

November 28, 2005

Delivered via electronic and regular mail

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

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

To Whom It May Concern:

These comments are submitted on behalf of the National Wildlife Federation (NWF) and the Natural Resources Defense Council (NRDC). We appreciate the opportunity to submit these comments to the Department of Energy, the Bureau of Land Management, the United States Forest Service and their cooperating agencies [hereinafter Agencies]. We are submitting these comments today via electronic mail and forwarding a copy separately by mail.

Introduction

Section 368 of the Energy Policy Act of 2005 directed the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to "designate . . . corridors for oil, gas, and hydrogen pipelines and electricity and distribution facilities on Federal land" in the eleven western states and to "perform any environmental reviews that may be required to complete the designation of such corridors." The West-wide Energy Corridor Programmatic Environmental Impact Statement (WECPEIS) is the first formal step in this process. NWF and NRDC urge the Agencies to use this step to narrow the task of identifying potential energy corridors by delineating areas or conditions where construction of such facilities would be unsuitable, determining areas or conditions where construction should be avoided where feasible, and by establishing best management practices (BMPs) for the construction and operation of such facilities on all federal lands.

The final WECPEIS should include a commitment to conduct site-specific environmental impact analyses when individual corridor locations and proposed uses are identified.

This programmatic document should concentrate instead on the general effects of energy corridors and identify wide-ranging measures for avoiding or mitigating those effects.¹ This was the approach taken by the Department of the Interior in its Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (Wind Energy PEIS) released in June 2005. We urge the Agencies to adopt the same methodology here.

Exclusion Areas and Areas of Avoidance

The Wind Energy PEIS specifically acknowledged the importance of keeping development out of special lands and identified areas where wind energy development would not be authorized. The Wind Energy PEIS excluded all Wilderness, Bureau of Land Management (BLM) National Landscape Conservation System lands, and Areas of Critical Environmental Concern from consideration for development of wind energy facilities.

Additional exclusion areas for energy corridors should include: National Parks; National Wildlife Refuges; National Monuments; National Conservation Areas; National Historic and National Scenic Trails; National Wild, Scenic, and Recreational Rivers, as well as rivers and river segments under study or considered eligible for such designations; Roadless Areas; and threatened, endangered and sensitive species habitat, as well as other critical wildlife habitats and migration linkages.²

Riparian areas should be avoided where possible because of their ecological significance as well as areas with high wildlife, scenic, or primitive recreation values.

Additional Best Management Practices

The Wind Energy PEIS explicitly outlined BMPs for all such facilities on federal lands and it made the incorporation of these BMPs mandatory for all subsequent wind energy projects.³ Many of the BMPs identified in the Wind Energy PEIS are applicable to the development of energy corridors as part of the final WECPEIS. We urge the Agencies to review these BMPs. We also recommend the adoption of additional BMPs that were not discussed in the Wind Energy PEIS.

¹ However, if the WECPEIS will commit the Agencies to a specific course of action, such as authorizing actual corridors for use, then a site-specific and use-specific analysis of each corridor must be completed and included in this document.

² The Agencies should consider the impact global warming may have on wildlife habitats and migration patterns.

³ In addition, the Wind Energy PEIS required the development of site-specific mitigation measures in connection with approval of individual projects. Site-specific measures should be required for individual energy corridors as well.

We urge the Agencies to adopt as their first BMP the duty to maximize the use of existing infrastructure for energy corridors. The western federal lands already contain thousands of miles of roads, pipelines, power lines, irrigation ditches, and the like. Section 1221(b) of the Energy Policy Act required the Secretaries of Agriculture, Energy, and Interior and the Chairman of the Council on Environmental Quality to prepare a report identifying all existing energy corridors or other transmission rights-of-way on federal land. The report, released on November 7, 2005, indicates that there are thousands of such facilities.⁴ Nearly 6000 rights-of-way for transmission facilities will come up for renewal on National Forests and BLM lands within the next fifteen years. It is difficult to image that miles of new energy corridors must be constructed in as yet undisturbed areas on western federal lands.

The WECPEIS presents the Agencies with an opportunity to limit the disruption and disturbance of energy corridors throughout the West. We recommend that the Agencies designate energy corridors along existing interstate highways and U.S. highways, for example, as well as major secondary state-designated paved highways wherever feasible. The Agencies should encourage the use of existing infrastructure within already disturbed areas as much as possible. There are enormous advantages to this approach. It will reduce the overall financial costs of projects from planning to construction to maintenance. It will reduce impacts to wildlife and sensitive lands.

We also urge the Agencies to adopt BMPs intended to avoid additional fragmentation of wildlife habitat. While fragmentation can be difficult to measure, there are ways to do so.⁵ We refer the Agencies to the discussion of habitat fragmentation contained in the scoping comments submitted by The Wilderness Society (TWS) and join TWS in its recommendation that the WECPEIS include an analysis of the existing degree of fragmentation on western federal lands under consideration for energy corridors, its impact on wildlife, and appropriate locations for corridors that will avoid such habitat losses.⁶ For example, the Agencies should adopt limits on the amount of disturbed acreage permitted within certain habitat types.⁷

⁴ United States Departments of Agriculture, the Interior, and Commerce and the Council on Environmental Quality, Report to Congress: Corridors and Rights-of-Way on Federal Lands (November 7, 2005), pp. 39-41.

⁵ See, e.g., Wyoming Game and Fish Department, "A Strategy for Managing Energy Development Consistently with the FLPMA Principles of Multiple Use and Sustained Yield" (available on WGFD's website at: <<http://gf.state.wy.us/habitat/index.asp>>)[hereinafter WGFD Guidelines]; Bureau of Land Management, Draft Vernal Resource Area Management Plan/Environmental Impact Statement (January 2005) Appendix I and Section 3.19.2.

⁶ An ongoing study by Sawyer et al. (2004) of GPS collared deer on the Pinedale Anticline observed that mule deer utilized habitat progressively farther from roads and well pads over three years of increasing gas development. The mule deer showed no evidence of acclimating to energy-related infrastructure.

⁷ See, e.g., WGFD Guidelines.

The habitat fragmentation and loss that are likely to result from the designation, construction, and use of these corridors as well as the expanded energy development that will follow upon designation of such corridors could cause irreparable damage to wildlife throughout the eleven western states. The Agencies must specifically investigate these potential environmental consequences and take steps to avoid or minimize them.

Range of Alternatives

Finally, we are concerned that the range of alternatives identified thus far by the Agencies is extremely limited. There is, for example, no alternative that would seek to consolidate the existing energy corridor infrastructure and reduce the environmental impacts of such activities on western federal lands. We urge you to examine an alternative that would limit energy corridors to areas adjacent to federal highways and other major state and municipal roadways. You should also examine the benefits of limiting all permitted rights-of-way to these designated corridors where possible.

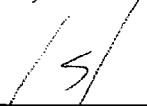
Conclusion

We thank you for the opportunity to provide input regarding the management of our public lands. We look forward to reviewing the draft WECPEIS when it is completed.

Sincerely,



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