the Yampa west of Milk Creek as it meanders past Duffy Mountain. Extensive wildlife populations include dozens of bald eagles wintering along the river, and large numbers of deer and elk foraging on the area's critical winter range. Brood rearing grounds for grouse are found in rolling sagebrush steppe along the area's southwestern edge, and hikers and boaters frequently spy pronghorns along the hillsides flanking the river. This segment of the Yampa contains critical habitat for the endangered pikeminnow, as well. The impacts from multiple powerlines and pipelines on the natural attributes and recreation experience for this area would be unacceptable.

In Nevada, concerned citizens, local governments and the congressional delegation are discussing a public lands bill for the west-central part of the state. Given the recent track record of the Nevada congressional delegation, there is a good chance that there will be some public lands in the region designated as wilderness. Currently, wilderness advocates are working with all interested parties to identify specific areas worthy of wilderness protection. There is a chance

that some of these proposed areas would be impacted by corridor segment 18-23, which crosses three Forest Service Inventoried Roadless Areas (Long Valley, Mt. Hicks, and Larken Lake) likely to be incorporated in a formal proposal, as well as additional lands.

Recommendation: There are many special and sensitive places that have been documented as meeting the criteria for wilderness protection and are thus not appropriate for accelerated and increased development. The agencies should either avoid these areas altogether or, if the corridor has been shown to be necessary, mitigate impacts by requiring underground transmission and limit corridor widths to only what has been shown to be absolutely needed. In addition, the agencies should ensure that their information is updated as areas are proposed for formal protection in legislation. 50473-030 (cont.)

B. Forest Service Roadless Areas

In 2006, a federal court in California invalidated the Bush Administration's May 2005 decision to replace the 2001 Roadless Area Conservation Rule with a discretionary state petition process, finding violations of NEPA and the ESA.[41] The court reinstated the 2001 Rule and enjoined any management activity contrary to the Rule in all national forest inventoried roadless areas in the lower 48 states. Judge Laporte stated, "Defendants are enjoined from taking any further action contrary to the Roadless Rule without undertaking environmental analysis consistent with this opinion."[42]

In response to the court's decision, the Chief of the Forest Service issued a national directive on September 22, 2006, stating: "Do not approve any further management activities in inventoried roadless areas that would be prohibited by the 2001 Roadless Rule." As written, the Roadless Rule prohibits road construction in identified roadless areas and the Forest Service has specifically acknowledged that development and construction of transmission lines and pipelines requiring roads would be prohibited. *See*, 66 Fed. Reg. 3243, 3270 (January 12, 2001). 50473-031

Based on our analysis, the Draft PEIS designates corridors in Forest Service Roadless Areas. *See*, analysis detailing intersections provided as Attachment 10. The legal requirement for such avoidance has been reaffirmed by the recent decision of the federal court and the subsequent policy issued by the Forest Service.

Recommendation: The PEIS must provide for no new corridors to be designated in Forest Service Roadless Areas and where an intersection between and corridor and a roadless area is the result of a GIS or mapping error, those errors must be corrected.

C. BLM National Monuments

National Monuments should be off-limits to this corridor process both under current law and public policy concerns. These special places have in large part been reserved by Presidential proclamation under the Antiquities Act of 1906 (16 U.S.C. § 432) to protect objects of historic or scientific interest. The Antiquities Act specifically limits the boundaries of Monuments to "the 50473-032

[41] California ex rel. Lockyer v. U.S. Dept. of Agriculture, 459 F.Supp.2d 874 (N.D.Cal. 2006).
[42] 459 F.Supp.2d at 919.

smallest area compatible with proper care and management of the objects to be protected." Thus, every part of the Monument is just as important as any other part in protecting Monument objects.

The BLM has only recently been given administrative and management control over fifteen Monuments, which are all part of the BLM's National Landscape Conservation System (NLCS). The first and largest such place designated within this system is the Grand Staircase-Escalante National Monument (GSENM). As the proclamation discusses, this has historically been a remote and undeveloped region with abundant opportunity for the study of geology, archaeology, paleontology, human history, and ecology. *See*, Proclamation 6920 (Sept. 18, 1996).

Designating a 3,500 foot wide corridor (68-116) for oil, gas, hydrogen, and electricity transmission through the GSENM is inconsistent with the intent and the plain language of the Proclamation and Antiquities Act. While it is true that this corridor follows an existing electricity transmission right-of-way for a 500 kV line, there is no justification for an accelerated process that could lead to the broad expansion of the current much smaller right-of-way. Not only will the current width of the right-of-way be more than doubled, but the allowable uses will permit expedited development of oil, gas, and hydrogen pipelines as well. This is an arbitrary action and an abuse of discretion by the agencies.

The Draft PEIS provides that "project siting and design must be consistent with land use plans." Draft PEIS, p. 2-2. While factually accurate, it is only logical that if specific projects are going to be consistent with land use plans, the designation of corridors for those projects should also be consistent. The GSENM Monument Management Plan (MMP) adopted objectives to fulfill the mandates of the proclamation: 50473-032 (cont.)

> The Proclamation and Antiquities Act provide a clear mandate for this plan – to protect the myriad historic and scientific resources in the Monument. To meet this objective, the Monument will be managed according to two basic principles. First and foremost, the Monument will remain protected in its primitive, frontier state. **The BLM will safeguard the remote and undeveloped character of the Monument, which is essential to the protection of the scientific and historic resources**. MMP, at iv (emphasis added).

The corridor running for around twenty miles through GSENM (68-116) inconsistent with the MMP. This corridor runs through the Paria Canyons and Plateaus Special Recreation Management Area, which is to be managed to allow for a recreation experience that is "primitive, uncrowded, and remote." MMP, p. 59. Much of this area is also classified as a Class II Visual Resource Management Area. According to the MMP, there should be minimal changes to the overall landscape for such areas.

> The objective of this class is to retain the existing character of the landscape. The level of change to the characteristic landscape should be low. Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. MMP, p. 60-61.

The MMP also found the Paria River as suitable for recommendation for inclusion of the Wild and Scenic Rivers System. This particular example is discussed in more detail in Section G. However, it should be noted here that this corridor is not only inconsistent with the Wild and Scenic Rivers System and protective management of eligible and suitable rivers, but also with the MMP itself.

According to the Draft PEIS, Step 1 of the designation process was to identify the unrestricted need for a network of corridors based on supply, reliability, and suggestions by stakeholders. Draft PEIS, p. 2-16. Figure 2.2-7 on page 2-21 of the Draft PEIS illustrates energy congestion areas in the West, the direction of desired flows of energy transmission, and constraints limiting desired flows. It appears from this analysis that corridor 68-116 cannot even be justified as being necessary in this area. It is neither relatively close to a congestion area nor does it line up with the desired flows. Thus, because this corridor cannot be justified under Step 1 of this process, this corridor should not be designated. This is especially true if the impacts to this National Monument had been considered.

50473-032 (cont.)

Recommendation: Corridor 68-116 is patently inconsistent with the purpose and intent of the GSENM, the Antiquities Act, and the Monument's proclamation and land use plan. The Draft PEIS does not provide any evidence that this corridor is needed in this location, let alone the impacts that an abridged development process will have on this area. For these reasons, this corridor should be removed. No corridors should be designated with BLM National Monuments.

D. BLM National Conservation Areas

Proper management of National Conservation Areas (NCAs) depends on the management priorities set out in each NCA's enabling legislation. Impacts from the designated corridors to NCAs or consistency with the values for which they were established were not evaluated in the Draft PEIS or accompanying maps despite the sensitive resources and values they contain. This is especially a concern because the individual resource management plans that govern the administration of the NCAs will be automatically amended from the corridor designation and there will have been no serious consideration of whether the specific location of the corridor abridged application process is appropriate for such areas. As discussed above, waiting until a site-specific project is applied for in these areas is too late and defeats the entire purpose of designating corridors in the first place.

50473-033

Within the BLM lands, the NCAs are also part of the National Landscape Conservation System (NLCS). Table 3.2-13 on page 3-17 of the Draft PEIS lists "Special Management Areas" within the BLM's NLCS. This table includes a separate column for NCAs, which include nearly 12.8 million acres of BLM-managed lands. Thus, the Draft PEIS recognizes that NCAs are both specially-managed *per se* as well as given a heightened conservation priority for their inclusion in the NLCS. Even so, the Draft PEIS does not evaluate alternatives of avoiding these areas. Nor does the document analyze mitigation of impacts to NCAs. The agency must go back and look at such an option in order to provide a reasonable range of alternatives and a hard look at the impacts of this decision under NEPA. The following are specific examples of NCAs that could be affected.

1. Snake River-Birds of Prey NCA

Snake River-Birds of Prey National Conservation Area was established to protect one of the densest known raptor populations in North America including the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area. A proposed corridor (36-228) intersects this NCA for around 19 miles along Highway 78. There is no evaluation of impacts or mention of the intersection in the Draft PEIS.

Corridor 36-228 allows for multimodal use and apparently narrows to 1,000 feet (from 3,500 feet) when it intersects the NCA. The agencies should provide an analysis of the need for the uses of this corridor and consideration of limiting the uses as well as the width. Consideration of requiring that all lines be buried should also be seriously considered due to the increased risk of adverse impacts on raptors that this area was reserved to protect.

2. Black Rock Desert-High Rock Canyon Emigrant Trails NCA

The Black Rock-High Rock NCA was established for a variety of conservation values. These values were enumerated in section 4(a) of the NCA's enabling legislation, including "to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values and resources associated with the Applegate-Lassen and Nobles Trails corridors and surrounding areas." In addition, section 5(a) of the NCA's act states that the BLM "**shall manage the conservation area in a manner that conserves, protects and enhances its resources and values**, including those resources and values specified in subsection 4(a), in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law."

50473-033 (cont.)

A 3,500 foot corridor (16-24) is designated in the Draft PEIS for all uses. As a preliminary matter, the Draft PEIS states that this is a locally designated corridor. The PEIS should state what uses this corridor was designated for, how wide and long it is, and any other pertinent information to evaluate the rationale behind the agencies choosing a 3,500 foot corridor for all uses.

In addition, this corridor intersects the NCA and the Applegate-Lassen Trail. Impacts to the NCA values as well as the historic trail should be examined in the PEIS and mitigated as necessary. It is not apparent from the Draft PEIS that the designated width or uses of 16-24 is in accord with the supply and demand of resources.

3. Proposed NCAs

The Draft PEIS should also avoid proposed NCAs where the agencies are aware of the proposals, in addition to those already under consideration by Congress. For example, in southern New Mexico, a corridor runs through the a Proposed National Conservation Area in the Organ Mountains. This area (also identified as meeting criteria for wilderness designation by the New

Mexico Wilderness Alliance as the Organ Foothills or Talavera Proposed Wilderness Area) is included in a proposed NCA that is endorsed by the Las Cruces City Council, Dona Ana County Commission, conservation groups, hunters, backcountry horsemen, the Las Cruces Homebuilders Association and other elected officials. While there is an existing power line here, it is certainly not an area where anyone contemplated placement of 9 large power lines or 30 pipelines – but designation of the area as an energy corridor makes this scale of development more likely, an impact neither addressed nor mitigated in the Draft PEIS. *See*, map provided as Attachment 11.

The Oregon Natural Desert Association has also proposed an NCA to protect sage grouse habitat in southeastern Oregon, which is described in further detail in their comments on this Draft PEIS. As discussed above, transmission development can have significant impacts on sage grouse, which are already being affected by energy development in the West. Designation of a corridor could result in irreparable harm to the sage grouse.

50473-033 (cont.)

Recommendations: In order to fulfill the mandates of the NCAs' enabling legislation and FLPMA, we urge the agencies to evaluate an alternative that would limit the visual, cultural, and ecological impact on these desert landscapes by seeking to avoid these areas and, to the extent that they cannot be avoided, by limiting corridor widths, burying any transmission lines and limiting the corridor's use to necessary uses. Similar care should be taken to protect the values identified in proposed NCAs.

E. National Park Service Lands

Lands managed by the National Park Service (NPS) are the most recognizable and popular conservation areas in the West. The very purpose of such lands is "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." NPS Organic Act of 1916 (16 U.S.C. § 1). These values are the likely reasons that these areas were largely avoided by the corridor designation process due to their sensitive natural, cultural, and visual resources. We encourage the agencies to take a few additional steps to ensure that all of these special places and their resources are adequately protected from adverse impacts.

50473-034

1. National Parks

For the most part, the proposed corridors avoid National Parks, although there is still room for improvement. One corridor of particular concern is segment 66-212. This corridor will clearly be within and dramatically impact the outstanding viewshed of the famous Arches National Park (Arches). Currently, the viewshed from Arches includes no developed areas or industrial sites whatsoever (even the town of Moab is not in the Park's viewshed once visitors are approximately one-half mile from the visitor center). Although Appendix P lists sensitive visual resource areas that are intersected or in close proximity to designate corridors, there is no evaluation or even mention of the impacts to Arches' viewshed in the Draft PEIS. Further, while the corridor narrows where it borders Arches, the corridors is extremely wide (4-5 miles wide) south of Arches and the town of Moab. As discussed above, the PEIS does not limit projects to

designated corridors. As a result, the PEIS does not address how the narrower portion of segment 66-212 could accommodate the pipelines and powerlines that would be in the same corridors in adjoining areas and would connect through them. Instead, the PEIS makes it more likely that projects would be placed both in the narrowed portion of the corridor *and* outside it, increasing the improper impact on Arches and the surrounding lands.

In addition to affecting Arches itself, this corridor crosses through spectacular, world-famous scenery. Much of the area has been proposed for wilderness preservation, including 1,000 foot high cliffs, slickrock domes, streams and floodplains, sensitive soils, and critical wildlife habitat. The corridor also crosses the Colorado River at the Portal near Moab. This Portal is a very narrow passage way carved by the river as it forced its way through the 1,000 foot tall, vertical Wingate and Navajo Sandstone cliffs.

The corridor has a mysterious gap as it reaches the town of Moab. Moab lies in a very narrow valley (approximately 1 to 1.5 miles wide) between steep sandstone walls. In order for projects within the corridor to go across the private property there will most likely either be a taking by the federal government in order to "connect the dots," or the corridor will necessarily have to be along the iconic Moab Rim on the west side of the valley or along the Mill Creek Rim along the east. Both of these rims are within BLM Wilderness Study Areas.

Corridor 66-212 can be easily re-routed to address most of the above concerns. Rather than continuing Southeast from the town of Green River, the corridor should be directed east along the I-70 corridor to connect to the energy corridor in western Colorado (132-136). There is no compelling reason to have this proposed corridor impact sensitive natural resources, Arches National Park, the Colorado River, and private property owners and the viewshed in Moab where there is an alternative corridor in Colorado, slightly east of this proposed corridor, to which the Moab corridor would eventually merge with anyway. 50473-034 (cont.)

A proposed corridor (segment 30-52) is also located near the southern edge of Joshua Tree National Park. This corridor would be 3500 feet in width and accommodate both pipelines and powerlines with no restrictions. Given the proximity to the National Park, the agencies should conduct a thorough viewshed analysis and consider limitations on use of this corridor.

2. National Monuments

Impacts to the NPS National Monuments are similar to those mentioned in Section C above for BLM National Monument. One particular example of an NPS-managed National Monument that will be adversely affected by a proposed corridor is Dinosaur National Monument (Dinosaur) in Northeastern Utah. Corridor 126-218 passes within a mile of Dinosaur's border and continues north to intersect with several proposed wilderness areas. *See*, Attachment 6.

The need for such a corridor in this area is not clear from the Draft PEIS. The agencies should provide the information that was used to show how the need for specific corridors was demonstrated as well as the limits used in each corridor's designation. This is especially true where sensitive resources will be adversely impacted by future projects. This information is

particularly helpful to understand the context of how the width and permitted uses for each corridor were determined.

Assuming that the agency will provide such an analysis of need for corridor 126-218, there are several other options that the agencies have available to mitigate impacts to the surrounding area. This corridor is multimodal and 3,500 feet wide. It is not previously designated and does not follow a road, despite the fact that Highways 40 and 191 lead to the same relative end. This is an example of something that could have been provided for in a different alternative but was not and we are left to wonder why and how these corridors were designated in such areas.

Oddly, immediately to the north of the Wyoming border, permitted uses in this same corridor are limited to underground only but not when it crosses into Utah. This area has many sensitive natural resources and outstanding scenic values.

In order to protect Dinosaur and the surrounding areas, in particular, the agencies should require that future projects within this corridor are buried. The agencies should provide a proper evaluation that outlines the need for this corridor and balance this explanation with the other values of the area, such as the viewshed near Dinosaur and the nearby proposed wilderness areas that will be intersected.

3. National Recreation Areas

National Recreation Areas (NRAs) are designated in general to provide outdoor recreation opportunities on federal public lands. Each NRA is limited to the scope that was set out in its enabling legislation. There are several NRAs that are intersected by proposed corridors. In general, we urge the agencies to avoid and/or mitigate impacts to these special places so as not to degrade their recreational qualities. The following are examples of NRAs that are intersected and recommendations for improvement to this process. 50473-034 (cont.)

a. Curecanti NRA – The Curecanti NRA in west-central Colorado contains three lakes with recreation opportunities like boating, camping, hiking, fishing, and wildlife viewing. Corridor 87-277 intersects two gulches in the NRA and follows an existing 230 kV transmission line. According to Appendix F, this corridor is limited to certain widths and uses in specific places. We urge the agencies to limit the width to a maximum of 1,000 feet and to restrict the use to electric only. If this is already the case, it should be shown correctly on the map.
b. Glen Canyon NRA – The famous Glen Canyon on Lake Powell provides recreationists with outstanding scenery and activities. The corridor (68-116) running through the NRA follows an existing 500 kV line, but is open to all uses. It is not clear from the Draft PEIS that oil, gas, and hydrogen pipelines are needed within this corridor and that the proposed width of 3,500 feet is justified.

4. National Preserve

Proposed corridors (segments 27-225 and 27-41) follow both the northern and southern boundaries of the Mojave National Preserve. The northern corridor (27-225) is 3500 feet in

width and limited to electricity only; the southern corridor (27-410) is 2700 feet in width and limited to underground use. From the GIS data provided, the corridors appear to cross through the Preserve. The agencies should not designate such broad corridors in the Preserve and should ensure that any new transmission permitted in this area does not damage the habitat for endangered and sensitive species such as the desert tortoise and bighorn sheep or damage the sand dunes, volcanic cinder cones, Joshua tree forests, and wildflowers that characterize this area and its fragile ecosystem.

50473-034 (cont.)

Recommendations: Due to the highly-recognized special qualities of NPS-managed lands, designated corridors should take care to avoid impacts to these areas and their viewsheds. For the areas that are adversely affected, mitigation of impacts can be accomplished through measures such as limiting the corridor to the maximum width that has been demonstrated to be necessary and requiring that future projects be buried so as not to interrupt the scenic viewshed.

F. National Wildlife Refuges

The National Wildlife Refuge System (System) was set up to protect resident and migratory wildlife populations within the refuges. The mission of the Systems is to "administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for benefit of present and future generations of Americans." 16 U.S.C. § 668dd(a)(2). Under the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. §§ 668dd-668ee, human **uses must be "compatible" and not "materially interfere with"** the System mission or the refuge purpose.

1. Havasu NWR

Havasu NWR includes 30 river miles (300 miles of shoreline) of the Colorado River from Needles, California, to Lake Havasu City, Arizona, bighorn sheep, many species of birds, while providing recreation opportunities to boat through the spectacular Topock Gorge, watch waterbirds in Topock Marsh, or hike to the Havasu Wilderness Area.

50473-035

The proposed corridor (41-46) through Havasu NWR, which also passes into California, follows Highway 40 and is narrowed to 1,500 feet (from 3,500 feet) and is open to all uses. Analysis of whether this corridor's width and permitted uses are limited to the necessary uses should be performed before going forward. Adequate consideration should be given to the compatibility of the use of a corridor within this wildlife refuge such use should be balanced with the mission of the System and the purpose of this NWR. Consideration should also be given to this area's inclusion in the Southwest National Interest Electric Transmission Corridor – making it an even more likely target for development and truncated environmental review.

2. Sevilleta NWR

Sevilleta NWR in New Mexico is home to a vast array of wildlife number of important and endangered species, including desert bighorn sheep and bald eagles, as well as Gunnison prairie dogs. While the proposed corridor (81-272) includes an existing right-of-way and follows

Highway 25, large-scale use of the corridor will necessarily interfere with the protection of the wildlife in the Refuge, which is why the agencies should consider the need for such a corridor and whether it is compatible with the mission of the System and the purpose of this NWR.

The corridor also passes through the Rio Grande corridor (one of the most stressed rivers in the country), habitat for the endangered Pecos sunflower and two State Wildlife Refuges, which are not even acknowledged.

It is apparent from the Draft PEIS that the width of the corridor is limited to 1500-feet through Sevilleta NWR. The agencies should take additional steps to ensure that this width and all uses are necessary and appropriate for this area and consider the alternative of not designating corridor 81-272.

3. Desert NWR

Desert NWR, the largest wildlife refuge outside of Alaska, in Southern Nevada is home to a number of wildlife species including the desert bighorn sheep, as are the three Wilderness Areas (Delamar Mountains, Arrow Canyon and Meadow Valley) which border the proposed corridor east of the Refuge.

Five proposed corridors pass through or are adjacent to the Desert National Wildlife Refuge (segments 37-232, 232-233(W), 223-224, 37-223(N) and 37-223(S)). These corridors appear to follow some locally-designated energy corridors as well as interstate highways. However, the agencies should evaluate whether these corridors and their current widths are necessary and are compatible with the mission of the System and the purpose of the NWR.

50473-035 (cont.)

The impacts to the bighorn sheep habitat in the Refuge will likely impact the populations in both the Refuge and the Wilderness areas. The Refuge also provides habitat for the threatened desert tortoise, which the corridor is likely to harm as well. The proposed corridor also impacts the Fossil Elbow and Gass Mountain citizen-proposed wilderness areas, both of which have been found by the U.S. Fish & Wildlife Service to be suitable for wilderness designation. Cumulative impacts from the corridor must be considered in conjunction with the development already occurring, such that all of the other land around the existing highway and proposed corridor to the east of the Refuge that is not protected as Wilderness is already subject to intensive private development – and also taking into account the continued encroaching development of the Las Vegas valley on the southern end of the Wildlife Refuge.

Recommendations: The need for individual corridors through NWRs as well as alternative options should be evaluated and balanced against potential adverse impacts and incompatible uses. The agencies should seriously consider an alternative that avoids all NWRs for corridors as incompatible with the NWR System and the purpose of individual NWRs. Corridors should not be designated in any NWRs unless and until they have been determined to be "compatible" pursuant to an official compatibility determination.

G. Wild and Scenic Rivers

We are especially troubled that the agency would even consider an alternative that designates corridors intersecting with any rivers or river segments included in the National Wild and Scenic River System (WSR System). It was in during a time of expansion and construction of hydroelectric and other energy development projects that the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271-1278) was passed in order to "preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes." Since then, the WSR System has vastly grown to include some of the most spectacular rivers in the nation.

There are currently four designated WSRs that are directly crossed by corridors in the Draft PEIS. These include the Deschutes River, Clackamas River, Sycan River, and South Fork Trinity River. These are managed by various agencies for various outstandingly remarkable values and under various management classifications (i.e. wild, scenic, and recreational).

Section 10(a) of the Wild and Scenic Rivers Act provides general management direction as follows:

> Each component of the national Wild and Scenic Rivers System shall be administered in such manner as to **protect and enhance the values which caused it to be included in said system** without, insofar as is consistent therewith, **limiting other uses that do not substantially interfere with public uses and enjoyment of these values**.

50473-036

Unfortunately, the Draft PEIS did not evaluate the anticipated impacts to each WSR's outstandingly remarkable values. Nor are impacts analyzed for designated WSRs adjacent to proposed corridors. Examples of such areas are the Sandy River and the White River, both within one mile of a proposed corridor. Instead, there is generic and inadequate statement that adverse impacts may occur. The Draft PEIS provides:

> Surface water bodies intercepted by the proposed corridor footprints could be subject to adverse impacts due to construction, operation, maintenance, and decommissioning and dismantling activities of any future projects. The degree of impact would be determined by existing conditions within the surface water body, the level classification and valley type for the stream, and the magnitude and type of impact resulting from the activity. Appropriate mitigation measures should be employed to ensure that impacts to any wild and scenic river segments are minimized to the extent possible.

Draft PEIS, p. 3-93 – 3-95.

This explanation is inadequate for the standard set by NEPA and the Wild and Scenic River Act. Allowing a truncated application process that may tier to this environmental review was not contemplated under either of these laws. The proposed action does neither protect nor enhance designated rivers.

In addition to designated WSRs, the land managing agencies also have certain duties in regard to WSRs that have been deemed eligible or suitable for designation. Interim protective management before designation is not discussed within the Draft PEIS although there are longstanding, specific guidelines for how it is to occur on behalf of the agencies.

The Forest Service Planning Handbook, 1909.12, provides the agency with the following guidelines for utility proposals within eligible and suitable WSRs.

> a. Wild, Scenic, Recreational. New transmission lines such as gas lines, water lines, and so forth are discouraged. Where no reasonable alternative exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are indicated, the project shall be evaluated as to its effect on the river's outstandingly remarkable values and classification. Any portion of a utility proposal that has the potential to affect the river's free-flowing character shall be evaluated as a water resources project. § 81.51(5)(a).

The BLM Manual 8351 sets out policy and program direction for identification, evaluation, and management of Wild and Scenic Rivers. The Manual's provisions for rights-of-ways provides the following language for wild, scenic and recreational river areas alike:

> New transmission lines, natural gas lines, water lines, etc., are discouraged unless specifically authorized by other plans, orders or laws. Where no reasonable alternative location exists, additional or new facilities shall be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques shall be selected to minimize adverse effects on [wild, scenic, or recreational] river area related values and fully evaluated during the site selection processes. See, BLM Manual 8351.5(A)(2)(i); 8351.5(B)(2)(i); 8351.5(C)(2)(i).

50473-036 (cont.)

The Draft PEIS does not take such interim protection of recognized suitable or eligible rivers into account. One such example is the Paria River in Southern Utah. The Paria River has been classified as suitable in the Grand Staircase-Escalante National Monument Management Plan. MMP, p. 100. The Paria encompasses the outstandingly remarkable values of scenic, recreational, wildlife, geological, historic, and riparian. From the intersection point with the corridor (segment 68-116), the Paria flows immediately through the Paria Canyon/Vermillion Cliffs Wilderness Area and then on to the Colorado River. The ways in which this river will be impacted has not been evaluated in the Draft PEIS.

Recommendation: The energy corridor process should not be used to expedite energy projects across or within proximity of designated, eligible, or suitable Wild and Scenic Rivers (WSRs). All proposed corridors in the Draft PEIS that cross WSRs should be re-routed or not designated.

H. National Historic and National Scenic Trails

50473-037

The Draft PEIS crosses numerous National Historic and National Scenic Trails, including the Lewis and Clark Trail and the Continental Divide Trail. National Historic Trails closely follow a historic trail or route of travel of national significance in order to identify and protect their

history for public enjoyment. National Scenic Trails provide maximum outdoor recreation potential and to support the conservation and enjoyment of the various qualities – scenic, historical, natural, and cultural – of the areas they pass through. *See, e.g.,* BLM website on National Scenic and Historic Trails (http://www.blm.gov/nlcs/nsht/). The intended experiences of these trails are, therefore, not generally consistent with noticeable development and the PEIS should focus on facilitating the purposes for which the trails were created, as summarized in the National Trails System Act, "to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation." 16 U.S.C. § 1241(a).

50473-037 (cont.)

Recommendation: Where the agencies determine that corridors cannot avoid crossing National Historic or National Scenic Trails, the PEIS should minimize impacts on users' experience of these trails by minimizing width of the trails, maximizing requirements to limit use to buried lines, and imposing additional practices to reduce the visual appearance of transmission lines

I. Sensitive wildlife and plant species

1. Sage grouse

The Draft PEIS acknowledges broad concerns with the effects of development on sage grouse, including from causes associated with these energy corridors, such as "oil and gas wells and their associated infrastructure" and "pipelines." Draft PEIS, p. 3-202. Further, like the energy corridors, the majority of habitat is on lands managed by the BLM. Draft PEIS, p. 3-203. Accordingly, construction, operation and maintenance of energy transport facilities within designated energy corridors are likely to result in a range of damaging effects on sage-grouse. Draft PEIS, p. 3-202. The Draft PEIS cites proposed mitigation measures, including the BLM's National Sage Grouse Conservation Strategy and documents issued by the Western Association of Fish and Wildlife Agencies in 2004 and 2006. However, the Draft PEIS does not provide sufficient data on the potential impacts of the proposed energy corridors on sage grouse. The Wilderness Society has prepared a sample analysis of the proximity of the proposed energy corridors in Idaho to sage grouse leks and habitat (Attachment 12), which shows the potentially devastating impacts on sage grouse populations.

50473-038

The Draft PEIS also fails to include the most recent research on sage-grouse and does not include definitive commitments to mitigate impacts. The findings and recommendations of noted experts, including those of Holloran (2005) regarding the impacts of development activities and those of Braun (2006), have yielded more recent guidelines that the agencies should employ instead. A multi-state effort to coordinate interpretation of recent science related to sage-grouse and oil and gas development, in which the state wildlife agencies from Colorado, Montana, North Dakota, Utah, and Wyoming participated, led to a summary of current research and findings, set out in a document entitled: "*Using the Best Available Science to Coordinate Conservation Actions that Benefit Greater Sage-Grouse Across States Affected by Oil and Gas Development in Management Zones I-II (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming*" (included as Attachment 13 and incorporated herein by reference). In addition, "*A Blueprint for Sage-grouse Conservation and Recovery*" (authored by Clait Braun, included as Attachment 14 and incorporated herein by reference) details the habitat requirements

for successful and sustaining sage-grouse populations. This document provides that, "no surface occupancy should be allowed within 5.5 km of all active sage-grouse leks." The summary of best available science prepared by the state wildlife agencies and the proposed management for protection of sage-grouse habitat as outlined in the Blueprint should be taken into consideration for location of energy corridors and mandatory guidelines for development of projects within the corridors.

Recommendations: The agencies should provide an analysis of the proximity of proposed corridors to sage grouse leks and habitat and potential effects. Further, the agencies should utilize the science set out in "*Using the Best Available Science to Coordinate Conservation Actions that Benefit Greater Sage-Grouse Across States Affected by Oil and Gas Development*" and apply the guidelines for sage-grouse management set out in *A Blueprint for Sage-grouse Conservation and Recovery*. Corridor locations and mandatory management prescriptions should then be developed and incorporated into the PEIS based on this assessment.

50473-038 (cont.)

2. Pecos sunflower

The Pecos sunflower is listed as threatened under the ESA and should therefore enjoy full protection under the ESA in the designation process. An important population of the Pecos sunflower exists within the corridor's path on the La Joya State Wildlife Refuge north of the Sevilleta National Wildlife Refuge (segment 81-272). In addition, there is a current critical habitat proposal for the sunflower, which includes the La Joya population. Critical habitat in this area would significantly upgrade the consultation obligations of the agencies in connection with designation of energy corridors with respect to this population.

50473-039

Recommendations: The agencies must engage in full consultation with the U.S. Fish and Wildlife Service over impacts of the corridor to this listed plant and must also provide for adjustments in the event that the critical habitat area is expanded.

3. Black-footed ferrets

Black-footed ferrets have been listed as endangered under the ESA; they are considered "one of the most endangered mammals in the United States." U.S. Fish & Wildlife Service Black-footed Ferret Factsheet, available at: http://www.fws.gov/mountain-prairie/species/mammals/blackfootedferret/revfact.chy.pdf . Black-footed ferrets are currently the subject of a number of reintroduction plans, including in states affected by the proposed corridor designations. Id. However, a proposed corridor (segment 78-255) in Wyoming would impact a reintroduction area and contradict the Shirley Basin/Medicine Bow Black-footed Ferret Management Plan.

50473-040

Recommendation: The agencies should identify the proximity of proposed corridor locations to black-footed ferret reintroduction areas and relocate corridors as needed to support the success of reintroduction efforts.

4. Colorado Natural Heritage Program Potential Conservation Areas

The Colorado Natural Heritage Program (CNHP) identifies Potential Conservation Areas (PCAs), which contain habitat for special status wildlife and sensitive plants. As described by the CNHP (http://www.cnhp.colostate.edu/gis.html):

- A PCA represents "CNHP's best estimate of the primary area required to support the long-term survival of targeted species or natural communities."
- PCAs are land units that have been identified as important to the continued existence of ecological processes that support one or a suite of rare or significant features.
- A PCA is identified because of the "ability of a conservation area to maintain healthy, viable targets over the long term (100+ years), including ability to respond to natural or human-caused environmental change."
- "PCAs do not necessarily preclude human activities, but their ability to function naturally may be greatly influenced by them."
- "PCAs at all scales may require ecological management or restoration to maintain their functionality."

50473-041

PCAs serve an important role in identifying the need for special management of lands in Colorado to maintain biodiversity. The Center for Native Ecosystems has conducted an analysis of the proximity and intersection of the proposed corridor locations with PCAs, including an overview of the potentially affected areas. *See*, analysis included in Appendix B. The agencies should take this information into account in order to ensure that corridor designation does not cause irreparable harm to Colorado ecosystems.

Recommendations: The agencies must assess the intersection between the proposed corridors and PCAs and revise corridor locations and/or include mandatory management prescriptions for rights-of-way in the corridors in order to protect these areas.

VI. The Draft PEIS must be revised to address consistency with state plans and policies.

The agencies have failed to make a good faith effort to ensure that corridor designations are consistent with the plans and policies of the affected states. While Appendix D identifies potentially applicable regulatory requirements, it does not identify plans or policies, despite the agencies obligations to seek consistency. *See, e.g.*, FLPMA, 43 U.S.C. § 1712(c)(9); 43 C.F.R. § 1610.3-2 (Guidance and management plans shall "be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes.").

50473-042

A. State Comprehensive Wildlife Conservation Strategies

The federal government provides funding to states for management of wildlife through the Wildlife Conservation and Restoration Program and the State Wildlife Grants Program. In order to maximize use of these funds, Congress directed each states to develop statewide wildlife action plans, which are known as comprehensive wildlife conservation strategies (Conservation Strategies). The Conservation Strategies are designed to be "proactive" in order to "help conserve wildlife and vital natural areas before they become more rare and more costly to

protect." *See*, Association of Fish & Wildlife Agencies, State Wildlife Action Plans website, Factsheet: State Wildlife Action Plans (available at: http://www.wildlifeactionplans.org/pdfs/wildlife_action_plan_overview.pdf)

The Conservation Strategies essentially inventory distribution and abundance of wildlife, describe locations and assess condition of key habitats and community types, and, based on this data, outline the actions needed to conserve species on a long-term basis. Id. *See also*, for example, Comprehensive State Wildlife Strategy for New Mexico (September 2005). The scientific data included in these plans would provide vital data on areas to avoid and mitigation measures required for proposed corridor locations. Further, location of corridors and management of projects within those corridors should support the conservation approaches identified in the Conservation Strategies.

Recommendations: The PEIS should incorporate the baseline data from the Conservation Strategies for the affected states, assess corridor locations and management for consistency with the strategies, and revise the PEIS based on this assessment. 50473-042 (cont.)

B. Renewable portfolio standards.

As discussed above, many states, including the majority of states within the areas of corridor designations, have enacted renewable portfolio standards that require electricity providers to obtain a minimum percentage of their power from renewable energy resources by a certain date. Further, the Department of Energy's summary of these standards (also provided above) include the state agencies responsible for administering these policies, providing the agencies with contact information for approaching consistency.

Recommendations: By failing to consider alternatives and/or include prescriptions to locate corridors to support renewable energy or to provide for prioritizing access to transmission for renewable energy sources, the agencies are undermining these state policies. The PEIS must be revised to address these omissions.

VII. The Draft PEIS must be revised to address consistency with federal plans and policies.

The agencies have also failed to ensure consistency with the plans and policies of other federal agencies. While Appendix D identifies potentially applicable regulatory requirements, it does not identify plans or policies, despite the agencies obligations to seek consistency. *See, e.g.*, FLPMA, 43 U.S.C. § 1712(c)(9); 43 C.F.R. § 1610.3-2 (Guidance and management plans shall "be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes."). 50473-043

A. National Landscape Conservation System

The National Landscape Conservation System (Conservation System) is administered and managed by the BLM. The 26 million acres in the system is a collection of national monuments, conservation areas, wilderness and wilderness study areas, scenic rivers, trails, and other

conservation designations. The mission of the system is to conserve, protect, and restore these nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations. This objective will be undermined if the energy corridors were designated today as they are now proposed in the Draft PEIS.

Recommendation: These comments have discussed several Conservation System units already, including the Grand Staircase-Escalante National Monument, the Snake River-Birds of Prey National Conservation Area, and the Lower Deschutes Wilde and Scenic River. There are numerous other units that may also be jeopardized by the proposed action and we urge the agencies to avoid such areas to be consistent with the purposes with which they were created.

B. National Park Service management

Lands managed by the National Park Service (NPS) are the most recognizable and popular conservation areas in the West. The very purpose of such lands is "to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." NPS Organic Act of 1916 (16 U.S.C. § 1). These values are the likely reasons that these areas were largely avoided by the corridor designation process due to their sensitive natural, cultural, and visual resources.

Recommendation: We encourage the agencies to take additional steps to ensure that all of these special places and their resources are adequately protected from adverse impacts in order to be consistent with the mission of the NPS.

50473-043 (cont.)

C. Renewable energy initiatives.

Federal agencies have enacted policies and made commitments to encourage the use of public lands to support development and transmission of renewable energy. *See, e.g.,* "BLM Launches Effort to Facilitate Renewable Energy Development on Public Lands, *available at* http://www.blm.gov/wo/st/en/info/newsroom/2007/june/NR_0706_1.html ("'The Forest Service looks forward to working in concert with BLM on these geothermal projects,' said Forest Service Chief Gail Kimbell. 'Enhancing our nation's energy needs through safe and clean energy is an important focus of the Department of Agriculture and a proper use of our public lands.'"). In June 2005, BLM completed its programmatic EIS for a Wind Energy Development Program in the western U.S., including public lands within Arizona, Nevada and California. *See* http://windeis.anl.gov/. Indeed, "[i]t is the BLM general policy, consistent with the National Energy Policy of 2001 and the Energy Policy Act of 2005, to encourage development of wind energy in acceptable areas," Instruction Memorandum No. 2006-216 (http://www.blm.gov/nhp/efoia/wo/fy06/im2006-216.htm). Both the BLM geothermal and wind-focused studies built upon a DOI/DOE 2003 study, "Assessing the Potential for Renewable Energy on Public Lands," that included a key finding that of 20 BLM planning units that had high potential for three or more renewable energy resources, 12 occurred in Arizona, California and Nevada. *See* http://www.blm.gov/nhp/spotlight/energy_report/press_release.htm.

Recommendations: By failing to consider alternatives and/or include prescriptions to locate corridors to support renewable energy or to provide for prioritizing access to transmission for renewable energy sources, the agencies are undermining these federal policies. The PEIS must be revised to address these omissions.

D. FLPMA Section 503

In addition to the federal consistency requirements already mentioned, Title V, § 503 of FLPMA contains a separate provision containing criteria for designation of right-of-way corridors for the purpose of minimizing "adverse environmental impacts and the proliferation of separate rights-of-ways." FLPMA, 43 U.S.C. § 1763. FLPMA mandates that "in designating right-of-way corridors and in determining whether to require that rights-of-way be confined to them, the Secretary concerned shall take into consideration national and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices." Id.

50473-043 (cont.)

Recommendation: FLPMA's directives on siting corridors is of special relevant to this process because the vast majority of affected land is managed by the BLM. The PEIS should specifically address and incorporate FLPMA's requirements as part of considering location of corridors and appropriate uses of those corridors.

VIII. CONCLUSION.

Thank you again for this opportunity to provide input regarding the management of our public lands and the spectacular resources they hold. We appreciate the improvements that have been made in the proposed corridor locations since this process began, including avoiding many places with high conservation values, limiting the width and uses of certain corridors, and setting out procedures that can reduce impacts of projects in the corridors. However, because these designations are likely to affect our public lands, and surrounding areas, for decades to come, it is critical that the agencies conduct a thorough consideration of the need for designation of corridors, the likely impacts of their use, access for renewable energy sources, and alternatives to this single proposal, then provide the public with an opportunity to comment.

We hope to see the agencies fulfill their responsibilities as stewards of our public lands and look forward to continuing our positive working relationship. Please feel free to contact us if you have any questions or need additional information. We would also welcome the opportunity to meet with you to present and discuss these comments in person.

Sincerely,

Nada Culver
Senior Counsel, Public Lands Campaign
BLM Action Center
(303) 650-5818 Ext. 117
Nada_culver@tws.org

AND ON BEHALF OF:

Tom Darin
Staff Attorney, Energy Transmission
Western Resource Advocates
2260 Baseline Rd., Suite 200
Boulder, CO 80302

Dave Willis
Soda Mountain Wilderness Council
P.O. Box 512
Ashland, OR 97520

Amy R. Atwood, Staff Attorney
Center for Biological Diversity
PO Box 11374
Portland OR 97211

Amy Harwood, Program Director
Bark
P.O. Box 12065
Portland, OR 97202

Erin Robertson, Senior Staff Biologist
Center for Native Ecosystems
1536 Wynkoop Street, Suite 303
Denver, CO 80202

Daniel Patterson, Southwest Director & Ecologist
Public Employees for Environmental Responsibility
P.O. Box 172
Tucson, AZ 85702-0172

Stephen Capra, Executive Director
New Mexico Wilderness Alliance
142 Truman St. Suite B1
Albuquerque, NM 87108

Johanna H. Wald, Senior Attorney
Natural Resources Defense Council
111 Sutter Street
San Francisco CA 94104

Christopher Len, Legal Director
Klamath-Siskiyou Wildlands Center
P.O. Box 102
Ashland, OR 97520

Nick Dobric, Southern Nevada Outreach Director
Nevada Wilderness Project
4220 S. Maryland Pkwy #802-D
Las Vegas, NV 89119

Veronica Egan, Executive Director
Great Old Broads for Wilderness
649 E. College Dr.
P.O. Box 2924
Durango CO 81302

Greta Anderson, Arizona Director
Western Watersheds Project
P.O. Box 2264
Tucson, Arizona 85702

Hilary White, Director
Sheep Mountain Alliance
Telluride, Colorado 81435

Noah Matson, Vice President for Land Conservation
Defenders of Wildlife
1137 10th Street NW
Washington, DC 20036

Liz Thomas,Staff Attorney
Southern Utah Wilderness Alliance
PO Box 968
Moab,UT 84532

Bruce Pendery, Staff Attorney and Program Director
Wyoming Outdoor Council
444 East 800 North
Logan, Utah 84321

Peter M. Lacy ("Mac"), Senior Attorney
Oregon Natural Desert Association
917 SW Oak Street, Suite 408
Portland, OR 97205

Pat Gallagher, Director of Environmental Law
Sierra Club
California Nevada Hawaii Regional Office
1116 9th Street
Sacramento, CA 95814

Brent Schoradt, Deputy Policy Director
California Wilderness Coalition
1212 Broadway, Suite 1700
Oakland, CA 94612

Michael J. Painter, Coordinator
Californians for Western Wilderness
P.O. Box 210474
San Francisco, CA 94121-0474

Kim Crumbo, Conservation Director
Grand Canyon Wildlands Council
P.O. Box 1033
Grand Canyon, AZ 86023

Mark Schofield, Director of Organizing
Western Colorado Congress
P.O. Box 1931
Grand Junction, CO 81502

Laura Kamala, Director of Utah Programs
Grand Canyon Trust
HC 64 Box 1705
Castle Valley, Utah 84532

Keren O'Brien Murphy, National Conservation Organizer
Sierra Club Lands Protection Team
Washington DC, 20002

Steve Tabor, President
Desert Survivors
P.O.Box 20991
Oakland, CA 94620-0991

Bob Schneider, President
Tuleyome
607 North Street
Woodland, CA 95695

John Robison, Public Lands Director
Idaho Conservation League
PO Box 844
Boise ID 83701

Mark Pearson, Executive Director
San Juan Citizens Alliance
1022 1/2 Main Avenue
Durango, Colorado 81302

Kathleen C. Zimmerman, Senior Land Stewardship Policy Specialist
National Wildlife Federation
Rocky Mountain Natural Resource Center
2260 Baseline Road, Suite 100
Boulder, Colorado 80302

Kevin Gaither-Banchoff, Executive Director
Arizona Wilderness Coalition
P.O. Box 40340
Tucson, AZ 85717

Reid Bandeen, Board President
Las Placitas Association
P.O. Box 888
Placitas, NM 87043

Joan May, Chair, Board of Commissioners
San Miguel County
PO BOX 1170
Telluride, CO 81435

Clare Bastable, Conservation Director
Colorado Mountain Club
PO Box 1348
Carbondale, CO 81623

Elise Jones, Executive Director
Colorado Environmental Coalition
1536 Wynkoop Street #5C
Denver, CO 80202

Mary Jones, Coordinator
Friends of the Missouri Breaks Monument
224 W. Main Street
Suite 280, The Montana Building
Lewistown, MT 59457

Oscar Simpson, New Mexico Public Lands Organizer
National Wildlife Federation
Conservation and Policy Chair
New Mexico Wildlife Federation
3320 12th Street NW
Albuquerque, New Mexico 87107

Jerry Nichols, Conservation Chair
Sierra Club, Montana Chapter
P.O. Box 231
Missoula, MT 59806

Attachments and References

Attachments

Appendix A: The Wilderness Society's analysis of conservation areas, including lands identified as suitable for wilderness protection, on public lands affected by the proposed energy corridors, state-by-state maps, and GIS data for lands inventoried by citizens for their wilderness characteristics.

Appendix B: Center for Native Ecosystems' analysis of areas with conservation values and species habitat affected by the proposed energy corridors in Colorado, Utah and Wyoming, including a CD of Proposed Conservation Areas in Colorado.

Appendix C: Western Resource Advocates' maps showing existing and proposed coal, wind, geothermal, and solar power projects in relation to the proposed energy corridors and likely routes.

Numbered Attachments:

1. Map showing Mountain States Intertie Proposal and Northern Lights Northern Lights Inland Express MT and WY Transmission Proposals in relation to the proposed energy corridors, prepared by Western Resource Advocates.

2. Maps of TransWest Express, Rockies Express and Ruby pipelines.

3. Environmental Protection Agency comments on Draft EIS for the Piceance Basin Expansion Pipeline, June 23, 2005.

4. Associated Press/FoxNews.com, November 17, 2007, *California Fire Officials Fault Power Line Sparks for Largest San Diego Wildfire.*

5. Denver Post, March 7, 2006, *Inspections lagging amid oil, gas boom.*

6. Map showing proposed energy corridor affecting lands with wilderness characteristics and Dinosaur National Monument in Northeast Utah.

7. Slide of potential corridors from TransWest Express Project Update.

8. The Wilderness Society. 2006. *Socio-Economic Framework for Public Land Management Planning: Indicators for the West's Economy* Washington DC: The Wilderness Society.

9. Lands identified as suitable for wilderness designation affected by the proposed energy corridors.

10. Forest Service Roadless Areas affected by the proposed energy corridors.

11. Map showing intersection of proposed energy corridor and proposed Organ Foothills National Conservation Area and lands with wilderness characteristics in New Mexico.

12. Map showing sage grouse habitat and leks in Idaho in relation to the proposed energy corridors.

13. Wyoming Game and Fish Dept. 2004. *Multi-State Sage-Grouse Coordination and Research-based Recommendations.*

14. Braun, Clait E. Ph.D. 2006. *A Blueprint for Sage-grouse Conservation and Recovery.*

References

Acharya, G. and L. L. Bennett. 2001. Valuing open space and land-use patterns in urban watersheds. *Journal of Real Estate Finance and Economics* 22(2-3): 221-237

Barrens, R., J. Talberth, J. Thacher, M. Hand. 2006. Economic and Community Benefits of Protecting New Mexico's Inventoried Roadless Areas. Center for Sustainable Economy, Santa Fe, NM. Available at: http://www.sustainable-economy.org/uploads/File/Final%20Report.pdf (accessed February 22, 2007)

Bennett, K., and M.K. McBeth. 1998. Contemporary western rural USA economic composition: Potential implications for environmental policy and research. *Environmental Management* 22(3): 371-381.fs

Bengochea Moranco, A. 2003. A hedonic valuation of urban green areas. *Landscape and Urban Planning* 66(1): 35-41.

Bishop, R. C. and M. P. Welsh. 1992. Existence Values in Benefit-Cost Analysis and Damage Assessment. *Land Economics* 68(4): 405-417.

Bolitzer, B. and N.R. Netusil. 2000. The impact of open spaces on property values in Portland, Oregon. Journal of Environmental Management 59(3): 185-193.

Bowker, J. M., J. E. Harvard III, J. C. Bergstrom, H. K. Cordell, D. B. K. English, and J. B. Loomis. 2005. The net economic value of wilderness. In: Cordell, H. K., J. C. Bergstrom, and J.M. Bowker (eds), *The Multiple Values of Wilderness*. State College, PA: Venture Publishing.

Breffle, W. S., E. R. Morey and T. S. Lodder. 1998. Using contingent valuation to estimate a neighbourhood's willingness to pay to preserve undeveloped urban land. *Urban Studies* 35(4): 715-727.

Center for the Study of Rural America. 2006a. Regional Asset Indicators: Human Amenities. May 16, 2006. http://www.kansascityfed.org/RegionalAffairs/Indicators/Humanamenities_506.pdf

Center for the Study of Rural America. 2006b. Regional Asset Indicators: The Creative Workforce. July 2006. http://www.kansascityfed.org/RegionalAffairs/Indicators/Creative%20Workers_706.pdf

Cordell, H.K., M.A. Tarrant, B.L. McDonald and J. C. Bergrstrom. 1998. How the public views wilderness: More results form the USA survey on recreation and the environment. *International Journal of Wilderness* 4(3): 28-31.

Council on Environmental Quality. 1997. Considering Cumulative Effects Under the National Environmental Policy Act.

Cramer, Wolfgang, A. Bondeau, F. I. Woodward, I. C. Prentice, R. A. Betts, V. Brovkin, P. M. Cox, V. Fisher, J. A. Foley, A. D. Friend, C. Kucharik, M. R. Lomas, N. Ramankutty, S. Sitch, B. Smith, A. White, C. Young-Molling. 2001. Global response of terrestrial ecosystem structure and function to CO_2 and climate change: results from six dynamic global vegetation models. Global Change Biology 7 (4), 357–373.

Deller, S.C. 1995. Economic Impacts of Retirement Migration. *Economic Development Quarterly* 9(1): 25-38.

Deller, S.C., T. Tsai, D.W. Marcouiller, and D.B.K. English. 2001. The Role of Amenities and Quality of Life in Rural Economic Growth. *American Journal of Agricultural Economics* 83(2): 352-365.

Duffy-Deno, K. T. 1998. The Effect of Federal Wilderness on County Growth in the Intermountain Western United States. *Journal of Regional Science* 38(1): 109-136.

Earnhart, D. 2006. Using contingent-pricing analysis to value open space and its duration at residential locations. *Land Economics* 82(1):17-35.

Espey, M. and K. Owosu-Edusei. 2001. Neighborhood parks and residential property values in Greenville, South Carolina. *Journal of Agricultural and Applied Economics* 33(3): 487-492.

Freeman, A.M. III, 2003, *The Measurement of Environmental and Resource Values*, 2nd Edition, Resources for the Future, Washington, D.C.

Frey, H.C. 1992. Quantitative Analysis of Uncertainty and Variability in Environmental Policy Making, Environmental Science and Engineering Fellows Program, American Association for the Advancement of Science, Washington, DC.

Geoghegan, J. 2002. The value of open space in residential land use. *Land Use Policy* 19(1): 91-98

Geoghegan, J., L. Lynch, and S. Bucholtz. 2003. Capitalization of open spaces into housing values and residential property tax revenue impacts of agricultural easement programs. *Agricultural and Resource Economics Review* 32(1): 35-45.

Gowdy, J. M. 1997. The Value of Biodiversity: Markets, Society, and Ecosystems. *Land Economics* 73(1): 25-4`.

Haefele, M., P. Morton, and N. Culver. 2007. *Natural Dividends: Wildland Protection and the Changing Economy of the Rocky Mountain West*. Washington, D.C.: The Wilderness Society. (available at: http://www.wilderness.org/Library/Documents/NaturalDividends.cfm).

Haynes, R. W.; Horne, A.L. 1997. Economic Assessment of the Basin. In T.M. Quigley and S.J. Arbelbide (eds.), An assessment of ecosystem components in the Interior Columbia Basin and portions of the Klamath and Great Basins: Volume IV. 1715-1870. USDA Forest Service, PNW-GTR-405, Pacific Northwest Research Station, Portland, OR.

Hoekstra, T.W., Alward, G.S., Dyer, A.A., Hof, J.G., Jones, D.B., Joyce, L.A., Kent, B.M., Lee, R., Sheffield, R.C., Williams, R. 1990. Analytical tools and information. Critique of Land Management Planning, Volume 4. USDA Forest Service, FS-455. 47 pp. Available at: http://www.fs.fed.us/institute/planning_center/1990_Critique_First_Planning_Round/critique%20of%20LMP-Vol%204%20ACR5%2090.pdf

Holloran, M.J. 2005. Greater sage-grouse (*Centrocercus urophaisianus*) population response to natural gas field development in western Wyoming. Ph.D. Dissertation, University of Wyoming, Laramie. 211 pp.

Holmes, F.P. and W.E. Hecox. 2004. Does Wilderness Impoverish Rural Regions? *International Journal of Wilderness* 10(3): 34-39.

Irwin, E.G. 2002. The effects of open space on residential property values. *Land Economics* 78(4): 465-480.

Johnson, J. and R. Rasker. 1993. The Role of Amenities in Business Attraction and Retention. *Montana Policy Review 3(2).*

Johnson, J., and R. Rasker. 1995. The Role of Economic and Quality of Life Values in Rural Business Location. *Journal of Rural Studies* 11(4): 405-416.

Johnson, T.G. 2001. The Rural Economy in a New Century. *International Regional Science Review* 24(1): 21-37.

Krieger, D. J. 2001. Economic Value of Forest Ecosystem Services: A Review. Washington D.C.: The Wilderness Society.

Krikelas, A.C. 1991. Industry structure and regional growth: A vector autoregression forecasting model of the Wisconsin regional economy. Ph.D. Dissertation. University of Wisconsin-Madison.

Krutilla, J. 1967. Conservation reconsidered. *American Economic Review*. 57: 787-796.

Loomis, J. B. and R. Richardson. 2000. Economic Values of Protecting Roadless Areas in the United States. Washington, D.C.: The Wilderness Society and Heritage Forests Campaign.

Loomis, J. B. and R. Richardson, 2001. Economic values of the U.S. wilderness system: Research evidence to date and questions for the future. *International Journal of Wilderness* 7(1): 31-34.

Loomis, J., V. Rameker, and A. Seidl. 2004. A hedonic model of public market transactions for open space protection. *Journal of Environmental Planning and Management* 47(1): 83-96.

Lorah, P. 2000. Population Growth, Economic Security and Cultural Change in Wilderness Counties. In McCool, S.F., D.N. Cole, W.T. Borrie, and J. O'Loughlin, comps. Wilderness Science in a Time of Change Conference, Volume 2: Wilderness within the Context of Larger Systems, 1999 May 23-27. Missoula, MT. Proceedings RMRS-P-15-VOL 2., U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Ogden, UT.

Lorah, P. and R. Southwick. 2003. Environmental Protection, Population Change, and Economic Development in the Rural Western United States. *Population and Environment* 24(3): 255-272.

Low, S. 2004. Regional Asset Indicators: Entrepreneurship Breadth and Depth. *The Main Street Economist*, September, 2004. Center for the Study of Rural America, Federal Reserve Bank of Kansas City, Kansas City, MO.

Low, S., J. Henderson, and S. Weiler. 2005. Gauging a Region's Entrepreneurial Potential. *Economic Review* (Third Quarter) Federal Reserve Bank of Kansas City.

Luttik, J. 2000. The value of trees, water and open space as reflected by house prices in the Netherlands. *Landscape and Urban Planning* 49: 161-167

Lutzenhiser, M. and N.R. Netusil. 2001. The effect of open spaces on a home's sale price. *Contemporary Economic Policy* 19(3): 291-298.

McGranahan, D.A. 1999. Natural Amenities Drive Rural Population Change. U.S. Department of Agriculture, Economic Research Service, Food and Rural Economics Division. Agricultural Economics Report No. 781.

Morgan, M. G., and Henrion, M. 1990. Uncertainty: A Guide to Dealing with Uncertainty in Quantitative Risk and Policy Analysis. Cambridge University Press, New York.

Morton, P. 1999. The economic benefits of wilderness: theory and practice. Denver University Law Review, 76(2): 465-518.

Morton, P. 2000. Wilderness, the Silent Engine of the West's Economy. The Wilderness Society, Washington, DC.

Nelson, P.B. 1999. Quality of Life, Nontraditional Income, and Economic Growth: New Development Opportunities for the Rural West. *Rural Development Perspectives* 14(2): 32-37.

Payne, C., J. M. Bowker, and P. C. Reed. (compilers) 1992. The economic value of wilderness: Proceedings of the conference; 1991 May 8-11; Jackson, WY. Gen. Tech. Rep. SE-78. Asheville, NC: U.S. Department of Agriculture, Forest Service, Southeastern Forest Experiment Station. 330 pp.

Power, T. 1995. Economic Well-Being and Environmental Protection in the Pacific Northwest: A Consensus Report by Pacific Northwest Economists. University of Montana, Missoula, MT.

Power, T. M. 1996. Lost Landscapes and Failed Economies. Island Press, Covelo, CA.

Rasker, R. and D. Glick. 1994. Footloose Entrepreneurs: Pioneers of the New West? *Illahee* 10(1): 34-43.

Rasker, R. and A. Hansen. 2000. Natural Amenities and Population Growth in the Greater Yellowstone Region. *Human Ecology Review* 7(2): 30-40

Rasker, R., B. Alexander, J. van den Noort, and R. Carter. 2004. Public Lands Conservation and Economic Well-Being. The Sonoran Institute, Tucson, AZ. Available at: http://www.sonoran.org/programs/prosperity.html.

Reeder, R. J. and D. M. Brown. 2005. Recreation, Tourism and Rural Well-Being. U.S. Department of Agriculture, Economic Research Service. Economic Research Report Number 7. 38 pp.

Richardson, H.W. 1985. Input-Output and Economic Base Multipliers: Looking backward and forward. Journal of Regional Science Vol. 25(4).

Roe, G.H. & Baker, M.B. 2007. Why is climate sensitivity so unpredictable? Science 318(5850): 629-632.

Rudzitis, G. 1999. Amenities Increasingly Draw People to the Rural West. *Rural Development Perspectives* 14(3): 9-13.

Rudzitis, G., and H.E. Johansen. 1989. Amenities, Migration, and Nonmetropolitan Regional Development. Report to National Science Foundation. Department of Geography, University of Idaho, Moscow, ID.

Rudzitis, G. and R. Johnson. 2000. The Impact of Wilderness and Other Wildlands on Local Economies and Regional Development Trends. In McCool, S.F., D.N. Cole, W.T. Borrie, and J. O'Loughlin, comps. Wilderness Science in a Time of Change Conference, Volume 2: Wilderness within the Context of Larger Systems, 1999 May 23-27. Missoula, MT. Proceedings RMRS-P-15-VOL 2., U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, Ogden, UT.

Shumway, J.M. and S.M. Otterstrom. 2001. Spatial Patterns of Migration and Income Change in the Mountain West: the Dominance of Service-Based, Amenity-Rich Counties. *Professional Geographer* 53(4): 492-501.

Snepenger, D.J., J.D. Johnson, and R. Rasker. 1995. Travel-Stimulated Entrepreneurial Migration. *Journal of Travel Research* 34(1): 40-44

Sonoran Institute. 2006. *"The Potential Economic Impacts of Wilderness in Dona Ana County, New Mexico."*

Starfield, A.M. and Chapin, F.S. III. 1996. Model of Transient Changes in Arctic and Boreal Vegetation in Response to Climate and Land Use Change. Ecological Applications, Vol. 6, 842-864.

Tajima, K. 2003. New estimates of the demand for urban green space: implications for valuing the environmental benefits of Boston's Big Dig project. *Journal of Urban Affairs* 25(5): 641-655.

Tiebout, C.M. 1956. Exports and regional economic growth. Journal of Political Economy 64:160-64.

Thompson, E., G. Hammond, and S. Weiler. 2006. Amenities, Local Conditions, and Fiscal Determinants of Factor Growth in Rural America. RWP 06-08, Research Working Papers, The Federal Reserve Bank of Kansas City, Economic Research Department.

United States Congress, Office of Technology Assessment. 1992. Forest Service planning: Accommodating uses, producing outputs, and sustaining ecosystems, OTA-F-505. Washington, DC.

Walsh, R. G. J. B. Loomis, and R. A. Gillman 1984. Valuing Option, Existence, and Bequest Demands for Wilderness. *Land Economics*, 60(1): 14-29.

Webster, M., C. Forest, J. Reilly, M. Babiker, D. Kicklighter, M. Mayer, R. Prinn, M. Sarofim, A. Sokolov, P. Stone and C. Wan. 2002.g Uncertainty Analysis of Climate Change and Policy Response. Joint Program on the Science and Policy of Global Change, Massachusetts Institute of Technology, Cambridge, MA. Report No. 95.

Weiler, S. 2004. Racing Toward New Frontiers: Helping Regions Compete in the Global Marketplace. *The Main Street Economist*, March 2004. Center for the Study of Rural America, Federal Reserve Bank of Kansas City, Kansas City, MO.

Whitelaw, E., and E.G. Niemi. 1989. Migration, Economic Growth, and the Quality of Life. In Proceedings of the Twenty-Third Annual Pacific Northwest Regional Economic Conference, Corvallis, OR, pp 36-38.

Whitelaw, E., et al. 2003. A Letter from Economists to President Bush and the Governors of Eleven Western States Regarding the Economic Importance of the West's Natural Environment. (100 total authors.) Available at: http://www.ourforests.org/fact/120303letter.pdf (accessed January 17, 2008)

From: corridoreiswebmaster@anl.gov
Sent: Thursday, February 14, 2008 4:41 PM
To: mail_corridoreisarchives
Subject: Energy Corridor Draft Programmatic EIS Comment WWECD50474

Thank you for your comment, .

The comment tracking number that has been assigned to your comment is WWECD50474. Once the comment response document has been published, please refer to the comment tracking number to locate the response.

Comment Date: February 14, 2008 04:41:15PM CDT

Energy Corridor Draft Programmatic EIS
Draft Comment: WWECD50474

First Name:
Last Name:
Address:
City:
State: MT
Zip:
Country: USA
Privacy Preference: Withhold name and address from public record

Comment Submitted:
yes.tes.yes. get some businesses in this town,we are so stalemated its sadder than sad. the trickle down effect could be fabulous for all. what else can we get going in this county?????? 50474-001

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