

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
 PHONE (208) 478-3700
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FORT HALL BUSINESS COUNCIL
 P.O. BOX 306
 FORT HALL, IDAHO 83203

November 4, 2011

Project Manager
 Gateway West Transmission Line EIS
 Bureau of Land Management
 P.O. Box 20879
 Cheyenne, WY 82003

RE: Shoshone-Bannock Tribes comments to Draft Environmental Impact Statement for the Gateway West Transmission Line project.

The Shoshone-Bannock Tribes (Tribes) have reviewed the draft Environmental Impact Statement (EIS) for the proposed Gateway West Transmission Line project (Project) and offer the following comments for consideration. The Tribes request that the Bureau of Land Management (BLM) consider the issues presented in this comment letter and respond in writing to the Tribes; indicating how the comments were evaluated and where changes, if applicable, were made for the final EIS and Record of Decision (ROD).

Consideration during the NEPA Process

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321-4347, January 1, 1970) requires federal agencies to provide a process which results in a more comprehensive and strategic approach to decision-making; integrating environmental considerations into proposed federal actions to achieve a "productive harmony" among our various social, economic and environmental objectives. Tribal input is a necessary part of the NEPA process, helping federal agencies effectively consider Tribal rights and issues; prior to implementing an action. Without effective consultation, the Tribes often bear the burden of development activities or the adverse impacts from federal land management decisions, such as those likely to arise from the implementation of the Project. The Tribes input during this process is aimed at ensuring Tribal rights and interests are adequately represented in the final decision.

Tribal interests extend beyond the cultural and spiritual aspects of our lifestyles to the unique relationship the Tribes retain the with United States government. Various federal statutes and executive orders protect the Tribes cultural interests and treaty rights. The federal trust responsibility doctrine requires federal agencies to manage federal lands for the benefit of tribal rights and interests. Executive orders and federal law require meaningful government-to-government consultation with the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes, when actions may affect Tribal rights.

Tribal Treaty Rights

The Shoshone and Bannock peoples' aboriginal lands cover a vast geographic area and encompass what are now known as the states of Idaho, Oregon, Nevada, California, Utah, Wyoming and Montana. Rivers which our people used included the Snake, Columbia, Missouri and the Colorado river systems, all of which provided past and current subsistence resources. These natural resources provided food, medicine, shelter, clothing and other uses and purposes, intrinsic to traditional practices. The riverine ecosystem was vital to support the lifestyles of the Shoshone and Bannock people who successfully utilized the resources. Hunting for deer, elk, rabbits, sage grouse and Snake River salmon was important, along with vital native plant resources, including, but not limited to, roots, such as "doza," camas, "yampa," bitterroot, sage, sagebrush, and berries. The natural resources provided food, medicine, shelter, clothing and other uses and purposes, intrinsic to traditional practices. Hunting for big game was important, along with vital native plant resources, including roots. The topography of this area required that the local native people use a network of trails that crisscrossed along rivers, mountain ridges and passes.

Various cultural sequences or phases, as set forth in archeological chronologies, all indicate continued cultural presence of the Bannock and Shoshonean groups, whose descendants now reside on the Fort Hall Reservation in southeastern Idaho. The earliest written records, by Lewis and Clark and other emigrants verify the presence of Shoshone and Bannock people as they traveled through this region. Fur trappers confirmed these reports of hunting and trading. Intertribal relationships included warfare and socializing, between Shoshone, Bannock and other tribes, such as the Flatheads and Blackfeet.

In June 1867, an Executive Order established the Fort Hall Indian Reservation, as a collective place to consolidate the various bands of Shoshones, Bannocks and even other tribes, from their aboriginal lands, clearing the way for European-American settlements, such as ranchers and miners who desired rich resources present on aboriginal lands. The United States then signed a treaty, the Treaty with the Eastern Shoshone and Bannock Indians in 1868 with Shoshone and Bannock headmen (commonly referred to as the "Fort Bridger Treaty"). The Fort Bridger Treaty of July 3, 1868 was the only treaty ratified by Congress between the Eastern Shoshone bands and the Bannocks. In the Treaty, the Shoshone and Bannock people expressly reserved off-reservation hunting, fishing and gathering rights on the unoccupied lands of the United States. The Fort Bridger Treaty (15 Stat 73) Article IV states:

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Article IV reserved the right for the Tribes to maintain a cultural, social and spiritual link to our ancestral homelands. Over the past 140 years the Tribes have utilized these unoccupied lands to visit significant sites, hunt fish and wildlife for subsistence, gathered botanical species for

medicine and food. In addition to the reserved Treaty rights, Tribal members also continue to exercise inherent rights including, but not limited to, visits to sacred sites or practice of traditional cultural practices. The Fort Hall Business Council is obligated to protect and preserve both Treaty rights and any inherent rights. The Tribes remain concerned that this Project has the potential to impact both Treaty and inherent rights, and the component resources which underlie those rights.

Ceded Lands of the Fort Hall Reservation

The Fort Hall Reservation once encompassed approximately 2 million acres in Southeast Idaho. Subsequent cessions reduced the territory to its current size, approximately 544,000 acres. The cession agreements contained certain provisions providing for priority rights on the ceded lands, which include Forest Service lands in the Caribou-Targhee National Forest and BLM lands in the Pocatello Field Office. One provision in the cession agreements, highlighted below, reserved priority rights for natural resources within that ceded area.

*“So long as any of the lands ceded, granted, and relinquished under this treaty remain a part of the public domain, Indians belonging to the above mentioned tribes (Shoshone-Bannock Tribes), and living on the reduced reservation, shall have the right, **without any charge therefore**, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and fish in the streams therefore.”*
(31 stat 672, Article IV)

In *Swim v. Bergland*, 696 F.2d 712, (United States Court of Appeals for the Ninth Circuit, January 13, 1983), the Ninth Circuit Court of Appeals considered the rights of Tribal members to graze and pasture livestock on public lands within the original boundaries of the reservation. The Court affirmed the 1898 cession agreement is still in effect and it accords the Shoshone-Bannock Tribes *priority* rights for grazing. The Court held that the Tribes have continuing grazing rights on that portion of the Caribou-Targhee National Forest which the Tribes ceded to the government in the 1898 Agreement. The Court further held that the Tribes were entitled to priority grazing rights in the ceded lands now part of the Caribou-Targhee National Forest.

In the same article of the Agreement is an express reservation of the right to harvest timber for personal use. The Tribes are willing to work collaboratively through the process to identify specific resource concerns regarding the harvest of timber from the lands covered under these cession agreements. An important component of this discussion is the recognition of those priority rights reserved by the Tribes and the development of an effective mechanism to ensure those resources are available for Tribal use. The Tribes request the BLM follow previous consultation protocol to establish a mechanism to continue the responsible exercise of reserved rights under the 1898 agreement.

Snake River Policy

The Tribes stress the importance of initiating efforts to restore the Snake River system and affected unoccupied lands to a natural condition. Article IV of the Fort Bridger Treaty of July 3, 2868, reserved the right to hunt on the unoccupied lands of the United States and the Tribes work diligently to ensure the protection, preservation and enhancement of those rights for future generations. The Tribes management policies generally allow for supporting federal proposals

that will improve or restore resource conditions. The Shoshone-Bannock Tribes Policy for Management of the Snake River Basin Resources states:

The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.

The lands and resources within the Project area are an important part of the Tribes' history, contemporary subsistence and cultural practices. The Project has the potential to impact cultural and natural resources within the Tribes' original territory. The proponent and BLM need to consider and implement specific strategies to ensure future generations of Tribal members will have the same unique opportunities to enjoy the natural landscape, gather resources and continue traditional cultural practices.

Segment 5 Alternatives

During a consultation with the manager for the BLM Upper Snake District in Idaho, the Tribes and the Bureau of Indian Affairs (BIA) Fort Hall Agency were approached with a proposal to evaluate the potential impacts of a segment of transmission lines passing through the exterior boundaries of the Reservation along an existing transmission corridor. The Tribes determined that to adequately evaluate the Project, it would be appropriate to include an alternative that crossed the Reservation. As stated in the Tribes' response letter to the BLM in 2009:

“The permission to study a route through the reservation does not approve and is not intended to convey approval for the actual construction of the Gateway Project on reservation lands. The intent of this transmission is only to approve the use of reservation lands to develop an alternative for use in the EIS. Any further action on the use of Tribal lands for a transmission line must be made at a later date, by a formal vote of the Fort Hall Business Council.”

The BLM and proponent accepted the offer to study an alternative and engaged in a series of data collection efforts for use in the EIS to develop an alternative in Segment 5 that crossed the Fort Hall Reservation.

The Tribes further used the opportunity requested by the proponent to host a Project meeting with Tribal staff, members of the Fort Hall Business Council, and individual Tribal members. The meeting was attended by representatives of both Idaho Power Company and Rocky Mountain Power Company, who presented a general overview of the Project and proposed an initial Right-of-Way (ROW) offer to the Tribes for the segment. The offer was not deemed acceptable and the proponent has not contacted the Tribes nor initiated efforts to negotiate further on the alternative.

If the proponent wants to pursue a ROW through tribal and allotted lands, the BIA and the proponent applying for a ROW across tribal lands has a responsibility to follow the process laid out in 25 CFR 169 for transmission lines that cross the reservation. The Tribes have the right to evaluate the value of the ROW using internal models. The Tribes apply an opportunity cost model, in-flow methodology, or similar technique to provide an appropriate land valuation rate that considers appropriate mitigation for utilization of Tribal lands. The ROW must also be accompanied by the procurement of the appropriate trespass permits for proponent employees and closely coordinated with the Tribes' Land Use Department and the proponent has the obligation to follow all other tribal laws and ordinances. The Tribes will retain full enforcement rights on all Tribal lands and the corresponding rights to modify permits to accommodate changed circumstances and emergencies.

The Tribes made the proponent and BLM representatives fully aware of the requirements for utilizing Tribal lands and the ROW rate expectations from a project of this scale. Both Idaho Power and Rocky Mountain Power have current ROW's that cross the reservation and both companies have gone through this process multiple times. Due to the lack of any further efforts to negotiate development of an alternative crossing the Reservation, and an expression of unwillingness to accept the basic requirements of a ROW on reservation lands from the proponent, the Tribes cannot support continued evaluation of Alternative 5A. If the BLM and proponent are interested in continuing dialogue on the route through the Reservation, those conversations must be initiated immediately to avoid any further delay in the process. If there are no further discussions planned with the Tribes regarding Alternative 5A, then the Tribes would recommend removing it from the list of viable alternatives in Segment 5; and move forward with more feasible alternatives south of the Reservation.

Since the BLM has already conducted various studies on the Reservation, the Tribes requests that all data from wildlife and cultural studies prepared for this project be provided to the Tribes and that the BLM treat the cultural resource information in a sensitive and confidential manner. If the Alternative 5A remains in the FEIS, the BLM and its contractors must coordinate with Tribal biologists and HeTO staff for all on Reservation activities.

It must be noted that each of the remaining alternatives in segment 5 cross through the ceded boundary of the Reservation, and accordingly, the Tribes must be intimately involved in any project activities. This includes discussions on the disposition of harvestable quantities of timber or any potential impacts to grazing allotments on public lands in the ceded area.

Wildlife Resources

The Tribes continue to hunt wildlife species in the Project area and formally request the BLM protect access and harvest opportunities from proposed Project development activities. Access to hunting areas is a vital component of the Treaty and inherent rights, any proposal to limit the ability to exercise reserved or inherent rights will be viewed by the Tribes as unacceptable. Accordingly, adverse modifications to wildlife habitat are also a significant concern for the Tribes and a re-evaluation potential habitat mitigation measures should also be considered during the planning process.

Migratory Waterfowl

The Snake River plain, Bear Lake complex, and associated wetlands have been home to significant populations of numerous species of migratory waterfowl since time immemorial. The Tribes rely on robust populations of these species to continue contemporary subsistence and economic activities. The integrity of the migratory flyway is an issue that needs to be carefully examined in the final EIS and according mitigation measures need to be incorporated into the ROD for the Project. The Tribes are particularly concerned about the alignment for the Project being perpendicular to the migratory flyway and its potential to disrupt utilization of available habitat in the Project area.

Raptors

The raptor species are of critical cultural importance to the Tribes that would be negatively impacted by the Project, and each alternative contains significant risks to the integrity of the species along the Project corridor. Golden eagles carry an especially high intrinsic value to the Tribes, so the Tribes request to be involved in the studies that may be necessary to determine eagle use of the area, including potential telemetry studies. Invasive methods that may result in undue stress to eagles must be avoided. The Tribes are particularly concerned about the corridor's alignment alternatives that encroach near or through the Snake River Birds of Prey National Conservation Area south of Boise along the Snake River.

Sage Grouse and Sharp-Tail Grouse

Sage Grouse is a significant species in the Shoshone and Bannock cultures. The tangible significance of Sage Grouse is illustrated in tribal traditional dance and ceremonial songs, which speak of the power the sage grouse possesses. The Sage Grouse is also a traditional subsistence resource and a part of the traditional diet of the Shoshone Bannock Tribes. On a broad cultural scale, the Sage Grouse is an integral component of the web of life and plays an important role in maintaining the balance of life. The Tribes do not support any proposals which would result in the short or long-term displacement of Sage Grouse, and urge the BLM to monitor habitat and populations to prevent adverse impacts from the proposed Project.

The EIS reveals that the Project area contains substantial stretches of critical sage-grouse or sharp tail grouse habitat that includes every life stage for the species. Further, the Project is proposed to move through areas that are basically undisturbed and still provide substantial opportunities for recruitment and maintenance of these populations. Each of the alternatives poses a substantial risk, even with the assumption that these birds will behave in a similar fashion to sage-grouse in oil and gas developed areas. There is a very real potential that the construction of the Project will result in an irretrievable loss of critical sage-grouse habitat and an actual loss of birds from the associated infrastructure and towers. The proposed mitigation by the applicant generally states off site mitigation would be pursued, but offers little specifics in the EIS.

Noxious and Invasive Species

In accordance with the Tribes' Policy for Management of the Snake River Basin Resources, the Tribes urge the BLM to require active restoration of the native plant communities potentially affected by Project activities. Traditional, subsistence and medicinal plants the Tribal members rely upon have often been unduly compromised due to the introduction and invasion of non-native plants. The Tribes request a full restoration of any construction disturbance, utilizing

native plant species, and the proponent give specific management protocol for preventing the spread of noxious or invasive species during other Project activities; such as routine driving along trails for maintenance.

The Tribes are concerned about potential impacts to native botanical communities. Tribal elders and staff indicated concern over the removal of shrubs and brushes due to the tower construction. A healthy community of native botanical species provides unique opportunities for Tribal members to continue to harvest wildlife and plant resources as a part of traditional, medicinal and subsistence activities, which Tribal people conducted from time immemorial. Botanical products are essential to the survival of Tribal culture, medicinal uses, language and continued traditional cultural practices. Traditional cultural practices surrounding the harvest of botanical species have a unique place in Tribal culture; as the gathering of botanical species often coincide with seasonal use patterns. Maintaining these patterns helps pass traditional knowledge to younger generations.

The Tribes would recommend including an analysis in the FEIS for a comprehensive vegetation management plan, developed by the BLM and the proponent, to reduce or eliminate the probable impacts to vegetation from the Project. At a minimum the Tribes would expect that a proposal for a large scale operation, such as the Project, would include a noxious weed control program and a native vegetation rehabilitation program within the area affected by operations and construction. Successful examples of noxious weed programs often include GIS modeling for weed spread, mechanical and chemical treatments, and transport vehicle cleaning stations for all vehicles entering the Project area. A rehabilitation project would focus on restoring those component vegetation resources in the project area where feasible. Replanting previously affected areas in the Project area with native species to increase the spatial structure of special status plants would help reduce the potential for the Project to adversely impact these resources. In reviewing the DEIS, the Tribes were concerned that these features were not adequately presented in the document, and would like to highlight the importance of resource planning for a project of this scope.

Visual Resources

The Tribes encourage transmission lines on private lands only, to protect Tribal rights and resources located on federal lands. The Tribes are concerned about the visual impacts from the 110 to 130 feet steel towers, which would alter the areas that are not within existing utility corridors. The value of the pristine open landscape is extremely high to the Tribes, must be protected from unsightly towers by constraining development to previously disturbed areas.

Habitat Mitigation Program

Assuming that approval to move forward with the Project is granted in the final EIS and Record of Decision, the Tribes formally request that an off-site mitigation program be required of the proponent to replace lost or disturbed fish and wildlife habitat along the corridor. For the purposes of the Project, the Tribes would recommend evaluating habitat impacts to Sage Grouse, Sharp-Tail Grouse, raptors, migratory waterfowl, small mammals, fish, and other protected species.

A clear example of this type of mitigation is already in effect across the Columbia River basin, funded by the Bonneville Power Administration. In Idaho, the Tribes are a partner in the Southern Idaho Wildlife Mitigation program, which was required by the Northwest Power Act, to mitigate for lost habitat from the construction, inundation and operation of the federal Snake River hydroelectric projects. The State of Idaho, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes each develop proposals for acquisition and protection of habitat designed to replace those lost habitat units; which may include acquisition of private property or conservation easements on available habitat. A similar program for the Project would result in complete replacement, over the life of the Project, for lost or disturbed habitat, funded directly by the proponent and rate-payers.

The Tribes would propose to use the habitat inventory, by target species, found in the EIS to set up a base assessment of potentially lost or disturbed habitat. That assessment would then be converted to a ledger of habitat units that the proponent would be required to replace throughout the project life. The Tribes recommend that a program, composed of the relevant fish and wildlife managers, be given access to program funds to identify replacement habitat, purchase conservation easements or property from willing sellers, and manage that habitat for the benefit of target species in perpetuity. Every habitat unit replaced would then be assessed against the ledger until the transmission line is completely mitigated. Although the proponent will assume that the moderate compensatory mitigation for the easement is enough to cover the externalized impacts to habitat, the Tribes maintain the position that if the corridor is approved a program must be developed to replace lost habitat for target species.

Cultural Resources

The Tribes have an expanded definition of cultural resources, utilizing a holistic perspective that encompasses plants, water, animals and humans, and the relationship existing between them. Cultural resources located along the Project corridor are highly significant because they directly contribute to the Shoshone and Bannock peoples' unique cultural heritage. Simply stated, a cultural resource is any resource of cultural character. Cultural resources are those social institutions, practices, beliefs, religious practices, sacred landscapes and objects, archaeological sites, natural resources and their use, intellectual property, oral traditions, language, historical documents and structures, secular and non secular items are cultural resources. An expanded definition of cultural resources is warranted in the EIS to ensure all resources receive an inclusive analysis for project impacts.

The EIS insufficiently characterizes cultural resources as only archeological resources, a typical 'stones and bones' analysis of impacts. Common impacts from project development to archaeological sites includes trampling, disturbing site stratigraphy, breakage of artifacts, soil erosion exposing buried artifacts for looting, and removal of artifacts. Unidentified archaeological sites and traditional cultural properties are at risk from the same impacts.

In the event that the Project is ultimately approved in some form, the Tribes request that a cultural resource management plan should be developed, in consultation and concurrence with affected tribes for these BLM lands, and if possible, on private and state lands. If the BLM truly intends to include the Tribes in future preservation or data recovery efforts to promote effective management of cultural resources, then any agreements must include the tribes. An effective

plan, with tribal participation, should address native plants, subsistence hunting and gathering, medicinal and ceremonial plants, petroglyphs, pictographs, and other traditional cultural properties which may be impacted by BLM land management. Interagency coordination may also be required between other federal land managers and local BLM field offices to avoid conflicting or duplicative management schemes for cultural resources.

Formal consultation between local Field Office, Tribal staff, and the Fort Hall Business Council is necessary to effectively address the control of confidential information. NHPA § 106 Consultation provides opportunity for Tribal input over how best to manage the cultural resources on BLM lands. To date, this Project has raised numerous 'red-flags' with the Tribal community regarding the irreversible loss of significant cultural resources. Any future consultation with the Tribes necessarily must include an in-depth discussion about the impacts and what can be 'avoided' through creative management strategies and what resources would be destroyed by development; in particular during the actual site selection for an approved route.

A cultural resource management plan should also include protocols for coordinating with tribes regarding inadvertent discoveries, burials, curation of Native American cultural materials, and Native American archeological sites. The Tribes would also need to be immediately notified if any cultural artifacts or human remains are uncovered or inadvertently discovered; with an immediate stop work order for construction activities. When necessary, Section 106 compliance needs to occur or the required NAGPA consultation is initiated with the Tribes. In such a situation, the Tribes request no work proceed until Tribal staff concurs/approves. The Tribes further request that qualified Tribal members be hired to assist in monitoring requirements for this Project. Please contact the Tribal HETO office for questions.

Cumulative Impacts of Energy Development

Cumulative impacts to the area, if the Project is ultimately approved, may lead to additional energy development along the corridor; further increasing the potential to impact sensitive resources and Tribal rights. The cumulative impacts analysis for fish and wildlife, cultural resources and Treaty rights reveals substantial impacts to the Tribes in several key areas from this particular Project. Taken as a whole, the Project will increase the likelihood that irreversible and irretrievable impacts will occur to natural and cultural resources of importance to the Tribes. While it is important to reconcile energy needs with available resources, an analysis of the Project reveals impacts of serious magnitude to the Project area.

Simply driving through major transportation routes in Idaho and eastern Wyoming, it's apparent that a dramatic increase of wind farms and natural gas development is occurring, which may result in impacts to migratory birds, wildlife and especially to regional and local habitat. Major changes to the character of the land are being made, often with no analysis for those wind farms constructed on private lands. The purpose of an effective cumulative analysis is to account for those reasonable and foreseeable impacts from increasing the capacity of existing transmission lines; which in turn increases the demand for energy resources along the corridor from wind, hydroelectric, coal and natural gas.

Conclusion

The BLM has the discretion to approve, modify or deny the applicants request for a right-of-way for all Project activities. The Tribes request that the BLM heavily consider the comments submitted and earnestly develop a comprehensive mitigation program due to the significant adverse impacts to the environment. Understanding that the BLM is under a multi-use mandate, the Tribes remind and emphasize that the BLM also has a federal trust responsibility to the Tribes to manage lands under their jurisdiction in a manner which preserves and protects Treaty and cultural resources. By preserving the unique natural and cultural resources present in the Project area, without additional structures or developments, the BLM is upholding and supporting those Tribal rights for future generations.

If you have any further technical questions regarding this submission, please call Yvette Tuell, Environmental Coordinator, at 208-239-4552 or email at ytuell@sbtribes.com. For policy questions on further consultation with the Fort Hall Business Council, contact Claude Broncho, Fish & Wildlife Policy Representative at 208-239-4563 or at cbroncho@sbtribes.com.

Sincerely,

A handwritten signature in blue ink that reads "Glenn Fisher". The signature is written in a cursive style.

Glenn Fisher, Vice-Chairman
Fort Hall Business Council, Shoshone-Bannock Tribes

From: Kerri Franklin
Sent: Tuesday, November 08, 2011 8:41 AM
To: Gateway BLM
Subject: 16793 FW: Shoshone-Bannock Tribes comments to Gateway West DEIS
Attachments: BLM.Gateway.DEIS.11.4.11.pdf

Kerri Franklin | EnviroIssues

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206.269.5041 | www.enviroissues.com

From: George, Walter E [<mailto:wgeorge@blm.gov>]
Sent: Sunday, November 06, 2011 4:06 PM
To: Kerri Franklin; Ara Swanson
Cc: 'joe.iozzi@tetrattech.com'
Subject: Fw: Shoshone-Bannock Tribes comments to Gateway West DEIS

DEIS comments from the Shoshone-Bannock Tribes. One week late.

From: Yvette Tuell [<mailto:ytuell@sbtribes.com>]
Sent: Friday, November 04, 2011 01:47 PM
To: BLM_WY_Gateway_West_Trans_Line; George, Walter E; Pacioretty, David A
Cc: Chad Colter <ccolter@sbtribes.com>; Dan Stone <dstone@sbtribes.com>; Claude Broncho <cbroncho@sbtribes.com>
Subject: Shoshone-Bannock Tribes comments to Gateway West DEIS

Walt,

Please find the attached Shoshone-Bannock Tribes comment to the Gateway West DEIS. Hard copies are being mailed today.

Thanks. Yvette

Yvette Tuell
Environmental Coordinator
Shoshone-Bannock Tribes
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208-239-4552 (office)
ytuell@sbtribes.com

The SHOSHONE-BANNOCK TRIBES

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*"So long as any of the lands ceded, granted, and relinquished under this treaty remain a part of the public domain, Indians belonging to the above mentioned tribes (Shoshone-Bannock Tribes), and living on the reduced reservation, shall have the right, **without any charge therefore**, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and fish in the streams therefore."*
(31 stat 672, Article IV)

In *Swim v. Bergland*, 696 F.2d 712, (United States Court of Appeals for the Ninth Circuit, January 13, 1983), the Ninth Circuit Court of Appeals considered the rights of Tribal members to graze and pasture livestock on public lands within the original boundaries of the reservation. The Court affirmed the 1898 cession agreement is still in effect and it accords the Shoshone-Bannock Tribes *priority* rights for grazing. The Court held that the Tribes have continuing grazing rights on that portion of the Caribou-Targhee National Forest which the Tribes ceded to the government in the 1898 Agreement. The Court further held that the Tribes were entitled to priority grazing rights in the ceded lands now part of the Caribou-Targhee National Forest.

In the same article of the Agreement is an express reservation of the right to harvest timber for personal use. The Tribes are willing to work collaboratively through the process to identify specific resource concerns regarding the harvest of timber from the lands covered under these cession agreements. An important component of this discussion is the recognition of those priority rights reserved by the Tribes and the development of an effective mechanism to ensure those resources are available for Tribal use. The Tribes request the BLM follow previous consultation protocol to establish a mechanism to continue the responsible exercise of reserved rights under the 1898 agreement.

Snake River Policy

The Tribes stress the importance of initiating efforts to restore the Snake River system and affected unoccupied lands to a natural condition. Article IV of the Fort Bridger Treaty of July 3, 2868, reserved the right to hunt on the unoccupied lands of the United States and the Tribes work diligently to ensure the protection, preservation and enhancement of those rights for future generations. The Tribes management policies generally allow for supporting federal proposals

that will improve or restore resource conditions. The Shoshone-Bannock Tribes Policy for Management of the Snake River Basin Resources states:

The Shoshone Bannock Tribes (Tribes) will pursue, promote, and where necessary, initiate efforts to restore the Snake River systems and affected unoccupied lands to a natural condition. This includes the restoration of component resources to conditions which most closely represents the ecological features associated with a natural riverine ecosystem. In addition, the Tribes will work to ensure the protection, preservation, and where appropriate-the enhancement of Rights reserved by the Tribes under the Fort Bridger Treaty of 1868 (Treaty) and any inherent aboriginal rights.

The lands and resources within the Project area are an important part of the Tribes' history, contemporary subsistence and cultural practices. The Project has the potential to impact cultural and natural resources within the Tribes' original territory. The proponent and BLM need to consider and implement specific strategies to ensure future generations of Tribal members will have the same unique opportunities to enjoy the natural landscape, gather resources and continue traditional cultural practices.

Segment 5 Alternatives

During a consultation with the manager for the BLM Upper Snake District in Idaho, the Tribes and the Bureau of Indian Affairs (BIA) Fort Hall Agency were approached with a proposal to evaluate the potential impacts of a segment of transmission lines passing through the exterior boundaries of the Reservation along an existing transmission corridor. The Tribes determined that to adequately evaluate the Project, it would be appropriate to include an alternative that crossed the Reservation. As stated in the Tribes' response letter to the BLM in 2009:

"The permission to study a route through the reservation does not approve and is not intended to convey approval for the actual construction of the Gateway Project on reservation lands. The intent of this transmission is only to approve the use of reservation lands to develop an alternative for use in the EIS. Any further action on the use of Tribal lands for a transmission line must be made at a later date, by a formal vote of the Fort Hall Business Council."

The BLM and proponent accepted the offer to study an alternative and engaged in a series of data collection efforts for use in the EIS to develop an alternative in Segment 5 that crossed the Fort Hall Reservation.

The Tribes further used the opportunity requested by the proponent to host a Project meeting with Tribal staff, members of the Fort Hall Business Council, and individual Tribal members. The meeting was attended by representatives of both Idaho Power Company and Rocky Mountain Power Company, who presented a general overview of the Project and proposed an initial Right-of-Way (ROW) offer to the Tribes for the segment. The offer was not deemed acceptable and the proponent has not contacted the Tribes nor initiated efforts to negotiate further on the alternative.

If the proponent wants to pursue a ROW through tribal and allotted lands, the BIA and the proponent applying for a ROW across tribal lands has a responsibility to follow the process laid out in 25 CFR 169 for transmission lines that cross the reservation. The Tribes have the right to evaluate the value of the ROW using internal models. The Tribes apply an opportunity cost model, in-flow methodology, or similar technique to provide an appropriate land valuation rate that considers appropriate mitigation for utilization of Tribal lands. The ROW must also be accompanied by the procurement of the appropriate trespass permits for proponent employees and closely coordinated with the Tribes' Land Use Department and the proponent has the obligation to follow all other tribal laws and ordinances. The Tribes will retain full enforcement rights on all Tribal lands and the corresponding rights to modify permits to accommodate changed circumstances and emergencies.

The Tribes made the proponent and BLM representatives fully aware of the requirements for utilizing Tribal lands and the ROW rate expectations from a project of this scale. Both Idaho Power and Rocky Mountain Power have current ROW's that cross the reservation and both companies have gone through this process multiple times. Due to the lack of any further efforts to negotiate development of an alternative crossing the Reservation, and an expression of unwillingness to accept the basic requirements of a ROW on reservation lands from the proponent, the Tribes cannot support continued evaluation of Alternative 5A. If the BLM and proponent are interested in continuing dialogue on the route through the Reservation, those conversations must be initiated immediately to avoid any further delay in the process. If there are no further discussions planned with the Tribes regarding Alternative 5A, then the Tribes would recommend removing it from the list of viable alternatives in Segment 5; and move forward with more feasible alternatives south of the Reservation.

Since the BLM has already conducted various studies on the Reservation, the Tribes requests that all data from wildlife and cultural studies prepared for this project be provided to the Tribes and that the BLM treat the cultural resource information in a sensitive and confidential manner. If the Alternative 5A remains in the FEIS, the BLM and its contractors must coordinate with Tribal biologists and HeTO staff for all on Reservation activities.

It must be noted that each of the remaining alternatives in segment 5 cross through the ceded boundary of the Reservation, and accordingly, the Tribes must be intimately involved in any project activities. This includes discussions on the disposition of harvestable quantities of timber or any potential impacts to grazing allotments on public lands in the ceded area.

Wildlife Resources

The Tribes continue to hunt wildlife species in the Project area and formally request the BLM protect access and harvest opportunities from proposed Project development activities. Access to hunting areas is a vital component of the Treaty and inherent rights, any proposal to limit the ability to exercise reserved or inherent rights will be viewed by the Tribes as unacceptable. Accordingly, adverse modifications to wildlife habitat are also a significant concern for the Tribes and a re-evaluation potential habitat mitigation measures should also be considered during the planning process.

Migratory Waterfowl

The Snake River plain, Bear Lake complex, and associated wetlands have been home to significant populations of numerous species of migratory waterfowl since time immemorial. The Tribes rely on robust populations of these species to continue contemporary subsistence and economic activities. The integrity of the migratory flyway is an issue that needs to be carefully examined in the final EIS and according mitigation measures need to be incorporated into the ROD for the Project. The Tribes are particularly concerned about the alignment for the Project being perpendicular to the migratory flyway and its potential to disrupt utilization of available habitat in the Project area.

Raptors

The raptor species are of critical cultural importance to the Tribes that would be negatively impacted by the Project, and each alternative contains significant risks to the integrity of the species along the Project corridor. Golden eagles carry an especially high intrinsic value to the Tribes, so the Tribes request to be involved in the studies that may be necessary to determine eagle use of the area, including potential telemetry studies. Invasive methods that may result in undue stress to eagles must be avoided. The Tribes are particularly concerned about the corridor's alignment alternatives that encroach near or through the Snake River Birds of Prey National Conservation Area south of Boise along the Snake River.

Sage Grouse and Sharp-Tail Grouse

Sage Grouse is a significant species in the Shoshone and Bannock cultures. The tangible significance of Sage Grouse is illustrated in tribal traditional dance and ceremonial songs, which speak of the power the sage grouse possesses. The Sage Grouse is also a traditional subsistence resource and a part of the traditional diet of the Shoshone Bannock Tribes. On a broad cultural scale, the Sage Grouse is an integral component of the web of life and plays an important role in maintaining the balance of life. The Tribes do not support any proposals which would result in the short or long-term displacement of Sage Grouse, and urge the BLM to monitor habitat and populations to prevent adverse impacts from the proposed Project.

The EIS reveals that the Project area contains substantial stretches of critical sage-grouse or sharp tail grouse habitat that includes every life stage for the species. Further, the Project is proposed to move through areas that are basically undisturbed and still provide substantial opportunities for recruitment and maintenance of these populations. Each of the alternatives poses a substantial risk, even with the assumption that these birds will behave in a similar fashion to sage-grouse in oil and gas developed areas. There is a very real potential that the construction of the Project will result in an irretrievable loss of critical sage-grouse habitat and an actual loss of birds from the associated infrastructure and towers. The proposed mitigation by the applicant generally states off site mitigation would be pursued, but offers little specifics in the EIS.

Noxious and Invasive Species

In accordance with the Tribes' Policy for Management of the Snake River Basin Resources, the Tribes urge the BLM to require active restoration of the native plant communities potentially affected by Project activities. Traditional, subsistence and medicinal plants the Tribal members rely upon have often been unduly compromised due to the introduction and invasion of non-native plants. The Tribes request a full restoration of any construction disturbance, utilizing

native plant species, and the proponent give specific management protocol for preventing the spread of noxious or invasive species during other Project activities; such as routine driving along trails for maintenance.

The Tribes are concerned about potential impacts to native botanical communities. Tribal elders and staff indicated concern over the removal of shrubs and brushes due to the tower construction. A healthy community of native botanical species provides unique opportunities for Tribal members to continue to harvest wildlife and plant resources as a part of traditional, medicinal and subsistence activities, which Tribal people conducted from time immemorial. Botanical products are essential to the survival of Tribal culture, medicinal uses, language and continued traditional cultural practices. Traditional cultural practices surrounding the harvest of botanical species have a unique place in Tribal culture; as the gathering of botanical species often coincide with seasonal use patterns. Maintaining these patterns helps pass traditional knowledge to younger generations.

The Tribes would recommend including an analysis in the FEIS for a comprehensive vegetation management plan, developed by the BLM and the proponent, to reduce or eliminate the probable impacts to vegetation from the Project. At a minimum the Tribes would expect that a proposal for a large scale operation, such as the Project, would include a noxious weed control program and a native vegetation rehabilitation program within the area affected by operations and construction. Successful examples of noxious weed programs often include GIS modeling for weed spread, mechanical and chemical treatments, and transport vehicle cleaning stations for all vehicles entering the Project area. A rehabilitation project would focus on restoring those component vegetation resources in the project area where feasible. Replanting previously affected areas in the Project area with native species to increase the spatial structure of special status plants would help reduce the potential for the Project to adversely impact these resources. In reviewing the DEIS, the Tribes were concerned that these features were not adequately presented in the document, and would like to highlight the importance of resource planning for a project of this scope.

Visual Resources

The Tribes encourage transmission lines on private lands only, to protect Tribal rights and resources located on federal lands. The Tribes are concerned about the visual impacts from the 110 to 130 feet steel towers, which would alter the areas that are not within existing utility corridors. The value of the pristine open landscape is extremely high to the Tribes, must be protected from unsightly towers by constraining development to previously disturbed areas.

Habitat Mitigation Program

Assuming that approval to move forward with the Project is granted in the final EIS and Record of Decision, the Tribes formally request that an off-site mitigation program be required of the proponent to replace lost or disturbed fish and wildlife habitat along the corridor. For the purposes of the Project, the Tribes would recommend evaluating habitat impacts to Sage Grouse, Sharp-Tail Grouse, raptors, migratory waterfowl, small mammals, fish, and other protected species.

A clear example of this type of mitigation is already in effect across the Columbia River basin, funded by the Bonneville Power Administration. In Idaho, the Tribes are a partner in the Southern Idaho Wildlife Mitigation program, which was required by the Northwest Power Act, to mitigate for lost habitat from the construction, inundation and operation of the federal Snake River hydroelectric projects. The State of Idaho, Shoshone-Bannock Tribes, and Shoshone-Paiute Tribes each develop proposals for acquisition and protection of habitat designed to replace those lost habitat units; which may include acquisition of private property or conservation easements on available habitat. A similar program for the Project would result in complete replacement, over the life of the Project, for lost or disturbed habitat, funded directly by the proponent and rate-payers.

The Tribes would propose to use the habitat inventory, by target species, found in the EIS to set up a base assessment of potentially lost or disturbed habitat. That assessment would then be converted to a ledger of habitat units that the proponent would be required to replace throughout the project life. The Tribes recommend that a program, composed of the relevant fish and wildlife managers, be given access to program funds to identify replacement habitat, purchase conservation easements or property from willing sellers, and manage that habitat for the benefit of target species in perpetuity. Every habitat unit replaced would then be assessed against the ledger until the transmission line is completely mitigated. Although the proponent will assume that the moderate compensatory mitigation for the easement is enough to cover the externalized impacts to habitat, the Tribes maintain the position that if the corridor is approved a program must be developed to replace lost habitat for target species.

Cultural Resources

The Tribes have an expanded definition of cultural resources, utilizing a holistic perspective that encompasses plants, water, animals and humans, and the relationship existing between them. Cultural resources located along the Project corridor are highly significant because they directly contribute to the Shoshone and Bannock peoples' unique cultural heritage. Simply stated, a cultural resource is any resource of cultural character. Cultural resources are those social institutions, practices, beliefs, religious practices, sacred landscapes and objects, archaeological sites, natural resources and their use, intellectual property, oral traditions, language, historical documents and structures, secular and non secular items are cultural resources. An expanded definition of cultural resources is warranted in the EIS to ensure all resources receive an inclusive analysis for project impacts.

The EIS insufficiently characterizes cultural resources as only archeological resources, a typical 'stones and bones' analysis of impacts. Common impacts from project development to archaeological sites includes trampling, disturbing site stratigraphy, breakage of artifacts, soil erosion exposing buried artifacts for looting, and removal of artifacts. Unidentified archaeological sites and traditional cultural properties are at risk from the same impacts.

In the event that the Project is ultimately approved in some form, the Tribes request that a cultural resource management plan should be developed, in consultation and concurrence with affected tribes for these BLM lands, and if possible, on private and state lands. If the BLM truly intends to include the Tribes in future preservation or data recovery efforts to promote effective management of cultural resources, then any agreements must include the tribes. An effective

plan, with tribal participation, should address native plants, subsistence hunting and gathering, medicinal and ceremonial plants, petroglyphs, pictographs, and other traditional cultural properties which may be impacted by BLM land management. Interagency coordination may also be required between other federal land managers and local BLM field offices to avoid conflicting or duplicative management schemes for cultural resources.

Formal consultation between local Field Office, Tribal staff, and the Fort Hall Business Council is necessary to effectively address the control of confidential information. NHPA § 106 Consultation provides opportunity for Tribal input over how best to manage the cultural resources on BLM lands. To date, this Project has raised numerous 'red-flags' with the Tribal community regarding the irreversible loss of significant cultural resources. Any future consultation with the Tribes necessarily must include an in-depth discussion about the impacts and what can be 'avoided' through creative management strategies and what resources would be destroyed by development; in particular during the actual site selection for an approved route.

A cultural resource management plan should also include protocols for coordinating with tribes regarding inadvertent discoveries, burials, curation of Native American cultural materials, and Native American archeological sites. The Tribes would also need to be immediately notified if any cultural artifacts or human remains are uncovered or inadvertently discovered; with an immediate stop work order for construction activities. When necessary, Section 106 compliance needs to occur or the required NAGPA consultation is initiated with the Tribes. In such a situation, the Tribes request no work proceed until Tribal staff concurs/approves. The Tribes further request that qualified Tribal members be hired to assist in monitoring requirements for this Project. Please contact the Tribal HETO office for questions.

Cumulative Impacts of Energy Development

Cumulative impacts to the area, if the Project is ultimately approved, may lead to additional energy development along the corridor, further increasing the potential to impact sensitive resources and Tribal rights. The cumulative impacts analysis for fish and wildlife, cultural resources and Treaty rights reveals substantial impacts to the Tribes in several key areas from this particular Project. Taken as a whole, the Project will increase the likelihood that irreversible and irretrievable impacts will occur to natural and cultural resources of importance to the Tribes. While it is important to reconcile energy needs with available resources, an analysis of the Project reveals impacts of serious magnitude to the Project area.

Simply driving through major transportation routes in Idaho and eastern Wyoming, it's apparent that a dramatic increase of wind farms and natural gas development is occurring, which may result in impacts to migratory birds, wildlife and especially to regional and local habitat. Major changes to the character of the land are being made, often with no analysis for those wind farms constructed on private lands. The purpose of an effective cumulative analysis is to account for those reasonable and foreseeable impacts from increasing the capacity of existing transmission lines; which in turn increases the demand for energy resources along the corridor from wind, hydroelectric, coal and natural gas.

Conclusion

The BLM has the discretion to approve, modify or deny the applicants request for a right-of-way for all Project activities. The Tribes request that the BLM heavily consider the comments submitted and earnestly develop a comprehensive mitigation program due to the significant adverse impacts to the environment. Understanding that the BLM is under a multi-use mandate, the Tribes remind and emphasize that the BLM also has a federal trust responsibility to the Tribes to manage lands under their jurisdiction in a manner which preserves and protects Treaty and cultural resources. By preserving the unique natural and cultural resources present in the Project area, without additional structures or developments, the BLM is upholding and supporting those Tribal rights for future generations.

If you have any further technical questions regarding this submission, please call Yvette Tuell, Environmental Coordinator, at 208-239-4552 or email at ytuell@sbtribes.com. For policy questions on further consultation with the Fort Hall Business Council, contact Claude Broncho, Fish & Wildlife Policy Representative at 208-239-4563 or at cbroncho@sbtribes.com.

Sincerely,



Glenn Fisher, Vice-Chairman
Fort Hall Business Council, Shoshone-Bannock Tribes

Duplicate

From: info@gatewayeis.com
Sent: Wednesday, August 31, 2011 11:37 AM
To: Gateway BLM
Subject: A comment from gatewayeis.com

Name:
Byron Schmidt

Organization:
U.S. Air Force

Mailing Address:
1050 Desert Street

Mailing Address 2:
Bldg 2215, Ste 159

City:
Mountain Home AFB

State:
ID`

Zip:
83648

Daytime Phone:
208-828-4722

E-mail:
byron.schmidt@mountainhome.af.mil

Confidential:
No

DEIS Location:
chapter 2 section 2.4.10.2 page 2-101

Comment:
Disregard previous comment about Postema 2010. That is IDANG airspace and she is the likely person to comment on their route structure.

Bureau of Land Management
Gateway West Project
P. O. Box 20879
Cheyenne, WY 82003

RE: Draft Environmental Impact Statement (DEIS) Comments

The 366th Fighter Wing (FW) at Mountain Home Air Force Base has conducted a coordinated military review of the Draft Environmental Impact Statement for the Gateway West Transmission Project. The Gateway West Project utilizes portions of the energy corridor designated by the Westwide Energy Corridor Programmatic Environmental Impact Statement (WWEC PEIS) adopted by the Bureau of Land Management by Record of Decision (ROD) released in January 2009. Pursuant to the Energy Policy Act of 2005, the Department of Defense collaborated with the Departments of Interior, Agriculture and Energy in the preparation of the WWEC PEIS, addressing impacts on military test and training operations throughout the west. Policies addressed within the WWEC PEIS and BLM ROD support coordination with DoD and appropriate measures to ensure flight safety consistent with current and programmed military operations.

The proposed project utilizes WWEC designated energy corridor 36-228 which are identified within Appendix L of the WWEC PEIS as requiring DoD coordination during project planning. This requirement is contained within Interagency Operating Procedures (IOP) including in Appendix B to the ROD (Agency Coordination, Item 1, page B-3). I understand that coordination did occur with the 366 FW during the course of the preparation of the project DEIS, however we seek additional consideration of planning and mitigation measures which would address potential safety issues involving the transect of the project across the Jarbidge Military Operating Area (MOA) as well as restricted air space (R 3202) contained within the Jarbidge MOA and located over and adjoining the Sailor Creek Range, an air to ground training facility. The Jarbidge MOA is authorized for military training operations to a floor of 100 feet above ground level. The R 3202 restrict area is authorized for military flight operations to ground surface. The following recommendations are consistent with the following Public Health and Safety IOP measure contained as Item 1 on page B-12 of the ROD.

An electricity transmission project shall be planned by the applicant to comply with FAA regulations, including lighting regulations, and to avoid potential safety issues associated with proximity to airports, military bases or training areas, or landing strips.

The following recommended mitigation measures identified by the 366 FW would address potential flight safety issues associated with the proposed project;

- Recommend burying or using 100' towers in the portion of the proposed segment between approximately MP 46 and 57 to accommodate flight safety considerations as this portion is within the Jarbidge MOA.
- Recommend burying or using 100' towers in the portion of the proposed segment between approximately 46 and 57 and MP 57 and 90 to accommodate flight safety considerations as this portion is adjacent to the Jarbidge MOA and Saylor Creek restricted airspace structures.

- Recommend burying the portion of the proposed routing between approximately MP 57 and 90 and 90 to 97 to accommodate flight safety considerations as this portion is within the Saylor Creek restricted airspace in the northwest corner.
- Recommend on any tower structures built within 5 miles of the Jarbidge or Saylor Creek airspace elements that Night Vision Goggle (NVG) LED obstruction lights be installed that comply with Aviator Night Vision Imaging Systems (ANVIS) technology which is the current military standard sensing infrared (IR) light in the 600 to 900 nanometer (nm) wavelength range.
- Recommend for any support structures built within 5 miles of the Jarbidge MOA or Saylor Creek Restricted Area (R-3202), they be constructed from tubular steel rather than lattice structures to minimize raptor nesting opportunities, thus reducing the bird strike hazard in and around these airspace elements. Steel lattice structures provide increased nesting and perching opportunities for raptors.
- Recommend that at the points where the key microwave paths between Blue Butte and the Hagerman site, and between Blue Butte and Mountain Home AFB cross the Gateway West transmission infrastructure, that they be mitigated by burial if they are not already, by recommendation.

The 366 FW also requests the following correction within the EIS; the notation (Postema 2010) from paragraph 1, on page 2-101 needs to be corrected in that this guidance was received from an Idaho Air National Guard. The consultation referred to was conducted with the 366 FW Operations Support Squadron (OSS/OSOA), the managing entity for the affected training areas.

If you have any further questions, contact Byron Schmidt, 366 FW Air Space Manager at 208-828-4722.

From: Kerri Franklin
Sent: Tuesday, November 01, 2011 1:47 PM
To: Gateway BLM
Subject: 16676: FW: Gateway West DEIS Comment Letter (UNCLASSIFIED)
Attachments: USACE to BLM GW DEIS Comments.pdf

Kerri Franklin | EnviroIssues

101 Stewart Street, Ste 1200 | Seattle 98101
206.269.5041 | www.enviroissues.com

-----Original Message-----

From: George, Walter E [<mailto:wgeorge@blm.gov>]
Sent: Thursday, October 27, 2011 9:34 AM
To: Kerri Franklin; joy.mclain@tetrattech.com; Joe Iozzi; Walt Vering
Subject: FW: Gateway West DEIS Comment Letter (UNCLASSIFIED)

FYI

-----Original Message-----

From: Johnson, Thomas B NWO [<mailto:Thomas.B.Johnson@usace.army.mil>]
Sent: Thursday, October 27, 2011 7:09 AM
To: George, Walter E
Subject: Gateway West DEIS Comment Letter (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Walt,

Attached is an advance copy of our comment letter on the DEIS for Gateway West.

Thomas B. Johnson, P.E.
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Boulevard, Suite 210
Cheyenne, Wyoming 82009
(307) 772-2300

Classification: UNCLASSIFIED

Caveats: NONE



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE WY 82009-4942

October 26, 2011

Wyoming Regulatory Office

Mr. Walt George, Project Manager
Gateway West Transmission Line Project EIS
U.S. Bureau of Land Management
Wyoming State Office
P.O. Box 20879
Cheyenne, Wyoming 82003

Dear Mr. George:

This letter is in response to a request we received on August 5, 2011, for comments on the *DRAFT Environmental Impact Statement for the Gateway West Transmission Line Project* dated July 2011. The proposed project includes construction and operation of approximately 1,103 miles of new electric transmission system consisting of 10 segments between the Windstar Substation at Glenrock, Wyoming and the Hemingway Substation near Boise, Idaho.

The U.S. Army Corps of Engineers (USACE) is participating as a cooperating agency during preparation of this Environmental Impact Statement (EIS) to facilitate processing of Department of the Army authorizations when the project is implemented. Authorization is required for activities in or under navigable waters under Section 10 of the Rivers and Harbors Act and activities that result in discharges of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act. The project area is within the USACE Northwestern Division straddling the boundary between the Omaha District and the Walla Walla District. Omaha District was appointed as lead district on August 8, 2009, establishing the Wyoming Regulatory Office as the agency's sole representative. Therefore, this letter incorporates all of the USACE comments.

The DEIS does not identify an agency preferred alternative for the project opting instead to solicit comments on the full suite of alternatives. Our priority is to avoid and minimize adverse affects on aquatic resources, especially wetland losses, along the route to the maximum extent possible. Construction of roads, foundations for towers, anchors, substations, and other ground disturbing activities in all 10 segments may affect 75.6 acres of wetland. Estimates of wetland impacts during construction indicate that the proposed route has the least adverse affects on wetlands in Segments 1-4, 6, and 10. Alternative Segments 1E-C, 5A or 5B, 7B, 8A, and 9A would reduce wetland impacts by approximately 6.8 acres during construction. All other alternative routes would maintain or increase wetland impacts.

Actual wetland losses would be less because many construction related affects would be limited to short-term ground disturbance, such as reducing road width from 14 feet during construction to a finished width of 8 feet for operation. Facilities necessary for operation and maintenance are estimated to result in losses of 13.7 acres of wetland. Approximately 4.0 acres of forested wetland would be modified due to long-term elimination of woody vegetation. These losses would be relatively low for a project that crosses such a large geographic area indicating that avoidance of wetlands has been incorporated in the planning process. Alternative Segments 1E-C, 5A or 5B, and 7B would reduce wetland losses by approximately 0.90 acre and eliminate adverse affects on forested wetland. Alternatives 8A and 9A would maintain or slightly increase losses. After consideration of all these factors, the USACE prefers the proposed route with adoption of Alternative 1E-C. We would support adoption of Alternatives 5A, 7B, 8A, or 9A.

Much of the predicted wetland losses would be due to construction of permanent roads, primarily in the Bear Lake Valley near Montpelier, Idaho. Segment 4 does not include an alternative route around wetlands in this area, which is justified based on numerous logistical constraints documented in Section 2.4.5. However, the USACE could consider alternative road networks or other forms of access to the area during its permit evaluation to further reduce wetland losses. We do not support adoption of Alternatives 4A, 4B, or 4C due to similar issues concerning road construction through extensive wetlands adjacent to the Bear River near Cokeville. It would be beneficial to include more details in the FEIS on proposed road networks and alternative access methods in areas where wetland losses for a single road crossing could exceed 0.50 acre.

Proposed compensatory mitigation measures through establishment of an in-lieu fee program or as permittee responsible in-kind replacement as defined in Section 3.9.2.2 are acceptable methods of compensation for wetland losses. We would like to study these mitigation options and disclose more details in the final EIS.

We understand that estimates of wetland impacts presented in the DEIS are based on the best available information because completion of delineations for each alternative in accordance with the *Corps of Engineers Wetland Delineation Manual* is simply not feasible. Delineation of wetland boundaries and other waters of the U.S. would be necessary when obtaining authorization for specific activities. Accurately defining compensatory mitigation requirements is not possible either until actual losses are defined through some form of permit process. We agree that these and other future regulatory requirements are adequately documented in Sections 1.2.3, 3.9, 3.16, and 4.4.10.

Thank you for considering our comments and I can be contacted by telephone at (307) 772-2300 or by e-mail at Thomas.B.Johnson@usace.army.mil

Sincerely,

Thomas B. Johnson, P.E.
Project Manager
Wyoming Regulatory Office

Copy Furnished:

James Joyner
U.S. Army Corps of Engineers
Idaho Falls Regulatory Office
900 North Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Duplicate

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

WYOMING REGULATORY OFFICE
2232 DELL RANGE BLVD., SUITE 210
CHEYENNE, WY 82009-4942

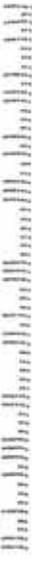
OFFICIAL BUSINESS



CHEYENNE, WY 82009
POST OFFICE BOX 20879

Mr. Walt George, Project Manager
Gateway West Transmission Line Project EIS
U.S. Bureau of Land Management
Wyoming State Office
P.O. Box 20879
Cheyenne, Wyoming 82003

82003#7018





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE WY 82009-4942



1/3

RECEIVED
DOI-BLM
CHEYENNE, WYOMING

2011 OCT 31 AM 10: 00

October 26, 2011

Wyoming Regulatory Office

Mr. Walt George, Project Manager
Gateway West Transmission Line Project EIS
U.S. Bureau of Land Management
Wyoming State Office
P.O. Box 20879
Cheyenne, Wyoming 82003

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This letter is in response to a request we received on August 5, 2011, for comments on the *DRAFT Environmental Impact Statement for the Gateway West Transmission Line Project* dated July 2011. The proposed project includes construction and operation of approximately 1,103 miles of new electric transmission system consisting of 10 segments between the Windstar Substation at Glenrock, Wyoming and the Hemingway Substation near Boise, Idaho.

The U.S. Army Corps of Engineers (USACE) is participating as a cooperating agency during preparation of this Environmental Impact Statement (EIS) to facilitate processing of Department of the Army authorizations when the project is implemented. Authorization is required for activities in or under navigable waters under Section 10 of the Rivers and Harbors Act and activities that result in discharges of dredged or fill material into waters of the United States under Section 404 of the Clean Water Act. The project area is within the USACE Northwestern Division straddling the boundary between the Omaha District and the Walla Walla District. Omaha District was appointed as lead district on August 8, 2009, establishing the Wyoming Regulatory Office as the agency's sole representative. Therefore, this letter incorporates all of the USACE comments.

The DEIS does not identify an agency preferred alternative for the project opting instead to solicit comments on the full suite of alternatives. Our priority is to avoid and minimize adverse affects on aquatic resources, especially wetland losses, along the route to the maximum extent possible. Construction of roads, foundations for towers, anchors, substations, and other ground disturbing activities in all 10 segments may affect 75.6 acres of wetland. Estimates of wetland impacts during construction indicate that the proposed route has the least adverse affects on wetlands in Segments 1-4, 6, and 10. Alternative Segments 1E-C, 5A or 5B, 7B, 8A, and 9A would reduce wetland impacts by approximately 6.8 acres during construction. All other alternative routes would maintain or increase wetland impacts.

Actual wetland losses would be less because many construction related affects would be limited to short-term ground disturbance, such as reducing road width from 14 feet during construction to a finished width of 8 feet for operation. Facilities necessary for operation and maintenance are estimated to result in losses of 13.7 acres of wetland. Approximately 4.0 acres of forested wetland would be modified due to long-term elimination of woody vegetation. These losses would be relatively low for a project that crosses such a large geographic area indicating that avoidance of wetlands has been incorporated in the planning process. Alternative Segments 1E-C, 5A or 5B, and 7B would reduce wetland losses by approximately 0.90 acre and eliminate adverse affects on forested wetland. Alternatives 8A and 9A would maintain or slightly increase losses. After consideration of all these factors, the USACE prefers the proposed route with adoption of Alternative 1E-C. We would support adoption of Alternatives 5A, 7B, 8A, or 9A.

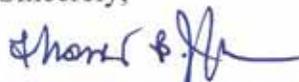
Much of the predicted wetland losses would be due to construction of permanent roads, primarily in the Bear Lake Valley near Montpelier, Idaho. Segment 4 does not include an alternative route around wetlands in this area, which is justified based on numerous logistical constraints documented in Section 2.4.5. However, the USACE could consider alternative road networks or other forms of access to the area during its permit evaluation to further reduce wetland losses. We do not support adoption of Alternatives 4A, 4B, or 4C due to similar issues concerning road construction through extensive wetlands adjacent to the Bear River near Cokeville. It would be beneficial to include more details in the FEIS on proposed road networks and alternative access methods in areas where wetland losses for a single road crossing could exceed 0.50 acre.

Proposed compensatory mitigation measures through establishment of an in-lieu fee program or as permittee responsible in-kind replacement as defined in Section 3.9.2.2 are acceptable methods of compensation for wetland losses. We would like to study these mitigation options and disclose more details in the final EIS.

We understand that estimates of wetland impacts presented in the DEIS are based on the best available information because completion of delineations for each alternative in accordance with the *Corps of Engineers Wetland Delineation Manual* is simply not feasible. Delineation of wetland boundaries and other waters of the U.S. would be necessary when obtaining authorization for specific activities. Accurately defining compensatory mitigation requirements is not possible either until actual losses are defined through some form of permit process. We agree that these and other future regulatory requirements are adequately documented in Sections 1.2.3, 3.9, 3.16, and 4.4.10.

Thank you for considering our comments and I can be contacted by telephone at (307) 772-2300 or by e-mail at Thomas.B.Johnson@usace.army.mil

Sincerely,



Thomas B. Johnson, P.E.
Project Manager
Wyoming Regulatory Office



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Copy Furnished:

James Joyner
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Idaho Falls Regulatory Office
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OPPORTUNITY EMPLOYER

Walter E. George, National Project Manager
Bureau of Land Management
Gateway West Project
P. O. Box 20879
Cheyenne, Wyoming 82003

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
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Seattle, WA 98101-3140

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CHEYENNE, WYOMING

October 28, 2011

Walter E. George, National Project Manager
Bureau of Land Management
Gateway West Project
P. O. Box 20879
Cheyenne, Wyoming 82003

Re: U.S. Environmental Protection Agency (EPA) Comments on Draft Environmental Impact Statement (DEIS) for the Gateway West Transmission Line Project. (CEQ# 20110239; EPA Project Number 08-035-BLM)

Dear Mr. George:

The EPA has reviewed the Bureau of Land Management's (BLM) DEIS for the Gateway West Transmission Line Project in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Our review of the EIS considers the expected environmental impacts and the adequacy of the EIS in meeting procedural and public disclosure requirements of the NEPA. We have assigned an Environmental Concerns – Insufficient Information (EC-2) rating to the DEIS. A copy of our rating system is enclosed.

We commend the lead and cooperating agencies and the proponents for their planning efforts on this Project. Those efforts have resulted in the avoidance and minimization of numerous potential impacts to the environment, and have laid the early foundation for appropriate mitigation of unavoidable impacts.

While the planning effort has been commendable, especially the stakeholder involvement and the thoughtful development of route alternatives and Environmental Protection Measures, we note that the Project, as proposed, would contribute to several substantial and considerable adverse cumulative impacts to the environment.¹ Project impacts of primary concern include impacts to: cultural resources (including those which are of interest to affected tribes); land-use (as a result of the cumulative implications of reclassifying allowable levels of visual contrast on large areas of public lands); and biological resources (caused by habitat loss and fragmentation for sagebrush and riparian-obligate species).

To address these impacts of primary concern, we support and encourage the proponents' and agencies' efforts to fully address all of the related concerns and recommendations provided on the DEIS during this comment period. In addition to our comments, we expect that helpful recommendations will be forthcoming from other individuals and entities, such as experts who analyze cumulative impacts of

¹ DEIS, p. ES 25-26

page 1/11

resource management and forest plan amendments, affected Tribes, wildlife agencies, and advocacy groups. We hope that this collective input will inform additions and revisions to the FEIS. Hosting public meetings between now and publication of the FEIS, granting an extended FEIS comment period, and refining FEIS alternatives where possible are all actions which would be consistent with this recommendation.

Our enclosed detailed comments address the following topics:

- Wetlands and Riparian Areas
- Water Resources
- Air Quality
- Existing Transmission System Constraints
- Environmentally Preferable Alternative
- Cultural Resources
- Mitigation and Monitoring
- Invasive Plant Species

We address these topics in order to focus our perspectives on issues which are particular to our authorities and in the interest of positively contributing to project planning which aims to achieve protection of the environment at a project-wide scale

Thank you for this opportunity to comment. If you have any questions regarding the EPA's comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or Erik Peterson, the lead reviewer for this project. Erik can be reached at (206) 553-6382 or peterson.erik@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures:

EPA Detailed Comments on the Draft Environmental Impact Statement for the Gateway West Transmission Line Project

EPA Rating System for Draft Environmental Impact Statements

DETAILED EPA COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE GATEWAY WEST TRANSMISSION LINE PROJECT

Wetlands and Riparian Areas

Clean Water Act Section 404(b)(1) Guidelines

We would like to note that the NEPA process does not constrain the U.S. Army Corps of Engineers' obligation to evaluate practicable alternatives under Section 404 of the Clean Water Act (CWA). While, ideally, the NEPA process takes into account the Section 404 permitting process, the Record of Decision does not necessarily dictate what can or will ultimately be permitted. Therefore, demonstrating compliance with the Section 404(b)(1) Guidelines (Guidelines)² during the NEPA process is highly encouraged.

Functional Assessments and Estimating Impacts to Waters of the U.S.

We agree with the DEIS's conclusion that wetlands and riparian areas are limited in the Project's portion of the Intermountain West region. The limited nature of wetlands and riparian areas in this Project area can increase their environmental value. For example, according to the Wyoming Joint Ventures Steering Committee, a collaboration of federal and state agencies and Non-Governmental Organizations, the Bear River Wetland Complex – which is in the Project area - is the "...largest, most productive and most diverse continuous wetland for avifauna known to exist in Wyoming".³

Extra effort should be taken to protect rare, limited and/ or difficult to replace aquatic resources. Regardless of type or frequency, however, the Guidelines require that all appropriate and practicable measures be taken to minimize potential harm to the aquatic ecosystem (40 CFR 230.12(3)(iii)).

Integrating functional assessment methodologies into relevant Project planning would allow for a greater understanding of the specific or unique roles that aquatic resources along the project corridor provide. This greater understanding, in turn, leads to a more accurate account of potential impacts and determination of adequate compensatory mitigation for any remaining unavoidable impacts.

Recommendations

- To adequately address the functions and values of potentially impacted aquatic resources, we recommend the maximum possible integration of functional assessment methodologies into relevant Project planning. Conducting functional assessments early and often – both for the FEIS and in Clean Water Act Section 404 permitting processes - would increase the likelihood that the functions and values of potentially impacted aquatic resources would be adequately accounted for and protected.
- As an initial step to integrating the use of functional assessments, we recommend that the FEIS include qualitative discussion(s) of the alternatives' relative impacts to project area aquatic resources from a functions and values perspective. Conducting functional assessments assists in the determination and selection of the Least Environmentally Damaging Practicable Alternative

² CFR 40 Part 230 Section 404(b)(1) Guidelines for Specification of Disposal Sites for Dredged or Fill Material at <http://www.wetlands.com/epa/epa230pb.htm>

³ <http://gf.state.wy.us/habitat/WetlandConservation/Wyoming%20Wetlands%20Conservation%20Strategy%20September%207,%202010.pdf>

(LEDPA), as required by the Guidelines. The LEDPA may not necessarily entail the smallest number of wetland acreage or stream crossings.

We appreciate the proponents' efforts to identify waters of the U.S. through multi-spectral imagery, National Wetland Inventory datasets, existing GIS hydric soil layers, and field verification. Developing and utilizing this type of information to avoid and minimize impacts to aquatic resources is appropriate for this NEPA process and consistent with meeting requirements under the Clean Water Act. The level of detail is generally adequate for a DEIS, but, would not be sufficient at the FEIS stage.

Our interest is to ensure that the FEIS includes recent important geospatial analyses of aquatic resources as part of our broader expectation for iteratively updated and improved detailed estimates of impacts to waters of the U.S. These iterative improvements should occur throughout the NEPA and the CWA Section 404 permitting processes and will eventually need to achieve a high level of detail (e.g., locations of pads, roads, crossings, engineered drawings, etc.).

Recommendation

- To increase the accuracy of impact estimates to waters of the U.S. and the effectiveness of the proponents' aquatic resources planning, we encourage the use of currently available geospatial analyses of the distribution, condition and vulnerability of aquatic resources in the project area; consider the recent publication, *A geospatial assessment on the distribution, condition, and vulnerability of Wyoming's wetlands*.⁴ This assessment maps focal wetland complexes shown by wetland density and the ranking of wetland complexes based on number, condition, biological diversity and rarity. We believe this is the type of information which should be considered as FEIS alternatives are refined.

Nationwide vs. Individual Permits

While we recognize there is a specific description for linear projects provided in the 2007 Nationwide Permits' definition of "single and complete project", we also note that Nationwide permits are intended for projects with minimal individual and cumulative impacts, as well as projects that have independent utility. We are concerned, therefore, that the use of Nationwide Permit 12 may not be appropriate for the entire length or within certain sections of the Project.

Recommendation

- Because the terms and conditions of Nationwide Permit 12 (i.e., the definition of "single and complete project" and "independent utility") will play a role in which type of permits the Army Corps of Engineers (ACE) may authorize the proposed work under, and, because General and Individual Permits follow a different review process and timeline, we recommend that the FEIS disclose where project features would impact multiple individual channels in a braided stream or river, or multiple individual arms of a large irregularly shaped wetland or lake. We are especially interested in instances where project impacts to single aquatic resources - including multiple individual channels in a braided stream, or multiple arms of a large wetland or lake - are likely to be greater than ½ acre. Regardless of permit type, should compensatory mitigation be required, the Final Mitigation Rule requires that it be sufficient to replace the lost aquatic resource functions (40 CFR 230.93(f)(1)).

⁴ H.E. Copeland et al. Ecological Indicators 10 [2010]

Wetland Delineations

We have two concerns about the Agency Proposed Mitigation Measure WET-2.⁵ Our first concern is that Agency Proposed Mitigation Measures, such as WET-2, only apply to Federal land. To clarify: wetland delineations for CWA Section 404 permitting would be necessary regardless of landownership.

Recommendation

- Because wetland delineations would be necessary regardless of landownership, recommend the proponents to adopt WET-2 for the whole project.

Our second concern is that limiting wetland delineations to "...prior to construction..." may not effectively support permitting processes and could result in noncompliance with the Guidelines.

Recommendation

- We recommend that WET-2 be amended so that the results of wetland delineations would be included in CWA Section 404 permit applications.

WET-1 and TESWL-1

WET-1⁶ and TESWL-1⁷, like WET-2 and other Agency Proposed Mitigation Measures, generally only apply to Federal lands. We recognize the BLM's role in granting a ROW permit and would suggest that applying these specific, and other similarly protective, Agency Proposed Mitigation Measures, to the whole project would likely result in substantial environmental benefits. We also would suggest that, by not following these mitigation measures on the whole project, and by not separating environmental impacts to landownership, the DEIS inaccurately presents impacts.

Recommendations

- To avoid and minimize impacts to aquatic and water resources, we encourage the proponents to adopt WET-1 and TESWL-1 for the whole project

If the proponents adopt WET-1 for the whole project, Inland Fish Strategy (INFISH) buffers for fish-bearing and non-fish bearing waters and wetlands would be followed. Such a project wide EPM would be environmentally protective because the EPA consistently recognizes INFISH buffers as adequately protective of aquatic and water resources.

⁵ "Wetland delineations will be performed prior to construction to support CWA Section 404 permitting and to minimize Project impacts. The delineation will identify both wetland and non-wetland waters of the United States that would be affected by the Project." (DEIS, p. 2-153)

⁶ Impacts on wetland and riparian areas shall be avoided unless physically or economically infeasible. Land management agencies' plans (RMPs and Forest Plans) that have standards, guidelines, stipulations, or avoidance buffers will be adhered to. Where these do not exist, Inland Fish Strategy (INFISH) buffers for fish-bearing and nonfish-bearing waters and wetlands will be followed.

⁷ For the protection of aquatic and riparian/wetland dependent species, surface disturbing and disruptive activities should be avoided in the following areas: 1) identified 100-year floodplains; 2) areas within 500 feet of perennial waters, springs, wells, and wetlands; and 3) areas within 100 feet of the inner gorge of ephemeral channels on federally managed lands.

Where it is not possible to avoid wetland and riparian habitat, crossing-specific plans must be developed. These plans shall: 1) demonstrate that vegetation removal is minimized; 2) show how sediment would be controlled during construction and operation within wetland and riparian areas; 3) attempt to intersect the wetland or riparian habitat at its edge; and 4) provide measures to restore habitat and ensure conservation of riparian microclimates. This plan must be submitted to the appropriate land management agency and approved prior to construction of any portion of the Project within sensitive riparian habitat.

Adopting TESWL-1 for the whole project would help to protect aquatic and water resources by, for example, limiting surface disturbing activities within 500 feet of perennial waters, springs, wells, and wetlands. The crossing-specific plans required under TESWL-1 for areas where wetland and riparian habitat cannot be avoided would be useful because these plans appear to be consistent with meeting CWA Section 404 permitting requirements.

- We recommend that the FEIS include additional information and analysis to account for differing environmental impacts where Agency Proposed Mitigation Measures are and are not adopted. Address, specifically, whether and how environmental impacts would differ per land-ownership if WET-1 and TESWL-1 were adopted only on Federal lands.

Water Resources

Impaired Waterbodies

According to the DEIS, "...there are no listed streams along the portion of the Project located in Wyoming..." (p. 3.16-11). Table D.16-6, however, shows at least one sediment-impaired stream in each of the Segment 4 alternatives. Table D.16-13 apparently disagrees with Table D.16-6 and discloses no TMDL or 303(d) listed streams in Wyoming. Regardless of these relatively minor discrepancies, we are concerned that the *Wyoming Water Quality Assessment and Impaired Waters List (2010 Integrated 305(b) and 303(d) Report*,⁸ identifies several impaired stream segments in watersheds that could be within the Wyoming portion of the project area, depending upon the route selected.

Recommendations

- We recommend that the FEIS disclose all impaired waterbodies that could be impacted by the Project - including those which may be listed for pollutants other than sediment but that are indicators of problems with runoff, such as bacteria.
- We recommend that the FEIS include a map of the transmission line route(s) along with all 303(d) listed or TMDL streams for all pollutants. Geospatial data for 303(d) and TMDL stream segments is readily available.

National Pollutant Discharge Elimination System (NPDES)

Recommendations

- To facilitate meeting NPDES permit requirements in Idaho, we recommend that the FEIS address how project planning for the Gateway West Transmission Line has followed the steps detailed in Section 4 of the document, *Catalog of Stormwater BMPs for Idaho Cities and Counties*.⁹ We believe that the steps outlined in this document are necessary parts of adequately minimizing the risk of pollutants entering stormwater systems. Table 4.1a - Selection Matrix for Construction Site BMPs, specifically, is a useful tool for increasing the likelihood that BMPs which appropriately account for targeted pollutants and physical constraints are incorporated into final Stormwater Pollution Prevention Plans (SWPPPs). Step 5 of Section 4 provides guidance on how to effectively use Table 4.1a.

⁸ <http://deq.state.wy.us/wqd/watershed/Downloads/305b/2010/WY2010IR.pdf>

⁹ <http://www.deq.idaho.gov/media/622263-Stormwater.pdf>

- See the EPA's Office of Water NPDES websites for current information regarding NPDES permitting, including general guidance on preparing SWPPP's¹⁰ and resources related to the EPA's proposed new Construction General Permit.¹¹

Shallow Groundwater

The DEIS discloses that in some places the depth to groundwater in Segment 4 is quite shallow—1 to 4 feet. Shallow groundwater is vulnerable to land use activities and safeguards should be put in place to ensure that installation of the transmission line towers do not impact groundwater quality, regardless of whether the shallow groundwater is associated with a wetland or riparian area.

Recommendation

- The EPA recommends that the FEIS include a commitment to avoiding shallow groundwater areas when siting towers to prevent potential contamination.

Air Quality

We support the proponents' proposed EPM for dust suppression (TR-2). We also support the mitigation measures that were proposed by the agencies and have been adopted by the proponents to reduce air quality impacts (AIR 1-4). Several of these measures are consistent with general recommendations from the EPA's National Clean Diesel Campaign.¹²

Recommendation

- To further reduce construction, operation and maintenance air quality impacts we recommend that the agencies and proponents consider incorporating a diesel retrofit EPM for the whole Project. Requiring equipment that does not have diesel particulate filters to have filters installed, for example, can reduce particulate matter emissions up to 90%.¹³ For additional strategies, grants, and publications on how to reduce diesel emissions from construction equipment and vehicles see the EPA's Clean Construction USA website.¹⁴

Existing Transmission System Constraints

Reliability

We believe that the siting constraint - 1,500 foot minimum separation between existing and proposed transmission lines serving the same load – is overly conservative and would result in environmental impacts which should be avoided.

We recognize that this siting constraint serves the broad goal of ensuring reliability and specifically aims to meet the Western Electricity Coordinating Council Board of Directors' 2008 Regional Transmission Planning Criterion. The criterion requires a separation of the longest span length of the two transmission circuits at the point of separation, or 500 feet, whichever is greater. The Project's 1,500 foot separation constraint is different because it is based on the longest span overall. Such a conservative interpretation of the WECC's criterion may result in unnecessary adverse environmental impacts.

While we recognize the utility of a conservative separation constraint for the initial siting study, we do

¹⁰ <http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>

¹¹ <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>

¹² <http://epa.gov/cleandiesel/>

¹³ <http://www.epa.gov/cleandiesel/verification/verif-list.htm>

¹⁴ <http://www.epa.gov/cleandiesel/construction/>

not believe that project wide application of this constraint would be fully protective of the environment. Therefore we believe it should be looked at more closely as the project enters the FEIS development stage. We are interested in whether and how: (i) meeting the letter of WECC's transmission criterion, which is site specific, would result in decreased environmental impacts as compared to project wide application of a separation distance based on the longest possible span; and, (ii) a risk-based reliability analysis could inform reasonable flexibility on this separation constraint.

Recommendations

- We recommend that the BLM and proponents work closely with WECC to achieve environmental benefits through flexibility on this major siting constraint. The FEIS should incorporate any possible siting refinements into FEIS alternatives and disclose their environmental benefits, if any.
- If flexibility on this constraint is not possible, we recommend that the FEIS include additional information, such as the results of a reliability analysis, which more thoroughly justifies the project wide application of a 1,500 foot minimum separation distance between existing and proposed transmission lines.

Environmentally Preferable Alternative

The Council on Environmental Quality (CEQ) encourages comments that address the question of identifying the Environmentally Preferable Alternative.¹⁵ The EPA believes consideration of the following issues and recommendations would assist the BLM in identifying this Project's Environmentally Preferable Alternative.

Overall, we encourage the BLM to follow the CEQ's "NEPA's 40 Most Asked Questions" expression of the ordinary meaning of the environmentally preferable alternative. Namely, according to this CEQ memorandum, the environmentally preferable alternative would be the alternative that causes the least damage to the biological and physical environment, and best protects, preserves, and enhances historic, cultural, and natural resources. In general, we believe that the alternative which minimizes the use of "Greenfield routes" would be more likely to cause the least damage and best protect resources.

While the alternative with the least "Greenfield" would likely cause less damage and better protect resources, we recognize that determining the environmentally preferable alternative may not be as simple as minimizing Greenfield routes. There are numerous challenging trade-offs among impacts and the project area has a history of development which may or may not have appropriately accounted for sensitive resources. We would welcome the opportunity to contribute to discussions regarding the identification of an environmentally preferable alternative.

While our review of the DEIS has not resulted in a specific set of alternative routes for the Project's segments which we believe would, in combination, be the environmentally preferable alternative, we suggest that the following design and structure variations appear to be environmentally preferable.

- A smaller Right of Way (ROW) and fewer helicopter landing pads make the single double-circuit design variation appear to be a likely component of an environmentally preferable alternative.

¹⁵ See Question 6b at <http://ceq.hss.doe.gov/NEPA/regs/40/1-10.HTM#6>

- A smaller required operational space and decreased relative potential for direct impacts to birds make the self-supporting single-circuit steel lattice 500-kV structure appear to be a more likely component of an environmentally preferable alternative than the guyed structure.

Cultural Resources

Tribal Consultation

We encourage the agencies' and proponents' ongoing efforts to consult with affected Tribes. We agree with the DEIS's characterization that the affected Tribes are the most qualified experts on issues such as impacts to their traditional cultural properties (TCPs), values, and, treaty rights.

While we appreciate and support the ongoing ethnographic research that is being conducted in collaboration with affected Tribes, we are concerned that neither the Proponent Proposed EPMs nor the Agency Proposed Mitigation Measures explicitly include ongoing tribal consultation.

Recommendations

- We recommend that the agencies propose and encourage the proponents to adopt EPMs, or some other appropriate mechanism(s), that would ensure that designated tribal officials/representatives with special expertise on relevant TCPs, values and treaty rights are directly engaged in the Project. We believe that such an EPM(s), or other mechanism, would be a useful addition to the FEIS's Cultural Resource and Paleontological Monitoring and Mitigation Plan.
- We support the use of conclusions from Ethnographic Research to refine FEIS alternatives.

Mitigation and Monitoring

According to the CEQ's January 14, 2011 Memorandum on the Appropriate Use of Mitigation and Monitoring, failure to document and monitor mitigation may undermine the integrity of the NEPA review (p. 2).¹⁶ Because this type of concern has, according to the CEQ, long been recognized, we are concerned that responsibility for ensuring that contractors and employees implement EPMs and Mitigation Measures appears to lie solely with the proponents and is not expressed in sufficient detail.

Recommendation

- We recommend that the FEIS include additional information about how the implementation and monitoring of EPMs will be ensured. Please identify responsible entities and scheduling issues for monitoring compliance. Examples of contractual agreements or a description of how the contracting strategy would ensure full implementation of all EPMs and mitigation measures associated with the ROD's selected alternative could be an effective means of disclosure.

Invasive Plant Species

We agree with the DEIS's description of the potential adverse effects of non-native plant invasions (p. 3.6-11). These invasions can, among other things, alter fire regimes and other ecosystem processes. We note that, according to the DEIS, wildfires pose a substantial threat to the reliability of transmission lines.

We appreciate the performance oriented goals of the Agency Proposed Mitigation Measures WEED-4 and VEG-12.

¹⁶ http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf

“Annual post-construction monitoring and treatment of invasive plants shall continue for at least 3 years. If after 3 years post-construction conditions are not equivalent or better than pre-construction conditions, monitoring and treatment will continue until these conditions are met (also see VEG-12).”

We are concerned however, that WEED-4 and VEG-12 only apply to federally managed lands. On private lands, the proponents have limited their responsibility to reduce/ eliminate infestations of noxious weeds caused by Project-related activities and to prevent the spread of new and existing populations within the Project area to a period of three years (DEIS, Appendix C-2, p. 3). Because of this limitation, we believe that invasive plants would be more likely to spread on private lands than on Federal lands and this difference should be disclosed in the FEIS.

Recommendations

- We recommend that the proponents adopt WEED-4 and VEG-12 as EPMs for the whole project.
- If WEED-4 and/or VEG-12 are not adopted by the proponents, we recommend that the FEIS be revised to more clearly address the impacts of no long-term, goal oriented invasive plant monitoring and treatment outside of federal lands. The FEIS should address, for example, whether and how invasive plant infestations that would result from long-term Project operations and maintenance activities which are not coupled with invasive plant monitoring and treatment could impact socio-economic resources such as private land values.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE



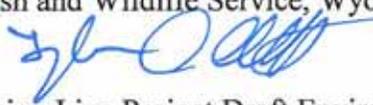
Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009

In Reply Refer To:
ES-61411/WY11TA0359

OCT 28 2011

Memorandum

To: Project Manager, Gateway West Transmission Line Project EIS, Bureau of Land Management, Cheyenne, Wyoming

From: *For* Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming 

Subject: Gateway West Transmission Line Project Draft Environmental Impact Statement

Thank you for your letter (280(920George) WYW-174598, IDI-35849, NVN-089270) of July 5, 2011 received in our office on August 4, regarding the proposed Gateway West Transmission Line Project (Project) Draft Environmental Impact Statement (DEIS). The Bureau of Land Management (Bureau) requested comments from the U.S. Fish and Wildlife Service (Service) on the Project pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act) (50 CFR §402.14).

Please find the enclosed comments from the Idaho, Utah, and Wyoming Service Field Offices. In addition to providing comments, we have also included information regarding other areas of Service trust authorities such as the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668, and wetlands protection. We anticipate your response to our comments, and aim to partner with the Bureau to avoid and minimize impacts to the Service's trust resources as a result of the proposed Project.

For our internal tracking purposes, the Service would appreciate notification of any decision made on this project (such as issuance of a permit or signing of a Record of Decision or Decision Memo). Notification can be sent in writing to the letterhead address or by electronic mail to FW6_Federal_Activities_Cheyenne@fws.gov.

We appreciate your efforts to ensure the conservation of Wyoming's fish and wildlife resources. If you have questions regarding this letter or your responsibilities under the Act and/or other authorities or resources described above, please contact Julie Proell of my office at the letterhead address or phone (307) 772-2374, extension 232.

Enclosure

cc: BLM, Endangered Species Program Lead, Cheyenne, WY (C. Keefe) (e-mail)
Idaho Field Office, USFWS (J. Wood)
Utah Field Office, USFWS (A. Defreese)
Nevada Field Office, USFWS (S. Abele)
USFWS, Office of Law Enforcement, WY (R. Brown)
WGFD, Non-game Coordinator, Lander, WY (B. Oakleaf)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)

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Commenters: Amy Defreese, Ecologist, Utah Field Office, USFWS
Lynn Gemlo, Listing Biologist, Wyoming ES Office, USFWS
Julie Proell, Energy Biologist, Wyoming ES Office, USFWS
Jeri Wood, Fish and Wildlife Biologist, Snake River Fish and Wildlife Office, USFWS

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2-20	1-3	All	Julie Proell	Guyed towers have been shown have a significant impact on migratory birds compared to the proposed self-supporting lattice structures. We recommend the use of SSL towers in all areas where moderate to high bird use has been documented.	
3.6-10	Vegetation Types of Concern		Jeri Wood	The DEIS states that "Limber pine and whitebark pine, which have recently been added to the BLM sensitive species list in Wyoming, are addressed in Section 3.7." As this species has recently been identified by the FWS as a candidate for listing under the ESA, be aware that Idaho BLM has also added the whitebark pine to their BLM sensitive species list.	
3.7-9	ESA-Listed & Candidate Plant Species		Jeri Wood	Whitebark pine. The whitebark pine was identified as a candidate for listing under the ESA by FWS on July 18, 2011. The final EIS (as well as section 7 conference on candidate species, if requested by BLM) should address this change in status for the whitebark pine.	
3.7-19	Plan amendments		Jeri Wood	Plan Amendments. The DEIS indicates that the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP) Resource Management Plan will require an amendment as the Gateway West project as proposed would be located within 0.5 miles of sensitive plant habitat along Segment 8. We recommend that Segment 8 be reevaluated to avoid impacts to sensitive plant species and their habitats, including the slickspot peppergrass.	
3.7-22 and 23	4 and 1	All	Julie Proell	TESPL-2 and TESPL-3 state that there will be 3 years of preconstruction surveys performed in suitable habitat for Ute ladies'-tresses and that micro-siting will be used to avoid identified populations. I recommend that these measures be implemented	

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				throughout all suitable habitat within the Analysis Area, and not just on public lands. Otherwise, impacts to this species may be MALAA and require formal conferencing.	
3.7-23	Slickspot peppergrass (Threatened)			<p>Slickspot peppergrass. We anticipate that the Gateway West Transmission Line Project may result in some unavoidable adverse effects to proposed, listed, and/or candidate species, including the slickspot peppergrass (<i>Lepidium papilliferum</i>). Despite mitigation measures, it is anticipated that impacts to some slickspot peppergrass plants or seeds and its habitat may not be avoided by the Project. In addition, some segments of the Project bisect proposed critical habitat for the slickspot peppergrass. Impacts that may occur to the primary constituent elements for slickspot peppergrass critical habitat may include damage or loss of slickspot microsites or removal of sagebrush shrubs and native forbs during construction and/or maintenance activities.</p> <p>As described in the DEIS, transmission line construction, maintenance, and operations may also ignite wildfires, which would adversely impact both the slickspot peppergrass and its critical habitat. In addition, construction, operations, and maintenance of transmission lines may increase the risk of invasive nonnative plant introduction and spread on a localized level, potentially resulting in impacts to both the species and primary constituent elements of critical habitat. Through section 7 effects analyses, the Federal action agency examines the effect of their action on the species at the level of an individual plant or animal. While the FWS acknowledges that BLM has incorporated conservation measures into the proposal to avoid or minimize effects to slickspot peppergrass and its habitat as per BLM's 2009 Conservation Agreement with the FWS and the State of Idaho's 2006 Candidate</p>	

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				<p>Conservation Agreement, we anticipate that it will not be possible to avoid all localized adverse effects to the species and its critical habitat. Therefore, we recommend that the final EIS be updated to address these potential adverse impacts to the species and its critical habitat, and that the BLM request formal conferencing on the species and its critical habitat prior to signing the Record of Decision for this project.</p> <p>In addition, the DEIS indicates that the slickspot peppergrass is known to occur within 0.5 miles of Proposed Route and other Route Alternatives (8A, 8B, 8C) in Segment 8, and within 5 miles of Alternative 8E. We recommend the final EIS implements the Project routes that minimize overlap with slickspot peppergrass EOs and proposed critical habitat to the greatest extent possible. We further recommend that, within the conferencing for this project, specific EO numbers and critical habitat units be identified to allow for an adequate analysis of effects for this species. In addition, we recommend that potential habitat and slickspot peppergrass habitat as defined by Idaho BLM be included the analysis of effects of the Project on the slickspot peppergrass in the final EIS and associated section 7 conferencing.</p>	
3.7-23	Slickspot peppergrass		Jeri Wood	<p>Slickspot peppergrass. We agree with the DEIS that the Proponent-proposed Environmental Protection Measures (EPMs) are insufficient to protect the slickspot peppergrass due to its annual or biennial life history and its persistent seed bank. The agency mitigation measure within the DEIS appears to provide improved conservation for the species. However, we recommend that the term "higher-quality microsities", which we interpret as slickspot microsities, be further defined or clarified in the final EIS. We also suggest that any slickspot known to support slickspot</p>	

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				peppergrass plants (whether meeting the criteria for a "quality microsite" or not) be avoided by construction equipment and vehicles. In addition, we encourage use of BLM data regarding the location of slickspot microsites and slickspot peppergrass to supplement slickspot peppergrass location information currently entered into the Idaho Natural Heritage Data Program (INHP). It is likely that BLM has some information that has not yet been entered into the INHP. Finally, as described in the 2009 Conservation Agreement between BLM and FWS, we recommend that disturbed areas in slickspot peppergrass habitat be reseeded to establish 50 percent perennial cover following all ground disturbing activities, unless ecological site conditions preclude that level of cover. If a native species component existed prior to the ground disturbance, then the native species component should be restored.	
3.7-24	2	6	Julie Proell	TESPL-5 states that any whitebark or limber pine stands will be mitigated through off-site mitigation and replanting in reclaimed areas. I recommend the inclusion of "approved biologist" in this mitigation measure to ensure that trees are properly identified, planted, etc.	
3.7-28-31	Table	Table	Julie Proell	Colorado Butterfly Plant: You determined NE because no portions of Analysis Area occur in counties where species occurs. I believe this is the appropriate determination for this species for this project in WY.	
3.7-28-31	Table	Table	Julie Proell	Blowout Penstemon: You determined that Segment 4 MANLAA, the rest of segments have NE. No sand dune habitat occurs in Analysis Area, though all portions are in potential range. PPC-1 through PPC-4 allow surface disturbance where surveys the year prior to construction suggest no populations are present. I believe this is the appropriate determination for this species for this project in WY.	

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3.7-28-31	Table	Table	Julie Proell	Western prairie fringed orchid: You determined that Segments 1E, 1W, and 2 MALAA, the rest of segments are NE. Adverse effect from depletions of N. Platte River watershed that occurs in Segments 1E, 1W, and 2. I believe this is the appropriate determination for this species for this project in WY. Formal conferencing should be initiated.	
3.7-28-31	Table	Table	Julie Proell	Whitebark pine: You determined that Segment 4 MALAA, rest of segments NE. Likely present along alignment of Segment 4 in WY and individuals will be removed. TESPL-5 states if a stand cannot be avoided, silvicultural treatments of adjacent stands, collection of seed, identification of "plus" trees, or other acceptable mitigations will be done to offset the loss of the stand in addition to replanting whitebark pine on reclaimed areas." Recommend defining silvicultural treatments and other acceptable mitigations. I believe this is the appropriate determination for this species for this project in WY.	
3.7-28-31	Table	Table	Julie Proell	Ute ladies'-tresses: You determined MANLAA for Segments 1W, 1W, 2, 3, and 4, the rest are NE. Potential habitat occurs within Analysis Area, and limited surveying was not appropriate to disqualify this species from being considered for potential impacts. I anticipate seeing results of surveys from 2011 from each site within the analysis area that contains suitable habitat for this species.	
3.7-28-31	Table	Table	Julie Proell	Desert yellowhead: You determined NE because only found over 50 miles away from the project site in Fremont County, which is not included in the Analysis Area. I believe this is the appropriate determination for this species for this project in WY.	
3.7-39	Segment 4, ESA-listed and Candidate		Jeri Wood	Segment 4, ESA-listed and Candidate Species. The DEIS states that "Given that pre-construction surveys for Ute ladies-tresses would be conducted in areas of suitable habitat, and that	

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	Species			loss of wetland habitat would be adequately mitigated, construction and operations of the Project along the Proposed Route and Route Alternatives may affect, but are not likely to adversely affect, this species." However, this species is extremely difficult to survey for, so all plants may not be avoided by construction activities. In addition, mitigation of wetland habitat loss is not expected to avoid the loss of individual plants on that may be present on lost wetland areas. BLM may wish to consider a "likely to adversely affect" determination for the Ute ladies'-tresses in section 7 conferencing associated with the final EIS.	
3.7-45	Segment 8, ESA-listed and Candidate Species		Jeri Wood	Segment 8, ESA-listed and Candidate Species. The DEIS states that "The Project would directly impact a total of 7 acres of known slickspot peppergrass occurrences along the Proposed Route for Segment 8 during construction and approximately 1 acre during operations." We recommend that an alternative that avoids known slickspot peppergrass occurrences be chosen for implementation in Segment 8 to avoid impacts to both the slickspot peppergrass and its proposed critical habitat.	
Sections 3.10 and 3.11			Amy Defreese	In general, it appears that BLM omitted an inventory and analysis for Utah wildlife resources where alternative routes about the Utah/Idaho and Utah/Wyoming borders. We recommend that BLM identify and analyze Utah wildlife resources that fall within the various Areas of Analysis for Alternatives 7I and 4B. Resources and species to consider include those protected under the Endangered Species Act, migratory birds, raptors including bald and golden eagles, greater sage-grouse, and pygmy rabbit.	
3.10-4	2		Amy Defreese	Recommend that BLM reference the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (2002)	
3.10-8	4 and 1	Field	Julie	"Aerial raptor nest surveys were conducted in portions of... FOs	

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and 9		Surveys	Proell	from April 1 through April 28, 2008." Surveys in 2008 regarding active/inactive nests are likely no longer the best available data. Recommend newer data be used for micro-siting towers.	
3.10-16	2		Amy Defreese	This section should identify how the following sources of management direction influenced the development of the NEPA document and the analysis of project effects to migratory birds: Executive Order 13186; IM 2008-050 MBTA; and, the BLM MOU with USFWS regarding migratory birds. There are measures included in each that specify management direction relative to a) the analysis of direct and indirect impacts to nesting habitat, fragmentation of habitat, and reduction in habitat patch size; b) identification of the amount of affected habitat and relative abundance of the habitats over the landscape; and c) bird habitat protection and conservation	
3.10-16	2		Amy Defreese	This section should reference the following sources of information for region-specific migratory bird information: USFWS Birds of Conservation Concern (2008) and Utah Partners in Flight Avian Conservation Strategy. The former can be referenced for information regarding Bird Conservation Regions in which the proposed project falls (BCRs 9, 10 and 16). The document lists those birds of conservation concern found within in each region.	
3.10-17	Raptors		Julie Proell	Eagle Take Under 50 CFR 22.26 states that, on transmission projects if construction is within ¾ miles of a Golden Eagle or Bald Eagle Nest and <u>disturbance is anticipated</u> , then the Project Proponent may wish to pursue an Eagle Take Permit. Disturbance would most likely occur during the construction phase of the Project.	
3.10-17	Raptors		Jeri Wood	Raptors. Environmental Protection Measures (EPAs) in the DEIS indicate that preconstruction raptor nest activity surveys and associated construction prohibitions within 0.5 miles of the	

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				transmission line centerline during the appropriate seasonal timeframe to avoid impacts to nesting raptors from construction activities. However, FWS draft "Guidelines for Raptor Conservation in the Western United States" (Whittington and Allen 2008) recommend a spatial buffer of 1 mile from ferruginous hawk nests during the breeding/nesting season (February 1 through July 31). This guideline can be modified based on local conditions or nest activity in any given year. We recommend that this more conservative raptor nest buffer be used in the final EIS for ferruginous hawk nests located in the vicinity of this project.	
3.10-17	Raptors		Jeri Wood	Raptors. The DEIS states that "the Proposed Route for Segment 8 lies within 1 mile of the highest number of raptor nests, 256, of any of the segments. This segment runs through the SRBOP, home to the largest concentration of nesting raptors in North America, which explains the high number of nests." The FWS recommends that an alternative be chosen for implementation that is located outside the SRBOP to the greatest extent possible to avoid or minimize impacts to this congressionally designated raptor conservation area.	
3.10-32	3	1-9	Julie Proell	"There would be some direct impacts on migratory birds..." implies that some level of take is anticipated. The MBTA does not allow for take of migratory birds. How will project proponent account for this?	
3.10-32	4		Amy Defreese	Recommend that the BLM identify acres of migratory bird habitat indirectly affected by project construction, operation and maintenance. Also recommend that the project proponent and BLM identify compensatory mitigation that will offset this loss of habitat.	
3.10-34	4		Amy Defreese	In order to ensure compliance with Utah-specific federal guidelines for raptors, we recommend that BLM cross-reference proposed	

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				mitigation measures with the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (2002).	
3.10-35	Raptors		Jeri Wood	Raptors. The FWS recommends that all bald and golden eagle nest sites within 2 miles of the transmission line centerline are surveyed within 2 weeks of initiating construction activities during the nesting season to avoid construction-related impacts to reproduction of bald and golden eagles. The FWS also recommends that if there is a potential for take of either of these species, the project proponents should apply for an Eagle Take Permit.	
3.10-33 and 10-100	Mitigation Measures		Jeri Wood	Mitigation Measures. WILD-8 should include wetlands for installation of flight diverters (see general comment about Segments and Segment 9 regarding Partners for Wildlife projects).	
3.10-39	3	All	Julie Proell	Water draw-down (if not all purchased from existing water rights) totaling 13,702,747 cubic feet exceeds the <i>de minimis</i> limit of 4,356,000 cubic feet per year, and so formal conference with the USFWS is required.	
3.10-100	Mitigation Measures		Jeri Wood	Mitigation Measures. WILD-7 should include non-Federal lands, especially on Partners for Wildlife projects (see general comment about Segments and Segment 9 regarding Partners for Wildlife projects).	
3.11-8	2		Amy Defreese	The document should reference Sage-grouse local working groups in Utah as this species (in Utah) may be indirectly affected if alternative routes are chosen over the proposed.	
3.11-12	1	1-17	Julie Proell	List of species for surveys the year prior to project should also include Preble's MJM, Yellow-billed cuckoo, Gold eagle, Prairie falcon, Red tailed hawk, and Swainson's hawk as those species are either now listed or have been documented in the project area with impacts anticipated to the species as a result of the project.	
3.11-26			Amy	There is a potential for indirect effects to greater sage-grouse in	

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			Defreese	Utah if Alternatives 7I or 4B are chosen. These alternative routes about the Utah/Idaho and Utah/Wyoming borders at a point where greater sage-grouse occupied, brooding habitat exists in Utah. We recommend that the BLM expand the Affected Environment – Existing Conditions section for greater sage-grouse to include Utah-specific information (Section 3.11.1.5).	
3.11-27	3	1	Amy Defreese	There is a potential for indirect effects to greater sage-grouse leks in Utah if Alternatives 7I or 4B are chosen. These alternatives about the Utah/Idaho and Utah/Wyoming borders at a point where greater sage-grouse occupied, brooding habitat exists in Utah. We recommend that the BLM expand the Affected Environment – Existing Conditions section for greater sage-grouse to identify the number of leks in Utah.	
3.11-35	Bliss Rapids Snail (Threatened)		Jeri Wood	Bliss Rapids Snail (Threatened). We recommend updating the final EIS to state that “The Bliss Rapids snail (<i>Taylorconcha serpicicola</i>) was listed as threatened [DEIS indicates the species was listed as endangered] under the ESA on December 14, 1992.” In addition, the final EIS should be updated to indicate that the FWS determined in September 2009 that the Bliss Rapids snail is likely to become endangered within the foreseeable future (<i>i.e.</i> , the species remains threatened, as defined by the ESA). Therefore, The FWS determined that removing the Bliss Rapids snail from the list of endangered species is not warranted at this time.	
3.11-36	Snake River Physa Snail (Endangered)		Jeri Wood	Snake River Physa Snail (Endangered). The text insert below represents the most recent information on the distribution of the Snake River Physa snail. This information should be used in both the final EIS as well as in effects analyses associated with any ESA section 7 conferencing efforts regarding this species. In addition, the effects of any Snake River crossings located within this updated species range area should be addressed in both the	

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				<p>final EIS and effects analyses associated with section 7 conferencing efforts once the preferred alternative for the Project is identified.</p> <p>The Snake River physa snail is only known from the Snake River in south-southwest Idaho, with limited specimens recorded from a single major tributary. The Service (1995, pg. 8) reported that the Snake River physa's "modern" range extended from Grandview (RM 487, Rkm 784) to the Hagerman Reach (RM 573, Rkm 922). Recently identified specimens collected by the Bureau of Reclamation (Gates and Kerans 2010, pg. 20, 48-51) and Idaho Power Company from 1995 to 2003 (Keebaugh 2009, pgs. 1-124) confirm its distribution to as far upstream as Minidoka Dam (RM 675, Rkm 1086.1) and as far downstream as Ontario (RM 368, Rkm 592.1), Oregon, some 128 miles (206 km) downstream of its previously recognized downstream range (Grandview). Two specimens were recovered from the Bruneau River arm (RM 4, Rkm 6.4) of C.J. Strike Reservoir (Keebaugh 2009, pg. 123) representing the only tributary of the Snake River from which the species has been recorded.</p> <p>While the species is more widespread than previously thought, currently recorded from an estimated 307 river miles (494 river km), it has not been found at high densities within much of its current, known range and is likely absent from portions of the river. The most extensive surveys conducted to date are from the 12-mile reach below Minidoka Dam (RM 663-675, Rkm 1066.8-1086.1) (Gates and Kerans 2010, pg. 10), in which live Snake River physa were recovered from 29 (8%) of 365 samples collected. In plots where they were found, densities were typically ≤ 32 per square meter, but live animals reached relatively high densities in a few of these samples, estimated at 40 to 64 individuals per square meter. Elsewhere in the Snake River, surveys have been much less intensive and not specific to Snake River physa. Of 758 samples reexamined by Keebaugh (2009) between river miles 200 and 589.2, 4.5% (34) contained Snake River physa. Of those, 67% (23) contained a single animal ($0.25/m^2$) and one sample near Marsing, Idaho (RM 421, Rkm 677.4) contained a high of 7 individuals, extrapolating to a density of 28 per square meter. Hence, in habitats sampled in the lower Snake River, the species would probably not be regarded as ubiquitous nor abundant, and being patchily distributed. River reaches upstream of the Hagerman area (est. RM 590, Rkm 949.3) through Milner Reservoir (est. RM 663, Rkm 1066.8) have not received systematic surveys or reexamination of previously collected materials.</p>	

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3.11-37	Utah Valvata Snail (Endangered)		Jeri Wood	Utah Valvata Snail (Endangered). Be aware that the FWS removed the Utah valvata snail from the Federal List of Endangered and Threatened Wildlife effective September 24, 2010. The final EIS should be updated to reflect this information.	
3.11-43	3		Lynn Gemlo	Preble's meadow jumping mouse must be analyzed as a threatened species. Move to Sec 3.11-20.	
3.11-44	2		Lynn Gemlo	Should be added- Preble's meadow jumping mouse are found, as far as current distribution, in 5 counties in WY. Laramie, Goshen, Platte, Albany and Converse. Fed. Reg. 2008. Segment 1E and 1W occur in Converse and Albany. Should be added-Habitat of jumping mouse in riparian is 100 meters beyond the 100 year floodplain.	
3.11-59	1	Conclusion	Julie Proell	BFF : You determined MANLAA because potential for impacts, implementation of EPMS, mitigation measures. I believe this is the appropriate determination for this species for this project in WY.	
3.11-60	5	Conclusion	Julie Proell	Canada lynx : You determined MANLAA because loss of some LAU habitat, cross 2 linkage, but no impact to prey base or impede movement. I believe this is the appropriate determination for this species for this project in WY.	
3.11-63	4	Conclusion	Julie Proell	Grey wolf : You determined MANLAA because no specific habitat type required, and wolves would move from area during construction. I believe this is the appropriate determination for this species for this project in WY.	
3.11-64	1		Lynn Gemlo	Not avoiding leks and core areas is not sufficient to protect nesting birds with these distances.	
3.11-64	2		Lynn Gemlo	Need to meet WY Core Area Strategy-General Stipulations for vegetation removal: Limited to minimum disturbance required by the project. All removal will occur between July 1 and March 14 within 4.0 miles of an occupied lek.	
3.11-65	PAC-10		Lynn	0.25 mile arbitrary, not based on literature. Not enough to minimize	

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			Gemlo	disturbance for sage-grouse.	
3.11-65	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. Please explain the justification for the survey zone of 1 mile for PAC-7 and the .25 mile no surface disturbance buffer for PAC-10. Ruby Pipeline used a 2 mile survey buffer (FEIS, page 4-141) and the 0.6 mile no surface disturbance buffer (FEIS, page 4-141). See also general comment above regarding consistency of buffer zones, etc.	
3.11-67	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. TESWL-23 should be applied across the entire line to provide for consistency across the project area	
3.11-68	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. It is unclear that poaching of sage grouse poses a significant adverse effect on sage grouse. Please provide a citation for this statement.	
3.11-69	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. Please provide a citation for the statement "Golden eagles hunting ranges ...very large". Also TESWL-22 should be applied across the entire line to provide for consistency across the project area.	
3.11-70	2		Lynn Gemlo	Why would the avoidance distance based on literature not be used? Should use the science to base this on to minimize impacts.	
3.11-71	2		Lynn Gemlo	Kestrels, falcons, tree swallows and chickens have been shown to be highly sensitive to electromagnetic fields.	
3.11-72	3		Lynn Gemlo	Explain "replacement of any lost birds"?	
3.11-72	5	Conclusion	Julie Proell	G. sage-grouse: You determined MAA individuals (take) because going through core and key areas, avoiding <i>most</i> leks w/in 0.25 to 0.6 miles, compensatory mitigation plan, PAC-7 thru 12, TESWL-10, TESWL-14 thru 16, TESWL-19, TESWL-23, TESWL-22. If compensatory mitigation plan not complete, MAA <i>and</i> trend to listing would be result of project.	
3.11-73	1		Lynn	Cannot assume the final plan would say this, this is a presumptive	

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			Gemlo	statement not based on any information that would lead you to be confident in this statement. Suggest deleting it.	
3.11-73	4	Conclusion	Julie Proell	Grizzly bear: You determined MANLAA because will avoid area, will avoid whitebark pine to extent practicable. I believe this is the appropriate determination for this species for this project in WY.	
3.11-78 3.11-85	2 1	Conclusion Conclusion	Julie Proell	Platte River Sp: You determined MALAA because depletions if not able to purchase enough water. I believe this is the appropriate determination for these species for this project in WY. You will need to initiate formal conferencing under the programmatic BO for Platte River depletions.	
3.11-78	4	Conclusion	Julie Proell	Wyoming Toad: You determined NE because no suitable habitat within area	
3.11-80	2	Conclusion	Julie Proell	Yellow-billed cuckoo: You determined MAA individuals (take) because span riparian areas, implement EPMs to avoid riparian areas to extent practicable. I believe this is the appropriate determination for this species for this project in WY.	
3.11-80	Federal ESA Invertebrate Species		Jeri Wood	Federal ESA Invertebrate Species. Update the final EIS to state: "There are four [DEIS says five] federally listed and two [DEIS says one] recently delisted aquatic invertebrate species found within the Analysis Area that could be affected by the Project's construction and operations: the Utah valvata snail (delisted) [DEIS says Endangered]; Bliss Rapids snail (Threatened); Jackson Lake springsnail (delisted); Banbury Springs limpet (Endangered); Snake River physa snail (Endangered); and Bruneau hot springsnail (Endangered)."	
3.11-81	Federal ESA Invertebrate Species		Jeri Wood	Federal ESA Invertebrate Species. The DEIS describes some potential effects to listed Snake River snails as being water temperature increases due to vegetation loss along the Snake River and streams as well as impacts from potential access road crossings of springs and rivers. Listed Snake River snails are	

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				<p>found in cold water river habitats and associated cold water springs and spring creeks. Removal of vegetation along the Snake River is not expected to impact water temperatures to the degree that these snail species would be adversely affected, particularly at RM 573.5. RM 573.5 is located over the reservoir associated with the Salmon Falls Dam. In addition, the IFWO is not aware of documented records of the Bliss Rapids snail in the reservoir, and we do not expect Snake River Physa snail to occur in the reservoir.</p> <p>In contrast, the removal of vegetation along cold water springs and spring creeks may impact water temperatures to the degree that listed Snake River snail species, if present, could be adversely affected. Similarly, road crossings of cold water springs or their spring creeks could impact listed Snake River snails. We strongly recommend that the placement of any potential road crossings through cold water springs and their associated spring creeks that contain listed Snake River snails or contribute to listed Snake River snail habitat in adjacent river habitats be avoided as these springs represent high value habitats that are extremely limited in southern Idaho. In addition, we agree that sediment generated by the project through vegetation removal or access road construction or use could affect listed Snake River snails within the Snake River as well as associated habitats, and should continue to be discussed in the DEIS.</p> <p>The Proposed Route and Route Alternatives for the Project between Jerome and Glens Ferry, Idaho (east to west) and between King Hill Creek ACEC and Castleford, Idaho (north to south) are of particular importance to the conservation of listed aquatic invertebrates in Idaho. The Idaho Fish and Wildlife Office (IFWO) is available to provide detailed technical assistance</p>	

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				regarding avoidance and minimization of potential effects of the Project on listed aquatic invertebrates in Idaho. We request that a zoomed in map detailing the locations of all Proposed Route and Route Alternatives for the Project between Jerome and Glens Ferry, Idaho (east to west) and between King Hill Creek ACEC and Castleford, Idaho (north to south) be provided to the IFWO to assist us in developing technical assistance recommendations for the Project prior to the release of the final EIS. In addition, a map that zooms in on the proposed location of the Bruneau River crossing by the Project would also assist the IFWO in providing technical assistance on measures that will avoid or minimize Project impacts on the Bruneau hot springsnail as well as potential impacts on designated bull trout critical habitat.	
3.11-84	4	Conclusion	Julie Proell	Colorado River Fish: You determined MALAA because depletions if not able to purchase enough water. I believe this is the appropriate determination for these species for this project in WY. We will need to undergo formal conferencing under the programmatic BO for Colorado River depletions.	
3.11-85	Federal ESA Fisheries Species		Jeri Wood	Federal ESA Fisheries Species. Critical habitat for bull trout has been finalized. Please update this discussion.	
3.11-88	3	Conclusion	Julie Proell	Bald eagle: You determined MAA individuals because impacts habitats near nests and roosting habitats, implement EPMs and mitigation measures. Will have to apply for an eagle take permit, once they become available.	
3.11-89	2	Conclusion	Julie Proell	Black- and White-Tailed Prairie Dogs: You determined MAA individuals because increased predation, disturbance, loss or modification of habitat, implement mitigation measures TESWL-2, TESWL-3. I believe this is the appropriate determination for this species for this project in WY.	

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3.11-91	4	Conclusion	Julie Proell	Burrowing owls: You determined MAA individuals because impact habitat, increased predation, PRC-5 mitigation measure. Determine MALAA because depletions if not able to purchase enough water. I believe this is the appropriate determination for this species for this project in WY.	
3.11-95	3		Lynn Gemlo	Again, federally listed as threatened. Place in appropriate section	
3.11-96	1		Lynn Gemlo	Effects analysis to focus on 100 meters beyond the 100 yr floodplain.	
3.11-96	3		Lynn Gemlo	Based on your statements, riparian areas within the Preble's meadow jumping mouse habitats cannot be avoided. You expect adverse effects to occur which should be clearly stated here. Current language as written is not appropriate.	
3.11-96	4	Conclusion	Julie Proell	Preble's Meadow Jumping Mouse: You determined MAA individuals because within riparian and wetlands, implementation of EPMs to minimize. This is an incorrect determination, as this species is currently federally listed as threatened in WY. I recommend that the project proponent amend the project so that a determination of MANLAA can be achieved.	
3.11-97	7	Conclusion	Julie Proell	Pygmy rabbit: You determined MAA individuals because impact habitat, increased predation, EPMs and mitigation measures would limit potential impacts. I believe this is the appropriate determination for this species for this project in WY.	
3.11-98	9	Conclusion	Julie Proell	Wyoming Pocket Gopher: You determined MAA individuals, individuals because impact habitat, increased predation, EPMs and mitigation measures would limit potential impacts. I believe this is the appropriate determination for this species for this project in WY.	
3.11-121	1-2	All	Julie Proell	EPMs PRC-15, PRC-16, PRC-17. Birds may be impacted even if their nests are within 0.5 miles of construction.	
3.11-157	5	3.11.2	Julie	The proposed Structure Variation with guy wires could increase the	

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		.5 entire	Proell	impact on migratory birds. Additionally, you state that mortality at a given site will cause flight diverters be installed locally. We recommend the use of guyed towers only be used in areas where a lack of avian use has been demonstrated through surveys throughout the year leading up to construction.	
3.11-159	TESWL-11		Lynn Gemlo	What is the source of the information to apply 4 miles and 1.2 miles?	
3.11-159	TESWL-14		Lynn Gemlo	You should be consistent and use the most conservative information.	
3.11-160	Mitigation Measures on Federal Lands		Jeri Wood	Mitigation Measures on Federal Lands. TESWL should be applied on all landownership as guy wires have been shown to be detrimental to migratory birds and the restrictions of the Migratory Bird Treaty Act apply regardless of landownership.	
4-64	Cumulative Effects		Jeri Wood	Cumulative Effects. We agree with the DEIS conclusion that this project would have an overall substantial cumulative impact on native vegetation types, including shrub habitat required by sagebrush obligate species such as sage grouse.	
4-71	Cumulative Effects		Jeri Wood	Cumulative Effects. The DEIS states that Avian Protection Plan would reduce the potential for mortality for migratory birds and raptors. Development of an Avian Protection Plan, with participation by the FWS, should be a requirement by the BLM prior to submittal of a Notice to Proceed. Additional, we agree with the statement that the proposed project would have a substantial cumulative impact on migratory birds and raptors, especially if segment 8 is approved in the Snake River Birds of Prey area.	
4-81	Cumulative Effects		Jeri Wood	Cumulative Effects. While the project proponents have made efforts to establish the line outside the 0.25 mile buffer zone (see general comment above regarding buffer zones), the cumulative effects of this line plus all past, present and future projects proposed across the landscape are substantial. This project and	

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				all other project will lead to increased habitat fragmentation and regardless of the activity; sage grouse have been documented to be adversely affected by anthropomorphic disturbances on the landscape. This will be especially evident if the proposed segment 7 is approved (see above general comment).	
C-2, p 2-10	Noxious and Invasive Weed Control		Julie Proell	Noxious and Invasive Weed Control. We appreciate the inclusion of this section into the reclamation plan. For how many years will the annual spraying occur?	
C-2, p. 8	4.1.2 Seed Mixes	6	Julie Proell	Seed Mixes. What will this sentence say when completed?	
C-2, p. 9	Post-construction monitoring and reporting		Julie Proell	Post-construction monitoring and reporting. A 3-year period is not long enough to determine whether weed control and seeding measures were adequate to mitigate for ground-disturbing activities. Additionally, we recommend the project proponent monitor the density of reseeded areas to ensure the densities are comparable to adjacent communities.	
C-3, p4-7	Table 1		Julie Proell	Species Protected in the Gateway West Species Conservation Plan. This table should be updated to include the current status of T&E species, i.e. Preble's meadow jumping mouse, Wolverine.	
C-3, p16-20	Birds		Julie Proell	Proposed Plant and Wildlife Conservation Plans. The phrase "Exceptions include areas where regular human activity occurs (e.g. along highways) which has acclimated animals to disturbance. If the animals are habituated to disturbance, the surface use stipulation will be waived for the entire season," is subjective. The disturbance from a highway is very different from the disturbance from the installation of transmission line towers. You cannot expect that birds will not be harassed by the proposed construction if they are within the recommended spatial buffer area.	
C-4, p. 14	OM-25		Julie Proell	"If the animals are not directly within ground disturbance areas, they will be protected by marking the edges of the ROW and	

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				service roads in the general vicinity to ensure that workers do not leave those areas." I recommend including the phrase "Proponents will contact a USFWS biologist." Whenever a T&E species is located within the vicinity of the project area, a biologist from the USFWS should be notified.	
C-5, p 2, 1.1.1.1	# 1		Lynn Gemlo	Should mark those guy wires to minimize impacts	
C-5 p 2, 1.1.1.1	# 2		Lynn Gemlo	Consider burying these smaller lines because they can cause negative impacts. Can you retrofit existing lines?	
C-5, p 3	#4		Lynn Gemlo	0.25 miles is not based on any published literature, is arbitrary. Average of 4 mile from a lek was shown in studies in WY to protect 98% of nesting hens. Should consider this information also.	
C-5, p 5, 1.1.1.2	# 1 and # 2		Lynn Gemlo	These guidelines replaced by the Core Area Strategy for WY.	
C-5, p 5, 1.1.1.2			Lynn Gemlo	Bates Hole/Shirley Basin Plan-We recommend the use of perch deterrents. What "other methods of mitigation" are you referring to?	
C-5, p 6	2		Lynn Gemlo	Where in the scientific literature does it support you only addressing impacts within 1km? Impacts can occur and it is recognized there is literature that discusses negative impacts from power lines.	
C-5, p 7, 1.1.2			Lynn Gemlo	We recommend you adopt the most conservative restrictions.	
C-5, p 7, 11 1.1.3			Lynn Gemlo	As stated in Core Area Strategy, new transmission infrastructure must demonstrate that it will not cause declines in sage-grouse populations. How will you demonstrate this?	
C-5 p 8, 9, 10, 1.2			Lynn Gemlo	You acknowledge that this data in the draft EIS 3.11-71 is not peer reviewed and does not provide enough evidence that lek abandonment or decrease in lek attendance will not occur due to the transmission lines. Why use this data and base your conclusion on it to say a lek more than 0.65 mile from the powerline will be	

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				minimally affected? Sage-grouse have high fidelity to nest sites, you did not consider length of line and the effect from lines could have already occurred. You need good temporal information to discuss impacts adequately.	
C-5 p 10, 2.1			Lynn Gemlo	When did Tetra Tech do their surveys? How many surveys were completed? Locating leks are highly dependent on time of year. This data is now 3 years old. Need have updated lek information to 2011 to be accurate.	
C-5 p 10, 2.1	2		Lynn Gemlo	Again, 0.25 mile buffer is not based on any published literature and is arbitrary.	
C-5 p 13, 2.4			Lynn Gemlo	"no construction activities....." is not consistent with the WY Core Area Strategy.	
C-5 p 14, 2.4	Top of page		Lynn Gemlo	Include restrictions for Nevada also.	
C-5, p14, 3.0	2		Lynn Gemlo	How will impacts be successfully restored? Develop a plan for this specifically. When will the entities be contacted and what if their participation is not secured? Re: in-lieu of payments see Naugle et al. Ch4. P. 55 <i>in</i> Energy Development and Wildlife Conservation in Western North America, 2011: should look at a.... "biologically based currency for estimating efficiency of offsets and develop a framework for applying proceeds to maximize conservation benefits."	
C-5 p 15, 3.0	1		Lynn Gemlo	We do not support the use of crested wheatgrass and forage kochia because should use native species. They don't provide a lot for sage-grouse. Where is the literature that supports your selection of these species? Concerns with not understanding the long term effects from use of forage kochia on the environment.	
C-5 p 15, 3.0	1		Julie Proell	We recommend that project areas are reseeded or planted with native species that are within the adjacent undisturbed communities. Sage-brush should be included within the list of	

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				native species to be seeded and planted in disturbed areas.	
C-5 p 15, 3.0	3		Lynn Gemlo	You need to utilize local data on population numbers to understand and accurately identify impacts to leks.	
C-5 p 15, 3.0	Table 5		Lynn Gemlo	How did you determine these ratios?	
F.1-49-50	Appendix F, Morley Nelson Snake River Birds of Prey National Conservation Area		Jeri Wood	Appendix F , Morley Nelson Snake River Birds of Prey National Conservation Area. The DEIS introduces verbiage for an proposed RMP amendment as follows: "The Gateway West Transmission Line will be allowed to remove limited amounts of sagebrush for construction while maintaining a distance of at least 50 feet from existing or known peppergrass occurrences. These activities will be monitored and mitigated for." Be aware that the removal of individual sagebrush plants within proposed critical habitat for the slickspot peppergrass constitutes an adverse effect to one of the primary constituent elements of slickspot peppergrass proposed critical habitat. If the Project cannot be modified to avoid impacts, formal conference is recommended if sagebrush plants, native forbs, or slickspot microsites within proposed critical habitat are expected to be lost or disturbed as the result of project construction, operations, maintenance, or decommissioning.	
J.	Framework for Sage-Grouse impacts analysis		Julie Proell	The Framework for sage-grouse impacts analysis for interstate transmission lines should be amended to reflect the recent changes in the location of the HEA.	
General			Jeri Wood	It is our understanding that the BLM will not be conferencing on candidate species. The DEIS indicates that section 7 conference on the potential effects of the Project will occur for the greater sage-grouse (<i>Centrocercus urophasianus</i>). Candidate species in Idaho that could also be evaluated in section 7 conference include the Goose Creek milkvetch (<i>Astragalus anserinus</i>), the whitebark	

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				pine (<i>Pinus albicaulis</i>), and the wolverine (<i>Gulo gulo luscus</i>). If the BLM does consider section 7 conferencing, then all candidate species that may be affected by the Project should be included. Either way the DEIS needs to accurately reflect whatever action the BLM will take with regards to candidate species.	
General			Julie Proell	I recommend that avoidance, minimization, and mitigation practices that are supported by the Agencies on public lands be implemented throughout the project alignment, regardless of land ownership.	
General			Julie Proell	For Segment 1E , I am more supportive of Alt 1E-A and Alt 1E-C because of the shorter overall lengths, lesser impacts to wildlife, and lesser impacts to G. sage-grouse core area. It is difficult to support either the proposed segment 1E comparison with Alt 1E-B or Alt 1E-B because the proposed has lesser impacts on many wildlife species, though passes through a significant amount of G. sage-grouse core areas, while Alt 1E-B avoids G. sage-grouse core areas, but has greater impacts on other wildlife and their habitats.	
General			Julie Proell	For Segment 1W , I am more supportive of Alt 1W-A because it is shorter than the proposed comparison segment and has lesser impacts on many wildlife species and their habitats.	
General			Julie Proell	For Segment 2 , I am more supportive of the proposed segments instead of the alternatives for 2A and 2B because of the lesser impacts on wildlife and their habitats. However, I am more supportive of Alternative 2C over the portion of the proposed alignment because it minimizes impacts to sage grouse. WILD 7, 8, 10, 3, and PRC 12-14 and 18-20, and others should help to minimize impacts on the large number of raptor nests within 1 mile of the alignment.	
General			Julie	For Segment 4 , it is difficult to determine which portion of the	

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			Proell	segment (between the proposed alternative and Alt 4A) would have the least impacts on wildlife and their habitats. I do not support the proposed or the alternatives. The proposed alignment has fewer nests within 1 mi of the alignment and has lesser impacts on riparian habitat. However, Alternative 4A parallels an existing 345 kV line and has the least amount of impacts in terms of new features on the landscape and lesser impacts to many wildlife species (except the most through grizzly bear habitat). Alternative 4F has the least impact to Black footed ferret, sage grouse core and key areas, and Mtn. plover habitats, but impacts much more of Canada lynx habitat than any other alignment.	
General			Jeri Wood	Candidate Species. The DEIS currently addresses effects of the Project on the Goose Creek milkvetch and the whitebark pine, however the DEIS does not appear to address effects of the Project on the wolverine. The wolverine became a candidate for listing under the Endangered Species Act (ESA) as of December 14, 2010. For recent information on the wolverine, see the FWS December 14, 2010 Federal Register notice. We recommend that the final EIS addresses potential effects of the Project on the wolverine.	
General			Jeri Wood	RMP Amendments. In Appendix F, numerous land use plan amendments required for implementation of the Project are discussed. Many of the existing land use plans (at least in Idaho) are dated and have limited conservation measures identified for special status species. As conservation of species based on these older RMPs are likely not adequate for species survival and recovery, we recommend that specific conservation measures for special status species identified in the 2006 Conservation Agreement between BLM and FWS be addressed in the final EIS for this Project. In addition, the 2009 Conservation Agreement	

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				<p>between BLM and FWS for the slickspot peppergrass should also be adhered to in the development of this Project. These Conservation Agreement conservation measures may be replaced by measures that are provide greater conservation value or are based on more recent scientific information pertinent to individual species and their habitats.</p>	
General			Jeri Wood	<p>Segments. The FWS has concerns with certain segments of the proposed action and alternatives. Segments 9, 8, and 7 cross three Partners for Wildlife wetland projects that were funded by the FWS and other partners to promote the conservation of migratory birds. One is Bruneau River Ranch near the Bruneau River (Milepost 100) on segment 9, alternative 9C, another one is Spring Cove Ranch near Pioneer Reservoir (between Mileposts 30 and 40) on segment 8, and the third one is Six S Ranch east of Declo on Marsh Creek (Milepost 70) on proposed segment 7, and alternative 7D. For all of these sites the FWS recommends avoiding these wetlands and install bird diverters or markers on lines near these areas to reduce the possibility of avian fatalities. If ground disturbance is necessary, site specific management plans should be approved by the landowner, in conferencing with the FWS, and should include any proposed mitigation to offset the loss of wetland habitat. If segment 7 is approved for permit, we would support the alternative proposed by Ducks Unlimited to replace a portion of alternative 7D.</p>	
				<p>Segment 9. Segment 9, alternative 9D, and G appears to be planned to span C.J. Strike Reservoir and a portion of the proposed route of segment 9 (between Milepost 90 and 100) will cross the Bruneau River. The Bruneau River is of significant value for migratory birds. The combination of lacustrine, palustrine, riverine and upland mitigation sites provides support for at least</p>	

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				<p>240 species of birds (most of which are migratory bird species, several such as the long billed curlew, are of high priority to the FWS). The C.J. Strike Area is identified as a globally important bird area by the American Bird Conservancy. Significant investments of federal, state, and private funds have occurred in the Bruneau River valley to enhance fish and wildlife habitats. As a result of Federal Power Act and Fish and Wildlife Coordination Act conferencings between the IDFG, FWS, BLM and the FERC, the Idaho Power Company, as a requirement of their FERC licensing for the C.J. Strike Hydroelectric Project, purchased and is managing an extensive acreage of property for wildlife, wetland, and recreational mitigation. These mitigation sites are located on the Bruneau River, the Snake River, and the pool area of the C.J. Strike Reservoir. The Idaho Department of Fish and Game added to the value of the Bruneau River area by purchasing and managing a several Wildlife Management Areas. Recently, our FWS Partners for Fish and Wildlife program has been cooperating with Ducks Unlimited to restore and enhance wetlands on private lands adjacent to the WMAs in the Bruneau River valley. These partnership projects should further enhance the fish and wildlife value of the area. IDFG notes that upwards of 90,000 ducks and 12,000 geese occupy the WMA during some winter seasons. Concentrated daily and seasonal bird movement should be anticipated between C.J. Strike Project area and surrounding feeding/nesting habitats. Bald eagles commonly use the areas in late fall and early winter. High concentrations of staging waterfowl provide available prey. Golden Eagles occasionally nest along the basalt cliffs of the reservoir, and are present late in the area through early winter.</p>	
General			Jeri Wood	Any decreases in habitat functions or value of the mitigation sites	

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				will need to be offset by the Idaho Power Company. I would recommend acquisition and restoration of currently damaged or at risk wetland/riparian habitats for the offset any losses to habitat functions and values. I would recommend at least a greater than 1:1 ratio of acres impacted to property purchased to allow for the uncertainty related to wetland creation/enhancement. Purchasing existing functional wetland/riparian habitats will have no mitigation value, unless it is at an otherwise legal/imminent threat from conversion/development.	
General			Jeri Wood	Segment 7. The FWS does not support any of the alternatives described in segment 7 nor do we support the proposed action for segment 7. This area supports a high concentration of sage grouse and key habitat in Idaho and would increase habitat fragmentation and loss of habitat. Installation of segment 7 would also increase the possibility of additional energy projects and would cumulatively lead to an adverse effect on sage grouse. We are supportive of segment 6, with appropriate timing restrictions and pre-construction surveys, as this area is already disturbed due to the existing 345kV line.	
General			Jeri Wood	Segment 8. In general, segment 8 creates the potential for significant adverse effects on multiple species of concern, including raptors nesting in the Snake River Birds of Prey Area and <i>Lepidium papilliferum</i> . Based on the assessment in the DEIS, we do not support this proposed route or its alternatives.	
General			Jeri Wood	Segment 5. For segment 5, the FWS is more supportive of alternative 5C. This alternative seems to have the least impacts to wildlife of concern and important habitat types, including shrublands and native grasslands.	
General			Jeri Wood	Buffer Zones and Timing Restrictions. The FWS recommends that the FEIS include a consistent application of buffers and timing	

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				restrictions across the entire transmission line. For example, Wyoming Core Areas require that no more than 5% impact can be allowed within the area. This standard should be applied to Idaho key habitats. While each state and the BLM District have their own buffers and restrictions, for this project we recommend using the most conservation buffers and restrictions and apply them to the entire transmission line. Another example of inconsistency in application of buffer zones on Federal lands is the Ruby Pipeline project. This project required that the project proponent conducted surveys for leks within 2 miles of the pipeline and required all construction be avoided within 4 miles of a lek from March 1 and June 15 (in Utah).	
General			Jeri Wood	Substations. The FWS does not support development of the Cedar Hill Substation. Similar to our concerns with the proposed segment 7, the Cedar Hill Substation is near a high concentration of sage grouse and key habitat. Development of this substation would add a significant cumulative effect on the species because it will lead to additional energy developments in the area. These same concerns apply to development of the Rogerson Substation.	
General			Jeri Wood	Mitigation. The FWS believes that release of the DEIS was premature and should have been released once the Habitat Equivalency Analysis and Density of Disturbance Calculation is completed. Both of these processes will affect mitigation for sage grouse and the public should have an opportunity to review and comment on that mitigation. At a minimum, the BLM should provide a longer than normal review process for the FEIS to allow the public to review results of the HEA and DDC.	

From: BLM_WY_Gateway_West_Trans_Line [BLM_WY_Gateway_West_Trans_Line@blm.gov]
Sent: Thursday, November 03, 2011 12:31 PM
To: blm@gwcomment.com
Subject: FW: USFWS comments on Gateway West
Attachments: Compiled GatewayWestTransmissionLine_DEIS.pdf; WY11TA0359_jpGateway West DEIS comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: [Julie Proell@fws.gov](mailto:Julie_Proell@fws.gov) [mailto:Julie_Proell@fws.gov]
Sent: Monday, October 31, 2011 9:08 AM
To: BLM_WY_Gateway_West_Trans_Line
Subject: USFWS comments on Gateway West

Hi, Walt,

Please find the compiled comments from the Idaho, Utah, and Wyoming USFWS offices in electronic form.

~~~~~  
Julie M. Proell  
Fish and Wildlife Biologist (Energy)  
U.S. Fish and Wildlife Service  
Wyoming Ecological Services Office  
5353 Yellowstone Road, Suite 308A  
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~~~~~

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

**Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009**



In Reply Refer To:
ES-61411/WY11TA0359

Oct 28, 2011

Memorandum

To: Project Manager, Gateway West Transmission Line Project EIS, Bureau of Land Management, Cheyenne, Wyoming

From: **For** Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming **s Tyler Abbott**

Subject: Gateway West Transmission Line Project Draft Environmental Impact Statement

Thank you for your letter (280(920George) WYW-174598, IDI-35849, NVN-089270) of July 5, 2011 received in our office on August 4, regarding the proposed Gateway West Transmission Line Project (Project) Draft Environmental Impact Statement (DEIS). The Bureau of Land Management (Bureau) requested comments from the U.S. Fish and Wildlife Service (Service) on the Project pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (Act) (50 CFR §402.14).

Please find the enclosed comments from the Idaho, Utah, and Wyoming Service Field Offices. In addition to providing comments, we have also included information regarding other areas of Service trust authorities such as the Migratory Bird Treaty Act (MBTA), 16 U.S.C. 703, the Bald and Golden Eagle Protection Act (BGEPA), 16 U.S.C. 668, and wetlands protection. We anticipate your response to our comments, and aim to partner with the Bureau to avoid and minimize impacts to the Service's trust resources as a result of the proposed Project.

For our internal tracking purposes, the Service would appreciate notification of any decision made on this project (such as issuance of a permit or signing of a Record of Decision or Decision Memo). Notification can be sent in writing to the letterhead address or by electronic mail to FW6_Federal_Activities_Cheyenne@fws.gov.

We appreciate your efforts to ensure the conservation of Wyoming's fish and wildlife resources. If you have questions regarding this letter or your responsibilities under the Act and/or other authorities or resources described above, please contact Julie Proell of my office at the letterhead address or phone (307) 772-2374, extension 232.

Enclosure

cc: BLM, Endangered Species Program Lead, Cheyenne, WY (C. Keefe) (e-mail)
Idaho Field Office, USFWS (J. Wood)
Utah Field Office, USFWS (A. Defreese)
Nevada Field Office, USFWS (S. Abele)
USFWS, Office of Law Enforcement, WY (R. Brown)
WGFD, Non-game Coordinator, Lander, WY (B. Oakleaf)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka)

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Gateway West Transmission Line Project DEIS Comment Form from Idaho, Utah, and Wyoming USFWS Field Offices

Commenters: Amy Defreese, Ecologist, Utah Field Office, USFWS
Lynn Gemlo, Listing Biologist, Wyoming ES Office, USFWS
Julie Proell, Energy Biologist, Wyoming ES Office, USFWS
Jeri Wood, Fish and Wildlife Biologist, Snake River Fish and Wildlife Office, USFWS

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2-20	1-3	All	Julie Proell	Guyed towers have been shown have a significant impact on migratory birds compared to the proposed self-supporting lattice structures. We recommend the use of SSL towers in all areas where moderate to high bird use has been documented.	
3.6-10	Vegetation Types of Concern		Jeri Wood	The DEIS states that “Limber pine and whitebark pine, which have recently been added to the BLM sensitive species list in Wyoming, are addressed in Section 3.7.” As this species has recently been identified by the FWS as a candidate for listing under the ESA, be aware that Idaho BLM has also added the whitebark pine to their BLM sensitive species list.	
3.7-9	ESA-Listed & Candidate Plant Species		Jeri Wood	Whitebark pine. The whitebark pine was identified as a candidate for listing under the ESA by FWS on July 18, 2011. The final EIS (as well as section 7 conference on candidate species, if requested by BLM) should address this change in status for the whitebark pine.	
3.7-19	Plan amendments		Jeri Wood	Plan Amendments. The DEIS indicates that the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP) Resource Management Plan will require an amendment as the Gateway West project as proposed would be located within 0.5 miles of sensitive plant habitat along Segment 8. We recommend that Segment 8 be reevaluated to avoid impacts to sensitive plant species and their habitats, including the slickspot peppergrass.	
3.7-22 and 23	4 and 1	All	Julie Proell	TESPL-2 and TESPL-3 state that there will be 3 years of preconstruction surveys performed in suitable habitat for Ute ladies'-tresses and that micro-siting will be used to avoid identified populations. I recommend that these measures be implemented	

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				throughout all suitable habitat within the Analysis Area, and not just on public lands. Otherwise, impacts to this species may be MALAA and require formal conferencing.	
3.7-23	Slickspot peppergrass (Threatened)			<p>Slickspot peppergrass. We anticipate that the Gateway West Transmission Line Project may result in some unavoidable adverse effects to proposed, listed, and/or candidate species, including the slickspot peppergrass (<i>Lepidium papilliferum</i>). Despite mitigation measures, it is anticipated that impacts to some slickspot peppergrass plants or seeds and its habitat may not be avoided by the Project. In addition, some segments of the Project bisect proposed critical habitat for the slickspot peppergrass. Impacts that may occur to the primary constituent elements for slickspot peppergrass critical habitat may include damage or loss of slickspot microsites or removal of sagebrush shrubs and native forbs during construction and/or maintenance activities.</p> <p>As described in the DEIS, transmission line construction, maintenance, and operations may also ignite wildfires, which would adversely impact both the slickspot peppergrass and its critical habitat. In addition, construction, operations, and maintenance of transmission lines may increase the risk of invasive nonnative plant introduction and spread on a localized level, potentially resulting in impacts to both the species and primary constituent elements of critical habitat. Through section 7 effects analyses, the Federal action agency examines the effect of their action on the species at the level of an individual plant or animal. While the FWS acknowledges that BLM has incorporated conservation measures into the proposal to avoid or minimize effects to slickspot peppergrass and its habitat as per BLM's 2009 Conservation Agreement with the FWS and the State of Idaho's 2006 Candidate</p>	

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				<p>Conservation Agreement, we anticipate that it will not be possible to avoid all localized adverse effects to the species and its critical habitat. Therefore, we recommend that the final EIS be updated to address these potential adverse impacts to the species and its critical habitat, and that the BLM request formal conferencing on the species and its critical habitat prior to signing the Record of Decision for this project.</p> <p>In addition, the DEIS indicates that the slickspot peppergrass is known to occur within 0.5 miles of Proposed Route and other Route Alternatives (8A, 8B, 8C) in Segment 8, and within 5 miles of Alternative 8E. We recommend the final EIS implements the Project routes that minimize overlap with slickspot peppergrass EOs and proposed critical habitat to the greatest extent possible. We further recommend that, within the conferencing for this project, specific EO numbers and critical habitat units be identified to allow for an adequate analysis of effects for this species. In addition, we recommend that potential habitat and slickspot peppergrass habitat as defined by Idaho BLM be included the analysis of effects of the Project on the slickspot peppergrass in the final EIS and associated section 7 conferencing.</p>	
3.7-23	Slickspot peppergrass		Jeri Wood	<p>Slickspot peppergrass. We agree with the DEIS that the Proponent-proposed Environmental Protection Measures (EPMs) are insufficient to protect the slickspot peppergrass due to its annual or biennial life history and its persistent seed bank. The agency mitigation measure within the DEIS appears to provide improved conservation for the species. However, we recommend that the term “higher-quality microsities”, which we interpret as slickspot microsities, be further defined or clarified in the final EIS. We also suggest that any slickspot known to support slickspot</p>	

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				peppergrass plants (whether meeting the criteria for a “quality microsite” or not) be avoided by construction equipment and vehicles. In addition, we encourage use of BLM data regarding the location of slickspot microsites and slickspot peppergrass to supplement slickspot peppergrass location information currently entered into the Idaho Natural Heritage Data Program (INHP). It is likely that BLM has some information that has not yet been entered into the INHP. Finally, as described in the 2009 Conservation Agreement between BLM and FWS, we recommend that disturbed areas in slickspot peppergrass habitat be reseeded to establish 50 percent perennial cover following all ground disturbing activities, unless ecological site conditions preclude that level of cover. If a native species component existed prior to the ground disturbance, then the native species component should be restored.	
3.7-24	2	6	Julie Proell	TESPL-5 states that any whitebark or limber pine stands will be mitigated through off-site mitigation and replanting in reclaimed areas. I recommend the inclusion of “approved biologist” in this mitigation measure to ensure that trees are properly identified, planted, etc.	
3.7-28-31	Table	Table	Julie Proell	Colorado Butterfly Plant: You determined NE because no portions of Analysis Area occur in counties where species occurs. I believe this is the appropriate determination for this species for this project in WY.	
3.7-28-31	Table	Table	Julie Proell	Blowout Penstemon: You determined that Segment 4 MANLAA, the rest of segments have NE. No sand dune habitat occurs in Analysis Area, though all portions are in potential range. PPC-1 through PPC-4 allow surface disturbance where surveys the year prior to construction suggest no populations are present. I believe this is the appropriate determination for this species for this project in WY.	

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3.7-28-31	Table	Table	Julie Proell	Western prairie fringed orchid: You determined that Segments 1E, 1W, and 2 MALAA, the rest of segments are NE. Adverse effect from depletions of N. Platte River watershed that occurs in Segments 1E, 1W, and 2. I believe this is the appropriate determination for this species for this project in WY. Formal conferencing should be initiated.	
3.7-28-31	Table	Table	Julie Proell	Whitebark pine: You determined that Segment 4 MALAA, rest of segments NE. Likely present along alignment of Segment 4 in WY and individuals will be removed. TESPL-5 states if a stand cannot be avoided, silvicultural treatments of adjacent stands, collection of seed, identification of “plus” trees, or other acceptable mitigations will be done to offset the loss of the stand in addition to replanting whitebark pine on reclaimed areas.” Recommend defining silvicultural treatments and other acceptable mitigations. I believe this is the appropriate determination for this species for this project in WY.	
3.7-28-31	Table	Table	Julie Proell	Ute ladies’-tresses: You determined MANLAA for Segments 1W, 1W, 2, 3, and 4, the rest are NE. Potential habitat occurs within Analysis Area, and limited surveying was not appropriate to disqualify this species from being considered for potential impacts. I anticipate seeing results of surveys from 2011 from each site within the analysis area that contains suitable habitat for this species.	
3.7-28-31	Table	Table	Julie Proell	Desert yellowhead: You determined NE because only found over 50 miles away from the project site in Fremont County, which is not included in the Analysis Area. I believe this is the appropriate determination for this species for this project in WY.	
3.7-39	Segment 4, ESA-listed and Candidate		Jeri Wood	Segment 4, ESA-listed and Candidate Species. The DEIS states that “Given that pre-construction surveys for Ute ladies-tresses would be conducted in areas of suitable habitat, and that	

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	Species			loss of wetland habitat would be adequately mitigated, construction and operations of the Project along the Proposed Route and Route Alternatives may affect, but are not likely to adversely affect, this species.” However, this species is extremely difficult to survey for, so all plants may not be avoided by construction activities. In addition, mitigation of wetland habitat loss is not expected to avoid the loss of individual plants on that may be present on lost wetland areas. BLM may wish to consider a “likely to adversely affect” determination for the Ute ladies’-tresses in section 7 conferencing associated with the final EIS.	
3.7-45	Segment 8, ESA-listed and Candidate Species		Jeri Wood	Segment 8, ESA-listed and Candidate Species. The DEIS states that “The Project would directly impact a total of 7 acres of known slickspot peppergrass occurrences along the Proposed Route for Segment 8 during construction and approximately 1 acre during operations.” We recommend that an alternative that avoids known slickspot peppergrass occurrences be chosen for implementation in Segment 8 to avoid impacts to both the slickspot peppergrass and its proposed critical habitat.	
Sections 3.10 and 3.11			Amy Defreese	In general, it appears that BLM omitted an inventory and analysis for Utah wildlife resources where alternative routes abut the Utah/Idaho and Utah/Wyoming borders. We recommend that BLM identify and analyze Utah wildlife resources that fall within the various Areas of Analysis for Alternatives 7I and 4B. Resources and species to consider include those protected under the Endangered Species Act, migratory birds, raptors including bald and golden eagles, greater sage-grouse, and pygmy rabbit.	
3.10-4	2		Amy Defreese	Recommend that BLM reference the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (2002)	
3.10-8	4 and 1	Field	Julie	“Aerial raptor nest surveys were conducted in portions of...FOs	

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and 9		Surveys	Proell	from April 1 through April 28, 2008.” Surveys in 2008 regarding active/inactive nests are likely no longer the best available data. Recommend newer data be used for micrositeing towers.	
3.10-16	2		Amy Defreese	This section should identify how the following sources of management direction influenced the development of the NEPA document and the analysis of project effects to migratory birds: Executive Order 13186; IM 2008-050 MBTA; and, the BLM MOU with USFWS regarding migratory birds. There are measures included in each that specify management direction relative to a) the analysis of direct and indirect impacts to nesting habitat, fragmentation of habitat, and reduction in habitat patch size; b) identification of the amount of affected habitat and relative abundance of the habitats over the landscape; and c) bird habitat protection and conservation	
3.10-16	2		Amy Defreese	This section should reference the following sources of information for region-specific migratory bird information: USFWS Birds of Conservation Concern (2008) and Utah Partners in Flight Avian Conservation Strategy. The former can be referenced for information regarding Bird Conservation Regions in which the proposed project falls (BCRs 9, 10 and 16). The document lists those birds of conservation concern found within in each region.	
3.10-17	Raptors		Julie Proell	Eagle Take Under 50 CFR 22.26 states that, on transmission projects if construction is within ¾ miles of a Golden Eagle or Bald Eagle Nest and <u>disturbance is anticipated</u> , then the Project Proponent may wish to pursue an Eagle Take Permit. Disturbance would most likely occur during the construction phase of the Project.	
3.10-17	Raptors		Jeri Wood	Raptors. Environmental Protection Measures (EPAs) in the DEIS indicate that preconstruction raptor nest activity surveys and associated construction prohibitions within 0.5 miles of the	

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				transmission line centerline during the appropriate seasonal timeframe to avoid impacts to nesting raptors from construction activities. However, FWS draft "Guidelines for Raptor Conservation in the Western United States" (Whittington and Allen 2008) recommend a spatial buffer of 1 mile from ferruginous hawk nests during the breeding/nesting season (February 1 through July 31). This guideline can be modified based on local conditions or nest activity in any given year. We recommend that this more conservative raptor nest buffer be used in the final EIS for ferruginous hawk nests located in the vicinity of this project.	
3.10-17	Raptors		Jeri Wood	Raptors. The DEIS states that "the Proposed Route for Segment 8 lies within 1 mile of the highest number of raptor nests, 256, of any of the segments. This segment runs through the SRBOP, home to the largest concentration of nesting raptors in North America, which explains the high number of nests." The FWS recommends that an alternative be chosen for implementation that is located outside the SRBOP to the greatest extent possible to avoid or minimize impacts to this congressionally designated raptor conservation area.	
3.10-32	3	1-9	Julie Proell	"There would be some direct impacts on migratory birds..." implies that some level of take is anticipated. The MBTA does not allow for take of migratory birds. How will project proponent account for this?	
3.10-32	4		Amy Defreese	Recommend that the BLM identify acres of migratory bird habitat indirectly affected by project construction, operation and maintenance. Also recommend that the project proponent and BLM identify compensatory mitigation that will offset this loss of habitat.	
3.10-34	4		Amy Defreese	In order to ensure compliance with Utah-specific federal guidelines for raptors, we recommend that BLM cross-reference proposed	

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				mitigation measures with the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (2002).	
3.10-35	Raptors		Jeri Wood	Raptors. The FWS recommends that all bald and golden eagle nest sites within 2 miles of the transmission line centerline are surveyed within 2 weeks of initiating construction activities during the nesting season to avoid construction-related impacts to reproduction of bald and golden eagles. The FWS also recommends that if there is a potential for take of either of these species, the project proponents should apply for an Eagle Take Permit.	
3.10-33 and 10-100	Mitigation Measures		Jeri Wood	Mitigation Measures. WILD-8 should include wetlands for installation of flight diverters (see general comment about Segments and Segment 9 regarding Partners for Wildlife projects).	
3.10-39	3	All	Julie Proell	Water draw-down (if not all purchased from existing water rights) totaling 13,702,747 cubic feet exceeds the <i>de minimis</i> limit of 4,356,000 cubic feet per year, and so formal conference with the USFWS is required.	
3.10-100	Mitigation Measures		Jeri Wood	Mitigation Measures. WILD-7 should include non-Federal lands, especially on Partners for Wildlife projects (see general comment about Segments and Segment 9 regarding Partners for Wildlife projects).	
3.11-8	2		Amy Defreese	The document should reference Sage-grouse local working groups in Utah as this species (in Utah) may be indirectly affected if alternative routes are chosen over the proposed.	
3.11-12	1	1-17	Julie Proell	List of species for surveys the year prior to project should also include Preble's MJM, Yellow-billed cuckoo, Gold eagle, Prairie falcon, Red tailed hawk, and Swainson's hawk as those species are either now listed or have been documented in the project area with impacts anticipated to the species as a result of the project.	
3.11-26			Amy	There is a potential for indirect effects to greater sage-grouse in	

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			Defreeze	Utah if Alternatives 7I or 4B are chosen. These alternative routes about the Utah/Idaho and Utah/Wyoming borders at a point where greater sage-grouse occupied, brooding habitat exists in Utah. We recommend that the BLM expand the Affected Environment – Existing Conditions section for greater sage-grouse to include Utah-specific information (Section 3.11.1.5).	
3.11-27	3	1	Amy Defreeze	There is a potential for indirect effects to greater sage-grouse leks in Utah if Alternatives 7I or 4B are chosen. These alternatives about the Utah/Idaho and Utah/Wyoming borders at a point where greater sage-grouse occupied, brooding habitat exists in Utah. We recommend that the BLM expand the Affected Environment – Existing Conditions section for greater sage-grouse to identify the number of leks in Utah.	
3.11-35	Bliss Rapids Snail (Threatened)		Jeri Wood	Bliss Rapids Snail (Threatened). We recommend updating the final EIS to state that “The Bliss Rapids snail (<i>Taylorconcha serpenticola</i>) was listed as threatened [DEIS indicates the species was listed as endangered] under the ESA on December 14, 1992.” In addition, the final EIS should be updated to indicate that the FWS determined in September 2009 that the Bliss Rapids snail is likely to become endangered within the foreseeable future (<i>i.e.</i> , the species remains threatened, as defined by the ESA). Therefore, The FWS determined that removing the Bliss Rapids snail from the list of endangered species is not warranted at this time.	
3.11-36	Snake River Physa Snail (Endangered)		Jeri Wood	Snake River Physa Snail (Endangered). The text insert below represents the most recent information on the distribution of the Snake River Physa snail. This information should be used in both the final EIS as well as in effects analyses associated with any ESA section 7 conferencing efforts regarding this species. In addition, the effects of any Snake River crossings located within this updated species range area should be addressed in both the	

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				<p>final EIS and effects analyses associated with section 7 conferencing efforts once the preferred alternative for the Project is identified.</p> <p>The Snake River physa snail is only known from the Snake River in south-southwest Idaho, with limited specimens recorded from a single major tributary. The Service (1995, pg. 8) reported that the Snake River physa's "modern" range extended from Grandview (RM 487, Rkm 784) to the Hagerman Reach (RM 573, Rkm 922). Recently identified specimens collected by the Bureau of Reclamation (Gates and Kerans 2010, pg. 20, 48-51) and Idaho Power Company from 1995 to 2003 (Keebaugh 2009, pgs. 1-124) confirm its distribution to as far upstream as Minidoka Dam (RM 675, Rkm 1086.1) and as far downstream as Ontario (RM 368, Rkm 592.1), Oregon, some 128 miles (206 km) downstream of its previously recognized downstream range (Grandview). Two specimens were recovered from the Bruneau River arm (RM 4, Rkm 6.4) of C.J. Strike Reservoir (Keebaugh 2009, pg. 123) representing the only tributary of the Snake River from which the species has been recorded.</p> <p>While the species is more widespread than previously thought, currently recorded from an estimated 307 river miles (494 river km), it has not been found at high densities within much of its current, known range and is likely absent from portions of the river. The most extensive surveys conducted to date are from the 12-mile reach below Minidoka Dam (RM 663-675, Rkm 1066.8-1086.1) (Gates and Kerans 2010, pg. 10), in which live Snake River physa were recovered from 29 (8%) of 365 samples collected. In plots where they were found, densities were typically ≤ 32 per square meter, but live animals reached relatively high densities in a few of these samples, estimated at 40 to 64 individuals per square meter. Elsewhere in the Snake River, surveys have been much less intensive and not specific to Snake River physa. Of 758 samples reexamined by Keebaugh (2009) between river miles 200 and 589.2, 4.5% (34) contained Snake River physa. Of those, 67% (23) contained a single animal ($0.25/m^2$) and one sample near Marsing, Idaho (RM 421, Rkm 677.4) contained a high of 7 individuals, extrapolating to a density of 28 per square meter. Hence, in habitats sampled in the lower Snake River, the species would probably not be regarded as ubiquitous nor abundant, and being patchily distributed. River reaches upstream of the Hagerman area (est. RM 590, Rkm 949.3) through Milner Reservoir (est. RM 663, Rkm 1066.8) have not received systematic surveys or reexamination of previously collected materials.</p>	

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3.11-37	Utah Valvata Snail (Endangered)		Jeri Wood	Utah Valvata Snail (Endangered). Be aware that the FWS removed the Utah valvata snail from the Federal List of Endangered and Threatened Wildlife effective September 24, 2010. The final EIS should be updated to reflect this information.	
3.11-43	3		Lynn Gemlo	Preble's meadow jumping mouse must be analyzed as a threatened species. Move to Sec 3.11-20.	
3.11-44	2		Lynn Gemlo	Should be added- Preble's meadow jumping mouse are found, as far as current distribution, in 5 counties in WY. Laramie, Goshen, Platte, Albany and Converse. Fed. Reg. 2008. Segment 1E and 1W occur in Converse and Albany. Should be added-Habitat of jumping mouse in riparian is 100 meters beyond the 100 year floodplain.	
3.11-59	1	Conclusion	Julie Proell	BFF : You determined MANLAA because potential for impacts, implementation of EPMs, mitigation measures. I believe this is the appropriate determination for this species for this project in WY.	
3.11-60	5	Conclusion	Julie Proell	Canada lynx : You determined MANLAA because loss of some LAU habitat, cross 2 linkage, but no impact to prey base or impede movement. I believe this is the appropriate determination for this species for this project in WY.	
3.11-63	4	Conclusion	Julie Proell	Grey wolf : You determined MANLAA because no specific habitat type required, and wolves would move from area during construction. I believe this is the appropriate determination for this species for this project in WY.	
3.11-64	1		Lynn Gemlo	Not avoiding leks and core areas is not sufficient to protect nesting birds with these distances.	
3.11-64	2		Lynn Gemlo	Need to meet WY Core Area Strategy-General Stipulations for vegetation removal: Limited to minimum disturbance required by the project. All removal will occur between July 1 and March 14 within 4.0 miles of an occupied lek.	
3.11-65	PAC-10		Lynn	0.25 mile arbitrary, not based on literature. Not enough to minimize	

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			Gemlo	disturbance for sage-grouse.	
3.11-65	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. Please explain the justification for the survey zone of 1 mile for PAC-7 and the .25 mile no surface disturbance buffer for PAC-10. Ruby Pipeline used a 2 mile survey buffer (FEIS, page 4-141) and the 0.6 mile no surface disturbance buffer (FEIS, page 4-141). See also general comment above regarding consistency of buffer zones, etc.	
3.11-67	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. TESWL-23 should be applied across the entire line to provide for consistency across the project area	
3.11-68	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. It is unclear that poaching of sage grouse poses a significant adverse effect on sage grouse. Please provide a citation for this statement.	
3.11-69	Federal ESA Wildlife Species		Jeri Wood	Federal ESA Wildlife Species. Please provide a citation for the statement “Golden eagles hunting ranges ...very large”. Also TESWL-22 should be applied across the entire line to provide for consistency across the project area.	
3.11-70	2		Lynn Gemlo	Why would the avoidance distance based on literature not be used? Should use the science to base this on to minimize impacts.	
3.11-71	2		Lynn Gemlo	Kestrels, falcons, tree swallows and chickens have been shown to be highly sensitive to electromagnetic fields.	
3.11-72	3		Lynn Gemlo	Explain “replacement of any lost birds”?	
3.11-72	5	Concl usion	Julie Proell	G. sage-grouse: You determined MAA individuals (take) because going through core and key areas, avoiding <i>most</i> leks w/in 0.25 to 0.6 miles, compensatory mitigation plan, PAC-7 thru 12, TESWL-10, TESWL-14 thru 16, TESWL-19, TESWL-23, TESWL-22. If compensatory mitigation plan not complete, MAA <i>and</i> trend to listing would be result of project.	
3.11-73	1		Lynn	Cannot assume the final plan would say this, this is a presumptive	

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			Gemlo	statement not based on any information that would lead you to be confident in this statement. Suggest deleting it.	
3.11-73	4	Conclusion	Julie Proell	Grizzly bear: You determined MANLAA because will avoid area, will avoid whitebark pine to extent practicable. I believe this is the appropriate determination for this species for this project in WY.	
3.11-78 3.11-85	2 1	Conclusion Conclusion	Julie Proell	Platte River Sp: You determined MALAA because depletions if not able to purchase enough water. I believe this is the appropriate determination for these species for this project in WY. You will need to initiate formal conferencing under the programmatic BO for Platte River depletions.	
3.11-78	4	Conclusion	Julie Proell	Wyoming Toad: You determined NE because no suitable habitat within area	
3.11-80	2	Conclusion	Julie Proell	Yellow-billed cuckoo: You determined MAA individuals (take) because span riparian areas, implement EPMs to avoid riparian areas to extent practicable. I believe this is the appropriate determination for this species for this project in WY.	
3.11-80	Federal ESA Invertebrate Species		Jeri Wood	Federal ESA Invertebrate Species. Update the final EIS to state: "There are four [DEIS says five] federally listed and two [DEIS says one] recently delisted aquatic invertebrate species found within the Analysis Area that could be affected by the Project's construction and operations: the Utah valvata snail (delisted) [DEIS says <i>Endangered</i>]; Bliss Rapids snail (Threatened); Jackson Lake springsnail (delisted); Banbury Springs limpet (Endangered); Snake River physa snail (Endangered); and Bruneau hot springsnail (Endangered)."	
3.11-81	Federal ESA Invertebrate Species		Jeri Wood	Federal ESA Invertebrate Species. The DEIS describes some potential effects to listed Snake River snails as being water temperature increases due to vegetation loss along the Snake River and streams as well as impacts from potential access road crossings of springs and rivers. Listed Snake River snails are	

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				<p>found in cold water river habitats and associated cold water springs and spring creeks. Removal of vegetation along the Snake River is not expected to impact water temperatures to the degree that these snail species would be adversely affected, particularly at RM 573.5. RM 573.5 is located over the reservoir associated with the Salmon Falls Dam. In addition, the IFWO is not aware of documented records of the Bliss Rapids snail in the reservoir, and we do not expect Snake River Physa snail to occur in the reservoir.</p> <p>In contrast, the removal of vegetation along cold water springs and spring creeks may impact water temperatures to the degree that listed Snake River snail species, if present, could be adversely affected. Similarly, road crossings of cold water springs or their spring creeks could impact listed Snake River snails. We strongly recommend that the placement of any potential road crossings through cold water springs and their associated spring creeks that contain listed Snake River snails or contribute to listed Snake River snail habitat in adjacent river habitats be avoided as these springs represent high value habitats that are extremely limited in southern Idaho. In addition, we agree that sediment generated by the project through vegetation removal or access road construction or use could affect listed Snake River snails within the Snake River as well as associated habitats, and should continue to be discussed in the DEIS.</p> <p>The Proposed Route and Route Alternatives for the Project between Jerome and Glens Ferry, Idaho (east to west) and between King Hill Creek ACEC and Castleford, Idaho (north to south) are of particular importance to the conservation of listed aquatic invertebrates in Idaho. The Idaho Fish and Wildlife Office (IFWO) is available to provide detailed technical assistance</p>	

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				regarding avoidance and minimization of potential effects of the Project on listed aquatic invertebrates in Idaho. We request that a zoomed in map detailing the locations of all Proposed Route and Route Alternatives for the Project between Jerome and Glenns Ferry, Idaho (east to west) and between King Hill Creek ACEC and Castleford, Idaho (north to south) be provided to the IFWO to assist us in developing technical assistance recommendations for the Project prior to the release of the final EIS. In addition, a map that zooms in on the proposed location of the Bruneau River crossing by the Project would also assist the IFWO in providing technical assistance on measures that will avoid or minimize Project impacts on the Bruneau hot springsnail as well as potential impacts on designated bull trout critical habitat.	
3.11-84	4	Concl usion	Julie Proell	Colorado River Fish: You determined MALAA because depletions if not able to purchase enough water. I believe this is the appropriate determination for these species for this project in WY. We will need to undergo formal conferencing under the programmatic BO for Colorado River depletions.	
3.11-85	Federal ESA Fisheries Species		Jeri Wood	Federal ESA Fisheries Species. Critical habitat for bull trout has been finalized. Please update this discussion.	
3.11-88	3	Concl usion	Julie Proell	Bald eagle: You determined MAA individuals because impacts habitats near nests and roosting habitats, implement EPMs and m mitigation measures. Will have to apply for an eagle take permit, once they become available.	
3.11-89	2	Concl usion	Julie Proell	Black- and White-Tailed Prairie Dogs: You determined MAA individuals because increased predation, disturbance, loss or modification of habitat, implement mitigation measures TESWL-2, TESWL-3. I believe this is the appropriate determination for this species for this project in WY.	

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3.11-91	4	Concl usion	Julie Proell	Burrowing owls: You determined MAA individuals because impact habitat, increased predation, PRC-5 mitigation measure. Determine MALAA because depletions if not able to purchase enough water. I believe this is the appropriate determination for this species for this project in WY.	
3.11-95	3		Lynn Gemlo	Again, federally listed as threatened. Place in appropriate section	
3.11-96	1		Lynn Gemlo	Effects analysis to focus on 100 meters beyond the 100 yr floodplain.	
3.11-96	3		Lynn Gemlo	Based on your statements, riparian areas within the Preble's meadow jumping mouse habitats cannot be avoided. You expect adverse effects to occur which should be clearly stated here. Current language as written is not appropriate.	
3.11-96	4	Concl usion	Julie Proell	Preble's Meadow Jumping Mouse: You determined MAA individuals because within riparian and wetlands, implementation of EPMs to minimize. This is an incorrect determination, as this species is currently federally listed as threatened in WY. I recommend that the project proponent amend the project so that a determination of MANLAA can be achieved.	
3.11-97	7	Concl usion	Julie Proell	Pygmy rabbit: You determined MAA individuals because impact habitat, increased predation, EPMs and mitigation measures would limit potential impacts. I believe this is the appropriate determination for this species for this project in WY.	
3.11-98	9	Concl usion	Julie Proell	Wyoming Pocket Gopher: You determined MAA individuals, individuals because impact habitat, increased predation, EPMs and mitigation measures would limit potential impacts. I believe this is the appropriate determination for this species for this project in WY.	
3.11-121	1-2	All	Julie Proell	EPMs PRC-15, PRC-16, PRC-17. Birds may be impacted even if their nests are within 0.5 miles of construction.	
3.11-157	5	3.11.2	Julie	The proposed Structure Variation with guy wires could increase the	

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		.5 entire	Proell	impact on migratory birds. Additionally, you state that mortality at a given site will cause flight diverters be installed locally. We recommend the use of guyed towers only be used in areas where a lack of avian use has been demonstrated through surveys throughout the year leading up to construction.	
3.11-159	TESWL-11		Lynn Gemlo	What is the source of the information to apply 4 miles and 1.2 miles?	
3.11-159	TESWL-14		Lynn Gemlo	You should be consistent and use the most conservative information.	
3.11-160	Mitigation Measures on Federal Lands		Jeri Wood	Mitigation Measures on Federal Lands. TESWL should be applied on all landownership as guy wires have been shown to be detrimental to migratory birds and the restrictions of the Migratory Bird Treaty Act apply regardless of landownership.	
4-64	Cumulative Effects		Jeri Wood	Cumulative Effects. We agree with the DEIS conclusion that this project would have an overall substantial cumulative impact on native vegetation types, including shrub habitat required by sagebrush obligate species such as sage grouse.	
4-71	Cumulative Effects		Jeri Wood	Cumulative Effects. The DEIS states that Avian Protection Plan would reduce the potential for mortality for migratory birds and raptors. Development of an Avian Protection Plan, with participation by the FWS, should be a requirement by the BLM prior to submittal of a Notice to Proceed. Additional, we agree with the statement that the proposed project would have a substantial cumulative impact on migratory birds and raptors, especially if segment 8 is approved in the Snake River Birds of Prey area.	
4-81	Cumulative Effects		Jeri Wood	Cumulative Effects. While the project proponents have made efforts to establish the line outside the 0.25 mile buffer zone (see general comment above regarding buffer zones), the cumulative effects of this line plus all past, present and future projects proposed across the landscape are substantial. This project and	

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				all other project will lead to increased habitat fragmentation and regardless of the activity; sage grouse have been documented to be adversely affected by anthropomorphic disturbances on the landscape. This will be especially evident if the proposed segment 7 is approved (see above general comment).	
C-2, p 2-10	Noxious and Invasive Weed Control		Julie Proell	Noxious and Invasive Weed Control. We appreciate the inclusion of this section into the reclamation plan. For how many years will the annual spraying occur?	
C-2, p. 8	4.1.2 Seed Mixes	6	Julie Proell	Seed Mixes. What will this sentence say when completed?	
C-2, p. 9	Post-construction monitoring and reporting		Julie Proell	Post-construction monitoring and reporting. A 3-year period is not long enough to determine whether weed control and seeding measures were adequate to mitigate for ground-disturbing activities. Additionally, we recommend the project proponent monitor the density of reseeded areas to ensure the densities are comparable to adjacent communities.	
C-3, p4-7	Table 1		Julie Proell	Species Protected in the Gateway West Species Conservation Plan. This table should be updated to include the current status of T&E species, i.e. Preble's meadow jumping mouse, Wolverine.	
C-3, p16-20	Birds		Julie Proell	Proposed Plant and Wildlife Conservation Plans. The phrase "Exceptions include areas where regular human activity occurs (e.g. along highways) which has acclimated animals to disturbance. If the animals are habituated to disturbance, the surface use stipulation will be waived for the entire season," is subjective. The disturbance from a highway is very different from the disturbance from the installation of transmission line towers. You cannot expect that birds will not be harassed by the proposed construction if they are within the recommended spatial buffer area.	
C-4, p. 14	OM-25		Julie Proell	"If the animals are not directly within ground disturbance areas, they will be protected by marking the edges of the ROW and	

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				service roads in the general vicinity to ensure that workers do not leave those areas.” I recommend including the phrase “Proponents will contact a USFWS biologist.” Whenever a T&E species is located within the vicinity of the project area, a biologist from the USFWS should be notified.	
C-5, p 2, 1.1.1.1	# 1		Lynn Gemlo	Should mark those guy wires to minimize impacts	
C-5 p 2, 1.1.1.1	# 2		Lynn Gemlo	Consider burying these smaller lines because they can cause negative impacts. Can you retrofit existing lines?	
C-5, p 3	#4		Lynn Gemlo	0.25 miles is not based on any published literature, is arbitrary. Average of 4 mile from a lek was shown in studies in WY to protect 98% of nesting hens. Should consider this information also.	
C-5, p 5, 1.1.1.2	# 1 and # 2		Lynn Gemlo	These guidelines replaced by the Core Area Strategy for WY.	
C-5, p 5, 1.1.1.2			Lynn Gemlo	Bates Hole/Shirley Basin Plan-We recommend the use of perch deterrents. What “other methods of mitigation” are you referring to?	
C-5, p 6	2		Lynn Gemlo	Where in the scientific literature does it support you only addressing impacts within 1km? Impacts can occur and it is recognized there is literature that discusses negative impacts from power lines.	
C-5, p 7, 1.1.2			Lynn Gemlo	We recommend you adopt the most conservative restrictions.	
C-5, p 7, 11 1.1.3			Lynn Gemlo	As stated in Core Area Strategy, new transmission infrastructure must demonstrate that it will not cause declines in sage-grouse populations. How will you demonstrate this?	
C-5 p 8, 9, 10, 1.2			Lynn Gemlo	You acknowledge that this data in the draft EIS 3.11-71 is not peer reviewed and does not provide enough evidence that lek abandonment or decrease in lek attendance will not occur due to the transmission lines. Why use this data and base your conclusion on it to say a lek more than 0.65 mile from the powerline will be	

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				minimally affected? Sage-grouse have high fidelity to nest sites, you did not consider length of line and the effect from lines could have already occurred. You need good temporal information to discuss impacts adequately.	
C-5 p 10, 2.1			Lynn Gemlo	When did Tetra Tech do their surveys? How many surveys were completed? Locating leks are highly dependent on time of year. This data is now 3 years old. Need have updated lek information to 2011 to be accurate.	
C-5 p 10, 2.1	2		Lynn Gemlo	Again, 0.25 mile buffer is not based on any published literature and is arbitrary.	
C-5 p 13, 2.4			Lynn Gemlo	“no construction activities.....” is not consistent with the WY Core Area Strategy.	
C-5 p 14, 2.4	Top of page		Lynn Gemlo	Include restrictions for Nevada also.	
C-5, p14, 3.0	2		Lynn Gemlo	How will impacts be successfully restored? Develop a plan for this specifically. When will the entities be contacted and what if their participation is not secured? Re: in-lieu of payments see Naugle et al. Ch4. P. 55 <i>in</i> Energy Development and Wildlife Conservation in Western North America, 2011: should look at a.... “biologically based currency for estimating efficiency of offsets and develop a framework for applying proceeds to maximize conservation benefits.”	
C-5 p 15, 3.0	1		Lynn Gemlo	We do not support the use of crested wheatgrass and forage kochia because should use native species. They don’t provide a lot for sage-grouse. Where is the literature that supports your selection of these species? Concerns with not understanding the long term effects from use of forage kochia on the environment.	
C-5 p 15, 3.0	1		Julie Proell	We recommend that project areas are reseeded or planted with native species that are within the adjacent undisturbed communities. Sage-brush should be included within the list of	

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				native species to be seeded and planted in disturbed areas.	
C-5 p 15, 3.0	3		Lynn Gemlo	You need to utilize local data on population numbers to understand and accurately identify impacts to leks.	
C-5 p 15, 3.0	Table 5		Lynn Gemlo	How did you determine these ratios?	
F.1-49-50	Appendix F, Morley Nelson Snake River Birds of Prey National Conservation Area		Jeri Wood	Appendix F , Morley Nelson Snake River Birds of Prey National Conservation Area. The DEIS introduces verbiage for an proposed RMP amendment as follows: "The Gateway West Transmission Line will be allowed to remove limited amounts of sagebrush for construction while maintaining a distance of at least 50 feet from existing or known peppergrass occurrences. These activities will be monitored and mitigated for." Be aware that the removal of individual sagebrush plants within proposed critical habitat for the slickspot peppergrass constitutes an adverse effect to one of the primary constituent elements of slickspot peppergrass proposed critical habitat. If the Project cannot be modified to avoid impacts, formal conference is recommended if sagebrush plants, native forbs, or slickspot microsites within proposed critical habitat are expected to be lost or disturbed as the result of project construction, operations, maintenance, or decommissioning.	
J.	Framework for Sage-Grouse impacts analysis		Julie Proell	The Framework for sage-grouse impacts analysis for interstate transmission lines should be amended to reflect the recent changes in the location of the HEA.	
General			Jeri Wood	It is our understanding that the BLM will not be conferencing on candidate species. The DEIS indicates that section 7 conference on the potential effects of the Project will occur for the greater sage-grouse (<i>Centrocercus urophasianus</i>). Candidate species in Idaho that could also be evaluated in section 7 conference include the Goose Creek milkvetch (<i>Astragalus anserinus</i>), the whitebark	

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				pine (<i>Pinus albicaulis</i>), and the wolverine (<i>Gulo gulo luscus</i>). If the BLM does consider section 7 conferencing, then all candidate species that may be affected by the Project should be included. Either way the DEIS needs to accurately reflect whatever action the BLM will take with regards to candidate species.	
General			Julie Proell	I recommend that avoidance, minimization, and mitigation practices that are supported by the Agencies on public lands be implemented throughout the project alignment, regardless of land ownership.	
General			Julie Proell	For Segment 1E , I am more supportive of Alt 1E-A and Alt 1E-C because of the shorter overall lengths, lesser impacts to wildlife, and lesser impacts to G. sage-grouse core area. It is difficult to support either the proposed segment 1E comparison with Alt 1E-B or Alt 1E-B because the proposed has lesser impacts on many wildlife species, though passes through a significant amount of G. sage-grouse core areas, while Alt 1E-B avoids G. sage-grouse core areas, but has greater impacts on other wildlife and their habitats.	
General			Julie Proell	For Segment 1W , I am more supportive of Alt 1W-A because it is shorter than the proposed comparison segment and has lesser impacts on many wildlife species and their habitats.	
General			Julie Proell	For Segment 2 , I am more supportive of the proposed segments instead of the alternatives for 2A and 2B because of the lesser impacts on wildlife and their habitats. However, I am more supportive of Alternative 2C over the portion of the proposed alignment because it minimizes impacts to sage grouse. WILD 7, 8, 10, 3, and PRC 12-14 and 18-20, and others should help to minimize impacts on the large number of raptor nests within 1 mile of the alignment.	
General			Julie	For Segment 4 , it is difficult to determine which portion of the	

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			Proell	segment (between the proposed alternative and Alt 4A) would have the least impacts on wildlife and their habitats. I do not support the proposed or the alternatives. The proposed alignment has fewer nests within 1 mi of the alignment and has lesser impacts on riparian habitat. However, Alternative 4A parallels an existing 345 kV line and has the least amount of impacts in terms of new features on the landscape and lesser impacts to many wildlife species (except the most through grizzly bear habitat). Alternative 4F has the least impact to Black footed ferret, sage grouse core and key areas, and Mtn. plover habitats, but impacts much more of Canada lynx habitat than any other alignment.	
General			Jeri Wood	Candidate Species. The DEIS currently addresses effects of the Project on the Goose Creek milkvetch and the whitebark pine, however the DEIS does not appear to address effects of the Project on the wolverine. The wolverine became a candidate for listing under the Endangered Species Act (ESA) as of December 14, 2010. For recent information on the wolverine, see the FWS December 14, 2010 Federal Register notice. We recommend that the final EIS addresses potential effects of the Project on the wolverine.	
General			Jeri Wood	RMP Amendments. In Appendix F, numerous land use plan amendments required for implementation of the Project are discussed. Many of the existing land use plans (at least in Idaho) are dated and have limited conservation measures identified for special status species. As conservation of species based on these older RMPs are likely not adequate for species survival and recovery, we recommend that specific conservation measures for special status species identified in the 2006 Conservation Agreement between BLM and FWS be addressed in the final EIS for this Project. In addition, the 2009 Conservation Agreement	

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				between BLM and FWS for the slickspot peppergrass should also be adhered to in the development of this Project. These Conservation Agreement conservation measures may be replaced by measures that are provide greater conservation value or are based on more recent scientific information pertinent to individual species and their habitats.	
General			Jeri Wood	<p>Segments. The FWS has concerns with certain segments of the proposed action and alternatives. Segments 9, 8, and 7 cross three Partners for Wildlife wetland projects that were funded by the FWS and other partners to promote the conservation of migratory birds. One is Bruneau River Ranch near the Bruneau River (Milepost 100) on segment 9, alternative 9C, another one is Spring Cove Ranch near Pioneer Reservoir (between Mileposts 30 and 40) on segment 8, and the third one is Six S Ranch east of Declo on Marsh Creek (Milepost 70) on proposed segment 7, and alternative 7D. For all of these sites the FWS recommends avoiding these wetlands and install bird diverters or markers on lines near these areas to reduce the possibility of avian fatalities. If ground disturbance is necessary, site specific management plans should be approved by the landowner, in conferencing with the FWS, and should include any proposed mitigation to offset the loss of wetland habitat. If segment 7 is approved for permit, we would support the alternative proposed by Ducks Unlimited to replace a portion of alternative 7D.</p>	
				<p>Segment 9. Segment 9, alternative 9D, and G appears to be planned to span C.J. Strike Reservoir and a portion of the proposed route of segment 9 (between Milepost 90 and 100) will cross the Bruneau River. The Bruneau River is of significant value for migratory birds. The combination of lacustrine, palustrine, riverine and upland mitigation sites provides support for at least</p>	

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				<p>240 species of birds (most of which are migratory bird species, several such as the long billed curlew, are of high priority to the FWS). The C.J. Strike Area is identified as a globally important bird area by the American Bird Conservancy. Significant investments of federal, state, and private funds have occurred in the Bruneau River valley to enhance fish and wildlife habitats. As a result of Federal Power Act and Fish and Wildlife Coordination Act conferencings between the IDFG, FWS, BLM and the FERC, the Idaho Power Company, as a requirement of their FERC licensing for the C.J. Strike Hydroelectric Project, purchased and is managing an extensive acreage of property for wildlife, wetland, and recreational mitigation. These mitigation sites are located on the Bruneau River, the Snake River, and the pool area of the C.J. Strike Reservoir. The Idaho Department of Fish and Game added to the value of the Bruneau River area by purchasing and managing a several Wildlife Management Areas. Recently, our FWS Partners for Fish and Wildlife program has been cooperating with Ducks Unlimited to restore and enhance wetlands on private lands adjacent to the WMAs in the Bruneau River valley. These partnership projects should further enhance the fish and wildlife value of the area. IDFG notes that upwards of 90,000 ducks and 12,000 geese occupy the WMA during some winter seasons. Concentrated daily and seasonal bird movement should be anticipated between C.J. Strike Project area and surrounding feeding/nesting habitats. Bald eagles commonly use the areas in late fall and early winter. High concentrations of staging waterfowl provide available prey. Golden Eagles occasionally nest along the basalt cliffs of the reservoir, and are present late in the area through early winter.</p>	
General			Jeri Wood	Any decreases in habitat functions or value of the mitigation sites	

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				will need to be offset by the Idaho Power Company. I would recommend acquisition and restoration of currently damaged or at risk wetland/riparian habitats for the offset any losses to habitat functions and values. I would recommend at least a greater than 1:1 ratio of acres impacted to property purchased to allow for the uncertainty related to wetland creation/enhancement. Purchasing existing functional wetland/riparian habitats will have no mitigation value, unless it is at an otherwise legal/imminent threat from conversion/development.	
General			Jeri Wood	Segment 7. The FWS does not support any of the alternatives described in segment 7 nor do we support the proposed action for segment 7. This area supports a high concentration of sage grouse and key habitat in Idaho and would increase habitat fragmentation and loss of habitat. Installation of segment 7 would also increase the possibility of additional energy projects and would cumulatively lead to an adverse effect on sage grouse. We are supportive of segment 6, with appropriate timing restrictions and pre-construction surveys, as this area is already disturbed due to the existing 345kV line.	
General			Jeri Wood	Segment 8. In general, segment 8 creates the potential for significant adverse effects on multiple species of concern, including raptors nesting in the Snake River Birds of Prey Area and <i>Lepidium papilliferum</i> . Based on the assessment in the DEIS, we do not support this proposed route or its alternatives.	
General			Jeri Wood	Segment 5. For segment 5, the FWS is more supportive of alternative 5C. This alternative seems to have the least impacts to wildlife of concern and important habitat types, including shrublands and native grasslands.	
General			Jeri Wood	Buffer Zones and Timing Restrictions. The FWS recommends that the FEIS include a consistent application of buffers and timing	

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				<p>restrictions across the entire transmission line. For example, Wyoming Core Areas require that no more than 5% impact can be allowed within the area. This standard should be applied to Idaho key habitats. While each state and the BLM District have their own buffers and restrictions, for this project we recommend using the most conservation buffers and restrictions and apply them to the entire transmission line. Another example of inconsistency in application of buffer zones on Federal lands is the Ruby Pipeline project. This project required that the project proponent conducted surveys for leks within 2 miles of the pipeline and required all construction be avoided within 4 miles of a lek from March 1 and June 15 (in Utah).</p>	
General			Jeri Wood	<p>Substations. The FWS does not support development of the Cedar Hill Substation. Similar to our concerns with the proposed segment 7, the Cedar Hill Substation is near a high concentration of sage grouse and key habitat. Development of this substation would add a significant cumulative effect on the species because it will lead to additional energy developments in the area. These same concerns apply to development of the Rogerson Substation.</p>	
General			Jeri Wood	<p>Mitigation. The FWS believes that release of the DEIS was premature and should have been released once the Habitat Equivalency Analysis and Density of Disturbance Calculation is completed. Both of these processes will affect mitigation for sage grouse and the public should have an opportunity to review and comment on that mitigation. At a minimum, the BLM should provide a longer than normal review process for the FEIS to allow the public to review results of the HEA and DDC.</p>	

From: jmclain@blm.gov
To: blm@gwcomment.com;
Subject: 16499: Fw: Final comments for the Gateway West Transmission Line Project-WY
Date: Thursday, September 08, 2011 1:11:36 PM
Attachments: [2011 Gateway West Transmission Line Project-WY.doc](#)

----- Forwarded by Joy Mclain/WYSO/WY/BLM/DOI on 09/08/2011 02:09 PM -----

Brenda J Johnson
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v>

To

09/02/2011 08:20
 AM

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 Land Management
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Subject

Final comments for the Gateway West
 Transmission Line Project-WY

Mr. Walt George,

The U.S. Geological Survey (USGS) has reviewed the subject Draft Environmental Impact Statement (EIS) and offers the following comments.

Thanks

Brenda

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***** (See attached file: 2011

Gateway West Transmission Line Project-WY.doc)



United States Department of the Interior

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

In Reply Refer To:
Mail Stop 423
Gateway West Transmission Project

September 1, 2011

Mr. Walt George, National Project Manager
Bureau of Land Management
PO Box 20879
Cheyenne, WY 82003

Subject: Draft Environmental Impact Statement for the Proposed Gateway West Transmission Line Project

Dear Mr. George:

As requested by your correspondence of July 27, 2011, the U.S. Geological Survey (USGS) has reviewed the subject draft environmental impact statement (EIS) and offers the following comments.

COMMENTS

Pages 3.10-2, 3.11-2, and 3.11-3

Regarding the analysis areas for General Wildlife and Fish and Special Status Wildlife and Fish Species

Distance from leks. Research has shown that most females will nest within 5 km of a lek (breeding area) in nonmigratory populations and within 18 km for migratory populations (Holloran and Anderson, 2005, Connelly et al 2000). These distances should be used in the analysis for the purposes of determining impacts to sage-grouse; larger distances include more habitats that need to be considered in the effect of the transmission line. If these larger distances are not used, the EIS should provide the justification for using the smaller selected distances.

3.10.15-16

Migratory Birds and Raptors

The section on migratory birds and raptors should describe the effect of the project on species that are declining in population in the range of the project. The project area under consideration intersects Breeding Bird Survey Routes, which provide species lists and can be found at <http://www.pwrc.usgs.gov/BBS/results/routemaps/routeAssignMap.cfm>. Information on the status and trends in bird populations can be found at:

<http://www.mbr-pwrc.usgs.gov/bbs/bbs.html> and in the publication: Sauer, J. R., J. E. Hines, J. E. Fallon, K. L. Pardieck, D. J. Ziolkowski, Jr., and W. A. Link. 2011. *The North American*

Breeding Bird Survey, Results and Analysis 1966 - 2009. Version 3.23.2011 USGS Patuxent Wildlife Research Center, Laurel, MD.

3.10.2.2 Effects Common to All Action Alternatives and 3.10-20 and following; page 3.10-40 last paragraph and following.

More information should be provided on the effects to habitats of particular species from power line construction. Construction of new roads associated with the power line is likely to provide a corridor for invasive plant species that enter the surrounding sagebrush and alter the dynamics, including increased fire frequencies. These long-term changes are more damaging than some of the immediate effects, and should be discussed. Resulting fire may change the effective fragment size for some species.

3.10-22 paragraph 2

“Therefore, the spread of noxious weeds due to construction of the Project is not expected to have an appreciable impact on wildlife habitat.”

Data, modeling results, or published analyses should be provided or referenced to support this statement. Resulting effects on fire and native plant composition should be considered.

3.10.23

“Unfragmented shrublands are a vital habitat characteristic for many wildlife species, but this habitat type has been degraded, fragmented, and eliminated by conversion to agriculture, livestock grazing, invasion of exotic plants, and tree succession (Rich et al. 2005). For instance, Hann et al. (1997) estimate that over 30 percent of this habitat type in the Interior Columbia Basin has been lost. ... Native grasslands in the Interior West have also experienced degradation and fragmentation and resultant loss of function as wildlife habitat.” And page 3.10-20 para 2.

Given that the unfragmented and undegraded habitat has diminished so significantly, the EIS should identify fragments that are important habitat for imperiled wildlife such as sage-grouse. It should describe the specific wildlife issues that are present in these areas. It should identify areas that will be further fragmented, and the imperiled wildlife populations that will be affected on those areas. The EIS presents too general a picture to understand the extent and impacts of the action. In particular, it should analyze the impact on leks. Leks vary in size, and some leks are far more important to the overall population than others. Size of leks that would be impacted should be included in the EIS. While a small percentage of the leks may be affected, if those are the largest leks in the population, it could have a large impact region-wide. Avoiding core areas in Wyoming and key areas in Idaho could mitigate these impacts.

3.10-36, paragraph 6

The Proponents’ Avian Protection Plan states that if mortalities due to electrocution are documented, changes to the distribution lines would be made in order to avoid future mortalities (such as by changing the arrangement of the powerlines or by excluding birds from certain areas).

The EIS should describe a plan for monitoring mortalities that is capable of detecting when they occur.

3.10.39

“The estimated water usage from construction activities on a typical day for transmission line construction would be about 2,140 to 3,340 cubic feet for dust control. If this would occur over an 8-hour period, it would equal a draw of 0.07 to 0.12 cubic feet per second.”

The EIS should describe the maximum proportion of water withdrawn in such a way that it is possible to determine the impact on flow rate. Withdrawal of 2,140 to 3,340 cubic feet over an 8-hour period would have a significantly different effect if the amount withdrawn were a significant proportion of the flow, or if the withdrawal were over a shorter than an eight-hour period.

3.10.39

“However, according to the Upper Colorado Endangered Fish Recovery Program, any water withdrawal over 4,356,000 cubic feet per year, would result in a *may affect, likely to adversely affect* determination for four federally listed fish species. The Proponents have estimated total construction water use (concrete batching and dust control) at 314.6 acre-feet or 13,702,747 cubic feet.”

The EIS should contain a brief description of the expected time frame for withdrawals and procedures that will be followed to make sure that the 4,356,000 cubic feet per year limitation will not be exceeded.

3.10-46 and 3.11-8 to 3.11-10

Project operation is expected to have only minor impacts to most migratory bird and game bird individuals, including Species of Conservation Concern and Game Birds Below Desired Condition, because the presence of the transmission line, structures, and access roads do not present barriers to movement through fragmentation, create excessive noise, or otherwise cause major behavior changes, for the most part.

USGS, with collaborators from other agencies, has recently published a paper on the effects of transmission lines on sage grouse. The Local Working Groups may not have been aware of this work at the time they made their recommendations. The EIS should include information on the effects of the powerline as described in a recently published paper by Wisdom et al (2011), which stated, “Best discrimination between extirpated and occupied ranges, using discriminant function analysis (DFA), was provided by five of these variables: sagebrush area (*Artemisia* spp.); elevation; distance to transmission lines; distance to cellular towers; and land ownership.... Mean distance to electric transmission lines was ~2 times farther in occupied range than in extirpated range (Fig. 18.4)...

“Three additional anthropogenic variables—distance to transmission lines, distance to cellular towers, and landownership—also differed between occupied and extirpated ranges.

These variables were the best discriminators among the eight anthropogenic variables considered and ranked among the best of all individual variables. These variables have received little attention in landscape research on sage-grouse—only distance to transmission lines has been formally evaluated (Connelly et al. 2000a, Aldridge and Boyce 2007, Walker et al. 2007a). Transmission lines can cause sage-grouse mortality via bird collisions with lines (Beck et al. 2006, Aldridge and Boyce 2007) and facilitate raptor predation of sage-grouse (Connelly et al. 2000a).

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Some of the recent work from oil/gas development suggests that activities much further away from the lek (4 km) can have a significant influence on the numbers of birds attending a lek. USGS analyses on lek persistence show a significant relationship between the human footprint out to 5-km of a lek and the probability of extirpation. (all References below).

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Peak egg laying and incubation goes into mid-June, and renesting can occur into July. Starting construction activities on 15 May is still going to impact nesting hens. The EIS should describe the impact to nesting, or consider refraining from construction activities in the lek and nesting areas during nesting season.

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3.16-12

Throughout page 3.16-12, databases are discussed as the source of information used in the groundwater analyses (IDWR, Wyoming State Engineers Office, USEPA regions 8 and 10). All of these agencies and databases should be referenced in the text and listed on the reference list with a link or URL to the appropriate location.

References

Connelly, John W., Michael A. Schroeder, Alan R. Sands, and Clait E. Braun. 2000. Guidelines to manage sage grouse populations and their habitats, *Wildlife Society Bulletin* 28(4): 967–985 (see p. 978 for management recommendations).

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Thank you for the opportunity to review and comment on the DEIS. If you have any questions concerning our comments, please contact Gary LeCain, USGS Coordinator for Environmental Document Reviews, at (303) 236-1475 or at gdlecaain@usgs.gov

Sincerely,

/Robert E Doyle signed for/

James F. Devine
Senior Advisor for Science Applications

MS 423

US DEPARTMENT OF THE INTERIOR
US GEOLOGICAL SURVEY
RESTON VA 20192

OFFICIAL BUSINESS



Hasler

Mr. Walt George, National Project Manager
Bureau of Land Management
PO Box 20879
Cheyenne, WY 82003

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United States Department of the Interior

U. S. GEOLOGICAL SURVEY

Reston, VA 20192

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In Reply Refer To:
Mail Stop 423
Gateway West Transmission Project

Mr. Walt George, National Project Manager
Bureau of Land Management
PO Box 20879
Cheyenne, WY 82003

Subject: Draft Environmental Impact Statement for the Proposed Gateway West Transmission Line Project

Dear Mr. George:

As requested by your correspondence of July 27, 2011, the U.S. Geological Survey (USGS) has reviewed the subject draft environmental impact statement (EIS) and offers the following comments.

COMMENTS

Pages 3.10-2, 3.11-2, and 3.11-3

Regarding the analysis areas for General Wildlife and Fish and Special Status Wildlife and Fish Species

Distance from leks. Research has shown that most females will nest within 5 km of a lek (breeding area) in nonmigratory populations and within 18 km for migratory populations (Holloran and Anderson, 2005, Connelly et al 2000). These distances should be used in the analysis for the purposes of determining impacts to sage-grouse; larger distances include more habitats that need to be considered in the effect of the transmission line. If these larger distances are not used, the EIS should provide the justification for using the smaller selected distances.

3.10.15-16

Migratory Birds and Raptors

The section on migratory birds and raptors should describe the effect of the project on species that are declining in population in the range of the project. The project area under consideration intersects Breeding Bird Survey Routes, which provide species lists and can be found at <http://www.pwrc.usgs.gov/BBS/results/routemaps/routeAssignMap.cfm>. Information on the status and trends in bird populations can be found at:

<http://www.mbr-pwrc.usgs.gov/bbs/bbs.html> and in the publication: Sauer, J. R., J. E. Hines, J. E. Fallon, K. L. Pardieck, D. J. Ziolkowski, Jr., and W. A. Link. 2011. *The North American*

Breeding Bird Survey, Results and Analysis 1966 - 2009. Version 3.23.2011 USGS Patuxent Wildlife Research Center, Laurel, MD.

3.10.2.2 Effects Common to All Action Alternatives and 3.10-20 and following; page 3.10-40 last paragraph and following.

More information should be provided on the effects to habitats of particular species from power line construction. Construction of new roads associated with the power line is likely to provide a corridor for invasive plant species that enter the surrounding sagebrush and alter the dynamics, including increased fire frequencies. These long-term changes are more damaging than some of the immediate effects, and should be discussed. Resulting fire may change the effective fragment size for some species.

3.10-22 paragraph 2

“Therefore, the spread of noxious weeds due to construction of the Project is not expected to have an appreciable impact on wildlife habitat.”

Data, modeling results, or published analyses should be provided or referenced to support this statement. Resulting effects on fire and native plant composition should be considered.

3.10.23

“Unfragmented shrublands are a vital habitat characteristic for many wildlife species, but this habitat type has been degraded, fragmented, and eliminated by conversion to agriculture, livestock grazing, invasion of exotic plants, and tree succession (Rich et al. 2005). For instance, Hann et al. (1997) estimate that over 30 percent of this habitat type in the Interior Columbia Basin has been lost. ... Native grasslands in the Interior West have also experienced degradation and fragmentation and resultant loss of function as wildlife habitat.” And page 3.10-20 para 2.

Given that the unfragmented and undegraded habitat has diminished so significantly, the EIS should identify fragments that are important habitat for imperiled wildlife such as sage-grouse. It should describe the specific wildlife issues that are present in these areas. It should identify areas that will be further fragmented, and the imperiled wildlife populations that will be affected on those areas. The EIS presents too general a picture to understand the extent and impacts of the action. In particular, it should analyze the impact on leks. Leks vary in size, and some leks are far more important to the overall population than others. Size of leks that would be impacted should be included in the EIS. While a small percentage of the leks may be affected, if those are the largest leks in the population, it could have a large impact region-wide. Avoiding core areas in Wyoming and key areas in Idaho could mitigate these impacts.

3.10-36, paragraph 6

The Proponents' Avian Protection Plan states that if mortalities due to electrocution are documented, changes to the distribution lines would be made in order to avoid future mortalities (such as by changing the arrangement of the powerlines or by excluding birds from certain areas).

The EIS should describe a plan for monitoring mortalities that is capable of detecting when they occur.

3.10.39

“The estimated water usage from construction activities on a typical day for transmission line construction would be about 2,140 to 3,340 cubic feet for dust control. If this would occur over an 8-hour period, it would equal a draw of 0.07 to 0.12 cubic feet per second.”

The EIS should describe the maximum proportion of water withdrawn in such a way that it is possible to determine the impact on flow rate. Withdrawal of 2,140 to 3,340 cubic feet over an 8-hour period would have a significantly different effect if the amount withdrawn were a significant proportion of the flow, or if the withdrawal were over a shorter than an eight-hour period.

3.10.39

“However, according to the Upper Colorado Endangered Fish Recovery Program, any water withdrawal over 4,356,000 cubic feet per year, would result in a *may affect, likely to adversely affect* determination for four federally listed fish species. The Proponents have estimated total construction water use (concrete batching and dust control) at 314.6 acre-feet or 13,702,747 cubic feet.”

The EIS should contain a brief description of the expected time frame for withdrawals and procedures that will be followed to make sure that the 4,356,000 cubic feet per year limitation will not be exceeded.

3.10-46 and 3.11-8 to 3.11-10

Project operation is expected to have only minor impacts to most migratory bird and game bird individuals, including Species of Conservation Concern and Game Birds Below Desired Condition, because the presence of the transmission line, structures, and access roads do not present barriers to movement through fragmentation, create excessive noise, or otherwise cause major behavior changes, for the most part.

USGS, with collaborators from other agencies, has recently published a paper on the effects of transmission lines on sage grouse. The Local Working Groups may not have been aware of this work at the time they made their recommendations. The EIS should include information on the effects of the powerline as described in a recently published paper by Wisdom et al (2011), which stated, “Best discrimination between extirpated and occupied ranges, using discriminant function analysis (DFA), was provided by five of these variables: sagebrush area (*Artemisia* spp.); elevation; distance to transmission lines; distance to cellular towers; and land ownership.... Mean distance to electric transmission lines was ~2 times farther in occupied range than in extirpated range (Fig. 18.4)...

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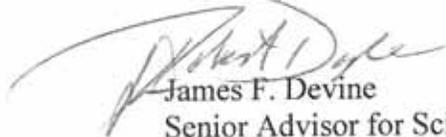
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Sincerely,



James F. Devine
Senior Advisor for Science Applications

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United States Department of the Interior

NATIONAL PARK SERVICE
INTERMOUNTAIN REGION
12795 West Alameda Parkway
PO Box 25287
Denver, Colorado 80225-0287



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OCT 19 2011

Memorandum

To: Walt George, Project Manager, Bureau of Land Management

From: Regional Director, Intermountain Region
Regional Director, Pacific West Region

Subject: National Park Service comments on the Draft Environmental Impact Assessment for the Gateway West 230/500 kV Transmission Line Project (Idaho, Nevada, and Wyoming), Prospective Draft Land Use Plan Amendments

Thank you for the opportunity to review and provide National Park Service (NPS) comments on the Bureau of Land Management's (BLM) Draft Environmental Impact Assessment for the Gateway West 230/500 kV Transmission Line Project (Idaho, Nevada, and Wyoming), Prospective Draft Land Use Plan Amendments. NPS offers the following comments for consideration:

City of Rocks National Reserve

The following comments are the same as what was presented in the letter dated August 4, 2009 from Rory D. Westberg, Deputy Regional Director at NPS to Walt George, National Project Manager at BLM, and hereby reiterated for your continued consideration:

The National Park Service (NPS), Pacific West Region, has reviewed preliminary information concerning the proposed Gateway West Transmission Line Project, a joint proposed project between Idaho Power Company and Rocky Mountain Power to build, operate, and maintain approximately 1,150 miles of new 230 kilovolt (kV) and 500 kV transmission lines across southern Wyoming and southern Idaho. Idaho Power's preferred route through Cassia County is located south of Declo and Burley, and north of the Reserve to the Cedar Hill substation, southeast of Twin Falls, Idaho.

City of Rocks National Reserve ("the Reserve") is located near an alternative route currently being vetted by a 20-member task force appointed by Cassia County Commissioners to consider alternative routes to the Idaho Power's preferred route, and to recommend a 2-mile-wide energy corridor south of the preferred route that other projects would be required to use ("the southern route"). Up to five different transmission line projects are projected by the task force within this corridor. The NPS recognizes the challenges to energy supply and reliability in the State of Idaho, and are supportive of deliberate, well-planned energy projects that generally avoid or minimize impacts. However, our primary mission is to preserve and protect National Parks, Recreation Areas, Reserves, and Historic Sites, regarding which the NPS is committed to preserve and protect for the American people.

City of Rocks National Reserve and National Historic Trails

The southern route is much closer to the Reserve than Idaho Power's preferred route. The southern route transects private land and land managed by the Bureau of Land Management (BLM), and adds an additional 29 miles of transmission line to Idaho Power's preferred alternative. Physical, geographic constraints further limit a viable route through what is known as, "Sparks Basin," just south of the Reserve. The southern route will parallel or cover approximately 30 miles of National Historic Trails, including the California Trail (main route) and Salt Lake Alternate of the California Trail, as well as parallel or cover the marked Mormon Battalion Trail, and Boise-Kelton Stage Route. Towers may exceed 180 feet in height, and the cables required to transmit high voltage will be substantial. In short, the location and presence of large, dominating infrastructure in an otherwise pristine area will have major impacts that can only be partially and likely minimally mitigated. While the Draft Environmental Impact Statement has not been produced yet, it appears at this early stage that Idaho Power's preferred route through Cassia County will have the least impacts to the Reserve.

There are over five miles of historic trails within the Reserve. The best remnants are what the emigrants from 1843 to 1882 experienced in the southern portion of the Reserve. This inspirational area prompted many emigrant journal entries. Here, the California Trail (main route), Salt Lake Alternate of the California Trail, Mormon Battalion Trail, and Boise-Kelton Stage Route, converge. The site of the historic City of Rocks stage station is also located here. The viewshed and cultural landscape in and from the southern portion of the Reserve are so important that not even climbing is permitted on the Twin Sisters, in order to protect the feeling and association of the original trail experience.

The NPS has initiated a new General Management Plan process. As part of this process, we consider whether current park boundaries adequately protect core resources and values fundamental to a park's legislated purpose. The area south of the Reserve, including Sparks Basin, has been internally identified as an appropriate, integral, potential expansion of the park. This area has historical and cultural integrity fitting for inclusion within Reserve boundaries. To this end, the NPS has expended a significant amount of money received from appropriations through the Land and Water Conservation Fund Act and BLM's Federal Land Transaction Facilitation Act for acquiring additional land along the southern boundary of the Reserve, both within and potentially outside Reserve boundaries.

The NPS is also concerned with indirect impacts to the Reserve. Construction, operation, and maintenance of the transmission lines and associated infrastructure will impact more than just the viewshed and cultural landscape. Wildlife, geology and soils, paleontological resources, hydrologic systems, water quality, and air quality will also be impacted. Ground disturbance will have severe and permanent implications for multiple native vegetation communities, the wildlife dependent upon them, and wildlife corridors. Additional concerns include:

- Invasion of non-native vegetation resulting from clearing and grading, which further threatens the native species adjacent to cleared areas
- Compacted soils and erosion, sedimentation in waterways, and introduction of hazardous materials
- Elimination or degradation of unique geologic formations, as well as those of scientific interest
- Disruption and/or complete blockage of regional wildlife movement along linear corridors due to physical nature of the infrastructure, fences, or other intentional or unintentional barriers
- Fragmentation of biologically diverse communities
- Light pollution to previously unilluminated night sky
- Noise impacts to the natural soundscape

National Historic Landmark

The City of Rocks is designated as a National Historic Landmark (NHL). Section 110(f) of the National Historic Preservation Act (NHPA) requires that agency officials, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any NHL that may be directly and adversely affected by an undertaking. The Advisory Council on Historic Preservation (ACHP) regulations (36 C.F.R. § 800.10), pursuant to Section 106 of the NHPA, require a Federal agency to contact the Secretary of the Interior and the Advisory Council when proposed undertakings have the potential to affect NHLs. Idaho Power Company will likely be the lead on the Section 106 consultation process.

The NPS, as the Secretary of the Interior's representative, actively monitors NHLs and has an ongoing relationship with owners of NHLs. (36 C.F.R. § 65.7.) Please ensure that the NPS Regional Director, Pacific West Region, as well as the Superintendent of the Reserve, are copied on future correspondence and compliance documentation. The NPS should be consulted and invited to be a signatory on any Memorandum of Understanding or Programmatic Agreement developed to address specific mitigation for this project.

Cumulative Impacts

The NPS is very concerned with the cumulative impacts to the viewshed and cultural landscape that will result from this project in addition to the five other separate transmission line projects projected for the southern route corridor, particularly through Sparks Basin. The view from the Reserve, especially as one stands on the California Trail and looks south toward the Cedar Hills and Sparks Basin, will be greatly impacted.

Thorough consideration and analysis of the cumulative impacts to natural, recreation, aesthetic/visual, auditory, cultural, archeological, historical and paleontological resources should occur prior to selection of any route. Ultimately, no mitigation measure can remedy the permanent clearing and impacts of an energy corridor. The nationally significant values of the Reserve will likely be impacted by multiple transmission lines and towers placed so close to the Reserve and within clear view.

Visual Simulations

The NPS recommends that Idaho Power Company include digital-generated images of surrounding terrain with the proposed transmission line from several different vantage points, which would assist the NPS in determining visual impacts.

Images of both the single transmission line and the full build-out of all five transmission lines should be included in the environmental review document.

Finally, the NPS recommends considering whether better alternatives to transmission lines might be available to meet regional energy needs, such as more local renewable energy sources like solar and wind, and which do not require transmission lines that extend for hundreds of miles, retrofitting existing transmission lines for greater energy efficiency, etc.

Contact: Wallace Keck, Superintendent, City of Rocks National Reserve, 208-824-5911

Fossil Butte National Monument

Fossil Butte National Monument's interests would best be served by not developing the proposed route located one mile south of the monument (Alternatives 4B or 4C). The Alternatives 4B and 4C would construct along U.S. Hwy 30, within one mile south of the monument boundary and would have

significant visual impacts for visitors on the Historic Quarry Trail, from the visitor center, and from the Chicken Creek Nature Trail and research quarry as well as from the scenic road up into the high country. The surrounding vegetation is primarily sagebrush steppe and from the monument, there is nothing to block the visual intrusion of such a high profile, power transmission line. In addition to visual impacts, noise impacts during construction would be intrusive to visitors. After construction, visual impacts would be long term and adversely affect every visitor to Fossil Butte National Monument from every location that is currently developed for visitor use. One of the outstanding features offered visitors is the big expanse of western Wyoming landscape, scenic beauty, and a sense of solitude and remoteness available for those who arrive and experience the Monument.

Furthermore, Greater Sage Grouse (a federal candidate species) breed on leks in the monument and travel 3 - 6 miles to select nesting and rearing sites for the completion of the breeding cycle. These birds would be adversely impacted during transmission line construction activities, and habitat would be directly lost due to the construction footprint all along this corridor one mile south of the monument (Alternatives 4B and 4C).

These adverse impacts would be permanent into the future without any plan to diminish them. Once established, as stated in the Draft EIS, this transmission line corridor would likely attract additional infrastructure development and the Monument would be adversely impacted by additional developments in the future. This corridor, if chosen would be the slippery slope that once started down, impacts would have to be endured without an ability to protect scenic values and the visitor experience at this world renowned and nationally significant Monument. Visitors to Fossil Butte National Monument, now and in the future, would be adversely impacted by selection of the corridor adjacent to the monument.

The routes that would best serve the interests of the Monument are located 4 - 6 miles north of the monument (Alternative 4, 4A or 4F) or a similar distance south of the monument (Alternatives 4D or 4E). Alternative 4 is the route proposed by industry in the Draft EIS. Any of these alternatives, if selected, would protect the view shed from the National Monument. Selection of two alternatives, 4B or 4C, located in close proximity south of the monument would produce the worst result for Fossil Butte National Monument's view shed.

The map on page 2-65, Figure 2.4-1 that provides an overview of the segment 4 routes does not depict the 6 alternatives for alternative 4 in a clear manner. The routes 4A through 4F are not labeled. Later in the document, Figures 2.4-2 and 2.5-1 (pages 2-86 and 2-118 respectively) clearly display and label the alternative routes for those segments of the project. It would be useful to the reader to provide similar maps, at similar scales for the alternatives in segment 4.

Contact: Nancy Skinner, Superintendent, Fossil Butte National Monument , 307-877-4455

Hagerman Fossil Beds National Monument and Minidoka National Historic Site

Please accept the following specific comments related to Hagerman Fossil Beds National Monument and Minidoka National Historic Site.

- Page 3.3-24 Segment 7, Line 26-27: "The exception is Alternative 7I, which dips south to run along the Utah and Nevada border." Should this not be "Idaho and Nevada border?"
- Page 3.3-56 Idaho National Historic Trail Resource Overview – Oregon NHT: The Oregon Trail goes through the southern portion of Hagerman Fossil Beds National Monument. How far away will Alternate Route 9B be from the Monument's southern boundary? This is about 1-mile from the Oregon Trail.

- Page 3.3-70 3.3.3.2 Impacts Common to All Action Alternatives – CUL-1: Monitoring and Mitigation Plan:
 - Has this plan been written or is it in the process of being written?
 - Will a paleontologist be on site in areas of possible fossil locations to monitor activities?
 - Will an archeologist be on site to monitor all ground disturbing activities to ensure no subsurface cultural material?
- Page 3.3-85 Table 3.3-6: Oregon Trail NHT – C62: Figure Number Reference is not correct. In table it states 3.3-167 — 3.3-168 is associated with Hagerman Fossil Beds National Monument. On page 3.3-220 Figure 3.3-167 is labeled KOP C60 “View from Three Island Crossing ...” which it could be since it is not in the Hagerman Fossil Beds NM area. Also, on page 3.3-221 Figure 3.3-168 looks to be from Hagerman Fossil Beds NM from the Oregon Trail Overlook looking south. The picture is too dark to get a good idea of the exact location/view.
- Page 3.3-221 Figure 3.3-169 KOP 62 states that it is a view looking north towards Alternative 8A. This view is looking east, not towards Alt. 8A, but more towards Alt. 9B. In the Table 3.3-6 on page 3.3-85, Figure 3.3-169 is said to be associated with C81-Rock Creek Station and Stricker Ranch.
- Page 3.3-87 Table 3.3-6 Segment 10 – C82: table states Figure 3.3-189 is Wilson Butte Cave, but on page 3.3-237 Figure 3.3-189 states “...Segment 9 and Alternative 9E from the northwest side of the Owyhee County Courthouse.” On page 3.3-238 has Figure 3.3-190 KOP C82 “...looking southwest towards the Proposed Route in Segment 10.” I’m assuming this is the Wilson Butte Cave area?
- Also on page 3.3-87 Table 3.3-6, Segment 10, the table has C99 Figure 3.3-190 associated with Minidoka National Historic Site, but on page 3.3-239 the figure is Figure 3.3-191.
- Page 3.3-220 talks about the Oregon Trail that runs through Hagerman Fossil Beds NM being “...1.4 miles northeast of Alternative 9B...”. “Alternative 9B would be located to the south of this location on the south side of an existing, wooden H-frame transmission line, which parallels the trail (within feet) at the Hagerman Fossil Beds National Monument, between the trail and the Project, which will be built 1.5 miles away”. This is a bit confusing. Is Alt. 9B 1.4 or 1.5 miles from the KOP C62, (figures 3.3-168 — 3.3-169)? Where is Alt. 9B in association with the Monument’s southern boundary?
- It would have been a good idea to have a simulation photo at KOP C62 since Alt. 9B is so close to Hagerman Fossil Beds National Monument.
- Opposed to Alternative 8A and 9B due to adverse impacts to Hagerman Fossil Beds National Monument.
- Page 3.13-9 Description of Hagerman Fossil Beds National Monument should note that the Hagerman Horse Quarry is a National Natural Landmark, as noted during previous comment periods.
- As noted in the Paleontology section, there would be an adverse affect to paleontological resources especially in the Glens Ferry Formation. The Glens Ferry Formation is rated highest on the sensitivity scale for paleontology resources by the BLM; any disturbance would undoubtedly have negative impacts on these resources.
- We continue to be concerned as to the adverse visual impact at Hagerman Fossil Beds National Monument. As noted during previous comment periods, cumulative effects have not been adequately addressed, especially in regards to the great increase in the number of wind turbines in the area in just the past year.

- On the CD that was given with the Draft EIS, Minidoka National Historic Site simulation is E.3-49 and E.50. There is no E.3-55 and E.3-56 on the CD.
- Continued concern with the adverse visual impact on Minidoka National Historic Site in the Proposed Route for Segment 10.

Contact: Wendy Janssen, Superintendent, Hagerman Fossil Beds National Monument and Minidoka National Historic Site, 208-933-4110

National Trails

BLM and its consultants have prepared an extensive and thorough DEIS with multiple alternatives for most of the 10 Gateway West power line segments under consideration. Altogether, a menu of 49 alternatives is presented and analyzed. These include the proponents' proposed alternatives for each segment, but as yet, no agency-selected preferred alternative.

In conjunction with the DEIS, BLM and its consultants have prepared a comprehensive study of Oregon and California National Historic Trail (NHT) resources along the general project alignment. The study identifies and evaluates locations where trail resources may be impacted, adversely or otherwise, as a result of the Gateway West transmission line development.

From the trails report, NPS derives the following summary of potential impacts to national historic trails:

- If BLM and the project proponents, for each of their 10 project segments, were consistently to select the alternative with fewest number of project/trail interfaces, there would be 23 places where the new power lines and/or related facilities would cross, disturb, or be visible from an NHT (hereafter, "interfaces"). Not all of these interfaces, we recognize, would necessarily constitute an adverse impact, because in some places the trail and/or its setting has already lost its historical integrity and/or there are already intrusive visual elements present.
- If BLM and the project proponents, for each of their 10 segments, were consistently to select the alternative with the greatest number of project/trail interfaces, there would be 86 such locations.
- If BLM and the project proponents, for each of their 10 segments, were to select the proponents' proposed alignment, there would be 84 trail/project interfaces – very nearly the maximum possible number.

DEIS Appendix D provides a table of direct impacts (actual crossings or disturbances of the contributing segments), by project segment, that this project could incur to the California and Oregon NHTs in Wyoming and Idaho. The table includes many potential direct impacts to trail resources on private property, which BLM has been unable to analyze due to landowner constraints. Based on the available data, then, the project could incur up to nine direct, adverse impacts on the Oregon and California National Historic Trails. Ultimately, the number of direct adverse impacts could be even higher once the final route is chosen and project personnel are permitted to access and analyze project/trail interfaces on private property.

The DEIS does not provide a similar table summarizing indirect (typically visual intrusions) adverse impacts, which probably will be the majority of adverse impacts to the national historic trails.

Again depending on which alternatives are selected for each section, according to BLM's trails analysis this project will incur adverse impacts to numerous important trail sites and segments, including:

- Child's Cutoff (California NHT in Wyoming)
- Thomas Fork and Big Hill (California and Oregon NHTs in Idaho)
- White Hill Trail monument site (California and Oregon NHTs in Wyoming)
- Slate Creek Cutoff (California NHT in Wyoming)
- Two interpreted gravesites and other significant locales on the Sublette Cutoff (California NHT in Wyoming)
- Dempsey-Hockaday Cutoff (a variant of the Sublette Cutoff of the California NHT, Wyoming)
- Hudspeth Cutoff (California NHT, Wyoming)
- Raft River Parting of the Ways (California and Oregon NHTs, Idaho)
- Salt Lake Alternate, including the City of Rocks National Reserve viewshed (California NHT, Idaho)
- Three Island Crossing State Park and associated extant trail remnants (Oregon NHT, Idaho)
- South Alternate (Oregon NHT, Idaho)

In addition, the DEIS notes in its cumulative impacts section that construction of the Gateway West transmission line "could lead to the establishment of a corridor in which other lines may be installed in the future." In fact, BLM reports, three other projects currently in the environmental review process have already inquired about using some or all of the segments or alternative routes that are considered in the Gateway DEIS. Since parallel transmission lines require a space buffer to prevent arcing, these corridors ultimately could become broad swaths of multiple power lines.

Finally, BLM's DEIS also provides some informative tables of other proposed energy development projects, which show 12 (in addition to Gateway) proposed new transmission lines in Wyoming and Idaho; two coal-fired power plants in Wyoming; five geothermal projects in Idaho; 25 new wind facilities in Idaho and five in Wyoming, requiring construction of between 1,709 and 2,039 new miles of transmission lines; and five pumped storage projects in Idaho and Wyoming with pre-permits already approved. No figures are provided for oil and gas development.

The NPS recognizes that Gateway West and other energy projects are needed to serve the public demand for power. However, this project will result in dozens of irreversible direct, visual, and cumulative adverse impacts to nationally significant, historic remnants of the original Oregon and California emigrant trails. NPS urges BLM, wherever feasible, to select alternatives that will avoid or minimize those impacts at the key locations cited above. In those situations where adverse impacts to NHT resources are deemed unavoidable, meaningful mitigation actions of comparable magnitude will be in order.

Contact: Lee Kreutzer, Cultural Resource Specialist, National Trails Intermountain Region, 801-741-1012 x118

Land and Water Conservation Fund

We have reviewed the Gateway West Transmission Line Project Draft Environmental Impact Statement (DEIS) in relation to any possible conflicts with the Land and Water Conservation Fund (LWCF) and the Urban Park and Recreation Recovery programs. We observed that under Alternative 4F of the DEIS, the transmission lines may pass within 1000 feet of the Pine Creek Ski Resort in Lincoln County, Wyoming. Lincoln County, the grant sponsor, received financial assistance from the LWCF program to improve the ski area through grants 56-00371, 56-00467, 56-00602, 56-00772, and 56-00781. While the DEIS only indicates the potential proximity of the new transmission lines to this public ski area, we wish to point out that the granting of any new right-of-way and/or the placement of transmission lines within the boundary of the Pine Creek Ski Resort will constitute a conversion to other than public outdoor recreation under Section 6(f)(3) of the LWCF Act (Public Law 88-578, as amended). Avoiding the Pine Creek Ski Resort will prevent any LWCF conflicts.

Section 6(f)(3) states, "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

Additional information about the LWCF encumbrance placed upon the ski area and the Wyoming LWCF program in general may be obtained from Mr. Domenic Bravo at the State Parks, Historic Sites & Trails Division, Department of State Parks and Cultural Resources, 2301 Central Avenue, Barrett Building, Cheyenne, Wyoming 82002; by email at dbravo@state.wy.us; or, by telephone at 307-777-6324. Contact: Kelly Pearce, Outdoor Recreation Planner, Midwest Regional Office, 402-661-1552

Thank you for the opportunity to provide these comments. If you have further questions regarding these comments, you may also contact John Keck, Montana and Wyoming State Coordinator, at 307-775-6102.

cc:

- NPS, John Keck
- NPS, WASO-EQD
- NPS, Wallace Keck
- NPS, Nancy Skinner
- NPS, Wendy Janssen
- NPS, Cheryl Teague
- NPS, Lee Kreutzer
- NPS, Kelly Pearce
- NPS, Cheryl Eckhardt
- NPS, Alan Schmierer
- DOI, Robert Stewart
- DOI, Allison O'Brien

From: BLM_WY_Gateway_West_Trans_Line [BLM_WY_Gateway_West_Trans_Line@blm.gov]
Sent: Thursday, November 03, 2011 12:31 PM
To: blm@gwcomment.com
Subject: FW: Idaho Comments on Gateway West Transmission Line Project
Attachments: IDAHO COMMENTS DRAFT GATEWAY WEST TRANSMISSION LINE PROJECT EIS.pdf

From: John Chatburn [<mailto:John.Chatburn@oer.idaho.gov>]
Sent: Monday, October 31, 2011 4:23 PM
To: BLM_WY_Gateway_West_Trans_Line
Subject: Idaho Comments on Gateway West Transmission Line Project

Attached are the comments from the State of Idaho.

John Chatburn
Administrator
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(208) 332-1660
john.chatburn@oer.idaho.gov

C.L. "BUTCH" OTTER
Governor



304 N. 8th Street, Suite 250, P.O. Box 83720
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JOHN CHATBURN
Interim Administrator

(208) 332-1660
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October 28, 2011

Project Manager
Gateway West Transmission Line Project EIS
Bureau of Land Management
PO Box 20879
Cheyenne, WY 82003

RE: Draft Gateway West Transmission Line Project Environmental Impact Statement

Dear Mr. George:

The state of Idaho appreciates the opportunity to comment on the project referenced above. Idaho's submission includes general statements as well as more specific project related comments from the state agencies responsible for considering impacts to various resources and activities.

While Idaho commends the Bureau of Land Management (BLM) for its efforts thus far in this process, we want to register our strong objection to the fact that BLM did not designate a Preferred Alternative in the Draft EIS. The BLM's decision to not designate a Preferred Alternative has created a strain on state agency and local government resources, as well as Idaho citizens, as they attempted to review the proposed route as well as all of the alternatives.

General Comments

The Idaho Governor's Office of Energy Resources is the state entity responsible for coordinating energy policy and planning within the state of Idaho. Idaho supports the development of critical electrical infrastructure and the State encourages the project manager to move forward with the process for this project within the anticipated timelines.

The need for new transmission in the Northwest has been well documented and Idaho utilities view transmission as a major component of their overall resource mix for long-term planning purposes to meet their legal obligation to serve Idaho customers. Knowing that additional transmission capacity will be available in the future factors into Idaho's energy planning goals and increases opportunities for economic development.

Through these comments, the State of Idaho is not promoting a specific path or alternative. Instead, we submit this material to assist the established process in making the appropriate determinations. It is also important to note that Idaho's overall best interest is served by balancing energy resource needs with land use, environmental impacts, and historic preservation considerations.

Specific Comments Related to Impacts on State Endowment Land

Idaho Department of Lands (IDL), at the direction of the Idaho State Board of Land Commissioners, manages the Endowment Trust Lands within the State. In December 2007, the Land Board adopted the *State Trust Lands Asset Management Plan* addressing the overall management of Endowment Lands within Idaho. IDL's specific comments regarding impacts to state endowment land are attached.

Comments Related to Wildlife Considerations

The Idaho Department of Fish and Game (IDFG), acting under the supervision of the Idaho Fish and Game Commission is the state agency charged with carrying out the statutory authority to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code § 36-103(a)). IDFG's specific comments regarding impacts to wildlife are attached.

Comments Related to Recreation Considerations

The Idaho Department of Parks and Recreation (IDPR) is the state agency responsible for recreation within Idaho. IDPR's specific comments regarding impacts to recreation are attached.

Comments Related to State Historic Preservation Considerations

The Idaho State Historical Society (ISHS) is charged with responding to project considerations associated with historic preservation. The ISHS's specific comments regarding impacts to historic sites are attached.

Again, the state of Idaho appreciates the opportunity to submit comments on the Draft Gateway West Transmission Line Project EIS.

Sincerely,



John Chatburn, Interim Administrator
Governor's Office of Energy Resources

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TOM SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

October 31, 2011

The Idaho Department of Lands (IDL) appreciates the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Gateway West 500 kV transmission line project.

To reiterate our comments made during the scoping and Administrative DEIS review processes, IDL, at the direction of the Idaho State Board of Land Commissioners, manages the Endowment Trust Lands within the State. All Endowment Assets of the State of Idaho must, per the Idaho Constitution [Article 9], be managed "in such a manner as will secure the maximum long term financial return" to the Trust Beneficiaries. The Assets will be managed to provide a perpetual stream of income to the beneficiaries by:

- Maximizing long-term financial return at a prudent level of risk;
- Protecting future generations' purchasing power; and
- Providing a relatively stable and predictable payout.

In December 2007, the Land Board adopted the *State Trust Lands Asset Management Plan* addressing the overall management of Endowment Lands within Idaho. The IDL Annual Report also provides an overview of the mission as well as interesting statistical information that may be of interest. These documents are available on the agency website at www.idl.idaho.gov.

The Idaho Department of Lands also made the following general comments:

1. The department continually seeks revenue generating opportunities for the trust beneficiaries. Opportunities to cite supporting facilities on Endowment land are encouraged. Any use of Endowment Lands will require application for and approval of leases or term easements with fees based on current market rates. Easements may include multiple uses in some locations. Final location of any easements should be placed, wherever possible, in locations that will result in minimal negative impact to the function and productivity of Endowment land.

2. The ability of Idaho Department of Lands to manage the Endowment Assets for the maximum benefit of the beneficiaries will be impacted by this project. Among these impacts are:
 - a. Spread of noxious weeds. Area-specific management plans will be necessary to protect the condition of the state land and neighboring land owners;
 - b. Potential loss of access to Endowment Lands;
 - c. Increased trespass activity due to proximity of new roads to Endowment Land.
3. Alignment of the Transmission Line to capture renewable resources along the route should be given attention. Location of the Transmission Line in potential wind energy corridors or too far away from renewable energy production areas will result in a loss of the ability to capture these resources for the benefit of Endowment Beneficiaries as well as all residents of Idaho. While biological, visual and cultural resources are very important, collection of renewable resources should be a serious consideration as part of a value-based approach to project feasibility.
4. Fire management and suppression activities may be severely hampered by the Transmission Line construction and operation and result in loss of Endowment Land productivity. Specific fire management plans should be a pre-construction requirement.
5. Spanning or encroachment of navigable waters of the State would require either a submerged land lease or easement with the conditions to minimize environmental impacts or public use and navigation of the waters.

After review of the Gateway West DEIS, IDL submits these additional comments.

1. Major transmission line projects such as Gateway West and any accompanying infrastructure will be managed under a lease on endowment trust lands issued by IDL rather than by easement.
2. In Section 3.17-1, the document incorrectly states that any easement would need to be negotiated with the Idaho State Board of Land Commissioners. Negotiation of any easement or lease would occur with the Idaho Department of Lands as the administrative arm of the Board.
3. The location of the proposed route in Township 4 South Range 8 East (Segment 8, near MP 60 Midpoint to Hemingway) is unacceptable to the state. The proposed location would significantly diminish any potential development opportunities for the Endowment Trust Land. IDL recommends relocating this segment to 8d (Alternative not studied in detail) that would only impact the

4. northeast portion of this ownership block to protect the revenue generating ability of the Beneficiary.
5. State Trust Land along the proposed route on Segment 8 (between MP 90 and MP100 Midpoint to Hemingway) in Township 1 South Range 3 East and Township 1 North 2 East are identified as Peppergrass Element of Occurrence areas. Construction standards and practices should be adjusted to ensure compliance with the requirements for of the existing Candidate Conservation Agreement for Peppergrass between the Bureau of Land Management and the State of Idaho.
6. The project manager should be aware an IDL cropland lessee has experienced stray voltage issues from several existing transmission lines on endowment lands traversed by Alternative route 8a (Midpoint to Hemingway). The proposed route between Midpoint and MP 30 is preferred.
7. The proposed route between 4j. and 4k. (Wyoming to Populus) abruptly changes direction to the north to intersect with State Endowment Trust lands in Township 13 South Range 45 East. Both prior to and after these points, the proposed route closely parallels an existing power line. The location of the proposed line needs to stay as close to the Endowment ownership boundary as possible to minimize the impact to the larger parcel.
8. The proposed route between MP 180 and 200 (Wyoming Border to Populus) is unacceptable to IDL. The bifurcation of the management block by the proposed route unnecessarily encumbers the block as well as impacts future management opportunities. The Alternative Route Not Studied In Detail through this segment closely parallels an existing power line, would maintain the opportunity of future development in this large block of Endowment Trust Land. IDL recommends the Alternative Route be chosen for this location.
9. Consider the more direct, shorter route identified as Alternate Route 5c in the propose route of Segment 5 (Populus to Borah) beginning at 5g. to 5l. The proposed route negatively impacts the Endowment Trust Land.
10. In general IDL recommends that fire mitigation plantings or improvements to be designed into the project due to the common large fire occurrence throughout the length of this project in Idaho. Suggestions include intensive planting and fuel breaks around specific high value improvements such as substations, plantings of forage kochia and crested wheatgrass green strips on either side of the power line, or similar plantings to create a master fuel break within drainages.

The Idaho Department of Lands appreciates the opportunity the Bureau of Land Management has provided for submission of these comments.

Regards,

Kurt Houston
Division Administrator, South Operations


IDAHO DEPARTMENT OF FISH AND GAME

600 S Walnut / P.O. Box 25
Boise, Idaho 83707

C.L. "Butch" Otter / Governor
Virgil Moore / Director

Comments by the Idaho Department of Fish and Game on the Draft Environmental Impact Statement for the Gateway West Transmission Line Project

The Idaho Department of Fish and Game (Department) does not support or oppose this proposal. The purpose of the Department's comments are to assist decision-making authorities for this transmission line by providing technical information addressing potential effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. The Department, directed by policy of the Idaho Fish and Game Commission, has statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103(a)). Resident fish and wildlife are the property of Idaho's citizens and decisions affecting these resources concern all Idahoans.

Department staff have provided data, input and review during the preparation of the Draft Environmental Impact Statement (DEIS) under the State of Idaho's cooperating agency agreement with BLM. We appreciate the multiple opportunities to provide technical information to improve the DEIS through previous administrative review and find that many of our comments have been incorporated.

Mitigation

The Compass, the IDFG's strategic plan, describes what the Department wants to achieve in the next 15 years and how, in general terms, we intend to accomplish it. A primary goal of the Compass is to sustain Idaho's fish and wildlife and the habitats upon which they depend, recognizing that our technical input to other land managers is a key mechanism effecting sustainable wildlife habitat. Among the desired outcomes under this goal is no net loss of habitat and a recognized strategy to help meet this outcome is to seek mitigation for adverse impacts to fish and wildlife.

The DEIS implies a mitigation proposal was rejected by the state wildlife agencies (p. 3.11-71) but the Department perspective, also reflected in the DEIS, is that there was not sufficient technical effect assessment, particularly to sage-grouse habitat, to uphold a credible mitigation proposal. To date, the Department has not offered a policy conclusion about a mitigation proposal for this project. The Department understands that the Habitat Equivalency Analysis (HEA) will be used to aid in the assessment of compensatory mitigation for sage-grouse. The HEA is a method for calculating permanent or interim loss of habitat services from project related impacts. The HEA is focused on sage-grouse habitat impacted as a result of the Project and proposes to offset those impacts with acquisition and/or restoration of comparable habitat. We recognize development of the HEA is ongoing, with technical review and assistance from the Department and others. Notwithstanding work on the HEA, we are concerned that compensatory mitigation to offset effects to other species or habitats is not proposed in this DEIS and reference

Keeping Idaho's Wildlife Heritage

issues related to big game and Species of Greatest Conservation Need in the following detailed comment spreadsheet.

BLM Instruction Memorandum No. 2008-204 outlines the BLM policy for the use of offsite mitigation where “Offsite mitigation is supplemental to onsite mitigation and is used to enhance the BLM’s ability to fulfill its mission of providing multiple uses on the public lands, while ensuring its resource management objectives are met”. While the DEIS addresses potential impacts and practices to be used to avoid and minimize adverse effects, nothing is suggested to compensate for unavoidable impacts. The Department recommends that the BLM apply IM2008-204 policy to unavoidable impacts to fish, wildlife, and habitats resulting from the Gateway West Project.

Route Selection

The DEIS highlights the variable affects to wildlife species from proposed routes and alternatives, but does not make clear what factors will be used in the final route selection. Specifically it is unclear whether some potential impacts may be weighted more heavily than others in the final route selection. The Department is concerned that certain routes may have localized unmitigatable impacts to special status wildlife and that such impacts may not receive adequate consideration during the decision-making process. For example, Alternative 9E would have substantially greater effects to occupied sage-grouse habitat and bighorn sheep habitat than the proposed route or other Segment 9 alternatives. Effects resulting from Alternative 9E would be difficult to adequately mitigate for due to the level of impacts, particularly when considered within the proposed mitigation framework. The Department requests that additional clarification be added to the discussion of route selection.

Species of Greatest Conservation Need

Idaho’s Comprehensive Wildlife Conservation Strategy (CWCS) provides common framework that enables conservation partners to jointly implement a long-term approach for the benefit of Species of Greatest Conservation Need (SGCN). The strategy promotes proactive conservation to ensure cost-effective solutions instead of reactive measures enacted in the face of imminent losses. The Department is concerned that State of Idaho SGCN are not included in the assessment of impacts to special status species, or in proposed mitigation actions. Forest Service and BLM sensitive species overlap with some SGCN, but several are not addressed. The Department recommends that these be included in Section 3.11 Special Status Wildlife and Fish Species.

Sage-grouse Winter Concentration Areas

A seasonal protection is described for designated sage-grouse winter concentration areas and correctly notes that these areas have not been mapped or designated. The Department, in cooperation with the Idaho BLM state office, has recently completed an effort to model sage-grouse winter habitat areas. Several potential wintering concentration areas exist along some of the alternative routes. This data should be incorporated into the FEIS in conjunction with consideration of data from field surveys of these areas prior to construction to determine if implementation of TESWL-19 (page 3.11-67) is warranted. Department staff will work to provide this information during preparation of the Final EIS.

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<http://fishandgame.idaho.gov>*

Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
Page	Document Section	Comment
ES-25		Opening statement in paragraph two should clarify the context of "...minor effects on vegetation, soils, and waterbodies...including specifically sagebrush-obligate species..." While this may be accurate in the context of direct effects, the uncertainty with respect to indirect effects suggests this statement cannot be substantiated. Text should qualify this uncertainty or more clearly specify the context of the "effect."
2-144	Table 2.7-1, OM-30	Management authorities for several sensitive species fall under state jurisdictions. Unintentional taking of those species during construction and/or operations and maintenance should be reported to the appropriate state agency.
2-157	Table 2.7-1, WILD-1	BLM Information Bulletin No. ID-2010-039 <i>Seasonal Wildlife Restrictions and Procedures for Processing Requests for Exceptions On Public Lands in Idaho</i> should be identified in the DEIS as the guiding document for exemptions to seasonal wildlife restriction in Idaho.
2-156-	Table 2.7-1, WILD-1	It is unclear how WILD-1 and related proponent proposed mitigation measures for construction and operations and management on big game winter range (e.g., PGC-5, PGC-6, PGC-7) would relate as they appear mutually exclusive. The Department recommends that WILD-1 (with modifications recommended above) be used as the default for seasonal exemptions. The DEIS states that the agencies reject the proponent proposed monitoring for seasonal occupancy of big game winter ranges (page 3.10-26). The Department agrees that agency personnel should determine the presence or likely presence of big game in restricted areas. Also, please provide page reference for Wild-1 in general wildlife section.
2-155	Table 2.7-1 WILD-7	Markings on guy wires are designed to reduce bird strike mortality. Optimally, they should include non-federal lands as well as federal lands, recognizing that BLM can only direct their lands.
Throughout document	Table 2.7-1	Big game winter range headings include "critical" in the title. The State of Idaho does not recognize critical winter range, nor are we aware of any such designation by federal land management agencies. The term critical should be removed when referring to big game winter range in Idaho.
2-155 2-156 2-157 2-158 2-161	Table 2.7-1 PGC-4 PGC-6 PGC-9 PGC-13 PGC-17 PGC-21	Monitoring results should be provided to the appropriate state fish and wildlife agency in addition to the federal land management agencies.

Keeping Idaho's Wildlife Heritage

Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
Page	Document Section	Comment
	PGC-24 PGC-28 PGC-31 PGC-35 PMC-4	
2-160 2-158	Table 2.7-1 PRC-1 PRC-5 PRC-12 PRC-18 PRC-19	Monitoring results should be provided to the appropriate state fish and wildlife agency and the US Fish and Wildlife Service in addition to the federal land management agencies.
3.10-2 And Volume 3 appendix E.	3.1	Page 3.10-2 states that mapped areas of big game winter range as defined by state and federal agencies were used in the analysis area whereas page 3.10-25 states that spatial data on big game winter ranges have been provided by federal agencies. Figure E.10-4 Designated Big Game Winter Ranges, Idaho and Nevada appears to include State of Idaho data. The narrative should be corrected to accurately reflect that state data has been provided and used in analyses.
3.10-8, para 3	3.10.1.4	Remote Sensing – This section is unclear with regards to determinations of wildlife habitat “suitability” as it pertains to species distribution and habitat information provided by state wildlife agencies. Specifically, were any of these data amended based on the result of remote sensing?
3.10-9 and 3.10-10	3.10.1.4,	We are uncertain whether the habitat fragmentation methodology used in the DEIS was the most appropriate given the scale of the project. Focusing solely on number and size of patches with no assessment of other key principles like patch quality, patch isolation (distance between patches), or edge density may underestimate the effects of fragmentation as a result of project implementation. Further, it is unclear: 1) how the fragmentation information is incorporated into the impacts analysis, 2) will the information be or has it been used in project siting and 3) how this important issue will be addressed in a compensatory mitigation strategy for the proposed project.
3.10-15, para 5	3.10.1.5,	Check current scientific names of reptiles and amphibians. For example, Pacific treefrogs are in the genus <i>Pseudacris</i> . Several other species of amphibians have recently been reclassified including species that were formerly in the genus <i>Rana</i> (to <i>Lithobates</i>).
3.10-21	3.10.2.2,	Edge effects discussion focuses almost entirely on forested systems. Incorporating information from research conducted in sagebrush landscapes is relevant to this project (see Knick and Hanser 2011, Knick and Rotenberry 1997, Vender Haegen et al. 2000, Knick et al. 2008, Hanser and Knick 2011, and others).

Keeping Idaho's Wildlife Heritage

Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
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3.10-34	3.10.2.2, WILD-10	The document acknowledges nesting birds are particularly sensitive to disturbance yet only prescribes a 30-foot pre-construction survey for nesting birds within the disturbed portion of the ROW. We are unaware of the source or rationale for this level of survey effort. Further, no nest avoidance distances are provided. Pre-construction survey efforts and avoidance distances should be clearly defined and included in the FEIS.
3.10-34,	3.10.2.2, (WILD-10, PRC-5, and others)	No flagging of nests should occur (see Rollinson and Brooks 2007). IDFG can provide information on inconspicuous techniques for marking nests upon request.
3.10-40	3.10.2.2, Operations, Habitat	For many species, "temporary" impacts will effect more than "several generations" given the time required for effective restoration of certain vegetation communities.
3.11-2 and 3.11-3	Table 3.11-1,	Incorrect citation for the Conservation Plan for the Greater Sage-grouse in Idaho. Should be Idaho Sage-grouse Advisory Committee (2006).
3.11-2 and 3.11-3	Table 3.11-1,	Incorrect description and characterization of Key Habitat designations in Idaho. See pages 3-12 and 3-13 in Conservation Plan for the Greater Sage-grouse in Idaho (Idaho Sage-grouse Advisory Committee 2006).
3.11-91, para 5	3.11.1.5,	If the dispersal of female sharp-tailed grouse from leks after mating is not well known, then the statement " <i>The sharp-tailed grouse broods, rears young, and winters within a short distance of the mating grounds...</i> " cannot be substantiated. Further, "broods" and "rears young" are the same activities. For more information on sharp-tailed grouse movements and home range see Meints 1991, Ulliman 1995, Boisvert et al. 2005.
	App C-3	General – The plant and wildlife conservation plan provides a basic planning framework for avoiding or minimizing impacts during construction. To facilitate implementation within the selected ROW route, the conservation plan (or supporting plans) will require more detail (e.g., preconstruction survey schedules/protocols, protection measure locations/schedules, and compliance monitoring/reporting procedures) and synchronization with a construction plan.
App C-3, Section 1.0, Pg. 2		Introduction – The second to the last sentence in this section states that the Plan addresses O&M activities. Clarify if this sentence correctly applies to this plan.
App C-3, Section 3.0, Pg. 5		Table 1 – Greater sage-grouse should have a regulatory status of candidate species.
App C-3, Section 4.2.1, Pg. 11		Land Management Plan – It is suggested that the plant and wildlife stipulations in RMPs and MFPs are not requirements and open to Proponent interpretation and modification as needed for Project

Keeping Idaho's Wildlife Heritage

<p align="center">Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011</p>		
Page	Document Section	Comment
		activities. Differentiate which stipulations affecting the Project are open to interpretation and which are definitive requiring RMP or MFP amendments.
App C-3, Section 4.2.2, Pg. 11		Stipulation Selection – Standardization of stipulations and protection measures for the Project is recommended where appropriate to meet species and habitat conservation needs and requirements. Clarify if RMP and MFP amendments will be required for proposed surface use stipulations interpretations, modifications, exceptions, and waivers.
App C-3, Section 4.2.2, Pg. 11		Stipulation Selection – It is generically stated that many seasonal restriction stipulations are designed to assume species presence and to “broadly bracket the period in which there could be adverse impacts.” We disagree with this characterization of the stipulations as this implies that the restrictions are unnecessarily long. Seasonal restrictions were conservatively identified to protect species from disturbance during known sensitive time periods.
App C-3, Section 4.2.2, Pg. 11		Stipulation Selection – Excluding an RMP’s or MFP’s species protection measures is appropriate if the proposed restrictions offer equal or greater protection from disturbance, not because they are “not practical from a project design and development perspective.” Appropriate species-, temporal-, and site-specific justifications must be provided if an RMP’s or MFP’s protection measures or stipulations are to be excluded or modified.
App C-3, Section 5.0, Pg. 13-20		General - Define “regular human activity” for the existing anthropogenic disturbances (including metrics such as distance) used to make animal habituation determinations for surface use stipulation waivers.
App C-3, Section 5.0, Pg. 13-21		General – Each of the PGC, PMC, PRC, PAC, and PPC measure categories are structured very similarly which often results in redundant text. We suggest systematically structured tables to explicitly present species-specific aspects of the measures (e.g., (1) survey buffer distances, (2) cutoff dates for big game seasonal periods, (3) raptor nesting seasons, (4) dates for surveys during “appropriate seasonal timeframes,” and (5) nest protection buffer distances) would clarify the information while simultaneously providing an opportunity to streamline text.
App C-3, Section 5.0, Pg. 13		Big Game – Big game animals can become habituated/acclimated to levels and types of existing anthropogenic disturbances for which they are regularly exposed. However, big game animals are uncommonly exposed to transmission line construction activities (e.g., those listed in 2.1.1) and unlikely to be habituated prior to the start of construction. Explain the basis to justify surface use stipulation waivers, and the Proponent’s approach to identify when animals might become habituated/acclimated to transmission line construction activities.

Keeping Idaho's Wildlife Heritage

Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
Page	Document Section	Comment
App C-3, Section 5.0, Pg. 13-15		Big Game – Specify anticipated big game survey methods/effort levels to ensure adequate detection likelihoods. Also, define the anticipated size and arrangement of survey areas relative to the selected ROW within which areas will be determined as occupied or vacant.
App C-3, Section 5.0, Pg. 13-15		Big Game – Construction is proposed to commence during big game protection periods in areas where none are present as determined after two consecutive weeks of surveys. Specify if weekly surveys will continue during a big game protection period after two consecutive weeks of big game absence and construction commences. Also, specify how PGC measures will be applied if big game animals return during a protection period even though construction might have commenced.
App C-3, Section 5.0, Pg. 13-15		Big Game – Big game detection surveys are to be conducted within a 1-mile buffer around active project facilities in “identified areas,” which will presumably correspond to “mapped habitat.” Verify that PGC measures will be applied to all identified areas/mapped habitat within the 1-mile buffer. Also, state how areas to be surveyed, and consequently to which proposed PGC measures will apply, will be identified/mapped prior to the detection surveys.
App C-3, Section 5.0, Pg. 13-15		Big Game – State the approach for applying PGC measures if big game animals are observed (e.g., incidental observations) during protection periods and within 1-mile of the ROW but outside of identified areas/mapped habitat.

Literature Cited

Boisvert, J. H., R. W. Hoffman, and K. P. Reese. 2005. Home range and seasonal movements of Columbian sharp-tailed grouse associated with Conservation Reserve Program and mine reclamation lands. *Western North American Naturalist* 65:36–44.

Hanser S.E. and S.T. Knick. 2010. Greater sage-grouse as an umbrella species for shrubland passerine birds: a multi-scale assessment. *In* Knick S. T. and Connelly J. W. (Eds), *Greater Sage-Grouse: Ecology and conservation of a landscape species and its habitats. Studies in Avian Biology Series (vol. 38).*

Idaho Department of Fish and Game Strategic Plan. 2005. *The Compass*. Boise, Idaho.

Knick, S.T., and J.T. Rotenberry. 1995. Landscape characteristics of fragmented shrubsteppe landscapes and breeding passerine birds. *Conservation Biology* 9:1059–1071.

Knick, S.T., J.T. Rotenberry, and M. Leu. 2008. Habitat, topographical, and geographical components structuring shrubsteppe bird communities. *Ecography* 31:389–400.

Keeping Idaho's Wildlife Heritage

- Knick, S.T. and S.E. Hanser. 2011. Connecting pattern and process in greater sage-grouse populations and sagebrush landscapes. *In* Knick S. T. and Connelly J. W. (Eds), Greater Sage-Grouse: Ecology and conservation of a landscape species and its habitats. Studies in Avian Biology Series (vol. 38).
- Meints, D. R. 1991. Seasonal movements, habitat use, and productivity of Columbian sharp-tailed grouse in southeastern Idaho. Thesis. University of Idaho, Moscow, ID, USA.
- Rollinson, N. and Brooks, R.J. 2007. Marking Nests Increase the Frequency of Nest Depredation in a Northern Population of Painted Turtles. *Journal of Herpetology* 41(1): 174-176.
- Vander Haegen, W.M., F.C. Dobler, and D.J. Pierce. 2000. Shrubsteppe bird responses to habitat and landscape variables in eastern Washington, U.S.A. *Conservation Biology* 14:1145–1100.
- Ulliman, M. J. 1995. Winter habitat ecology of Columbian sharp-tailed grouse in southeastern Idaho. Thesis. University of Idaho, Moscow, ID, USA.



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governor

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director

David M. Ricks
deputy director

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region one

Randy Doman
region two

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October 13, 2011

Bureau of Land Management
Gateway West Project
P.O. Box 20879
Cheyenne, WY 82003

RE: Gateway West Transmission Line Project DEIS

Dear Planning Team:

The Idaho Department of Parks and Recreation (IDPR) staff reviewed the Gateway West Transmission Line Project Draft Environmental Impact Statement (DEIS). Idaho Power and Pacific Corp. are considering constructing a 500 kV transmission line from Glenrock, WY to Hemingway Butte, ID.

Our staff provided comments during the project scoping period on June 26, 2008. We were concerned about the effects this project would have on Bruneau Dunes State Park.

The proposed route and alternative routes bypass the park boundary; however, both the proposed route and alternative routes pass within ½ mile of Bruneau Dunes State Park boundary. Going around the park avoids Land and Water Conservation Fund 6 (f) (3) property (36 CFR 59.1), but we predict the transmission line will impact the visual quality of the park.

The visual quality analysis for the park is inadequate. A photo point and analysis was taken on the park roads (**KOP 401 (Figure E.2-10)**). This point is in part of the park where the towers would be less visible rather from the top of the big Bruneau Dune.

The main dune structure is a very popular hike within the park. The top of the dune is much closer (within two miles) and at similar elevation where transmission line would be located. The FEIS needs to analyze the visual quality from the top of the dune, as well as the park roads.

On Page 2-100, the DEIS makes a reference to "Bruneau Dunes County Park". Bruneau Dunes is a State Park. The correct reference is "Bruneau Dunes State Park"

On Page 2-101, the DEIS states "Consultation between representatives of the BLM, U.S. Air Force, Idaho Department of Parks and Recreation, and the Proponents has determined that the location of the Proposed Route within the restricted Military

Gateway West Transmission Line Project DEIS
October 13, 2011
Page 2

Operating Area and just to the south of Bruneau Dunes State Park is acceptable." The IDPR was not consulted on this project, nor has our Board had any input on whether the proposed route or alternative routes is acceptable. The reference to our department should be removed from the DEIS.

In conclusion, the proposed routes and alternative routes will have a visual impact on Bruneau Dunes State Park. Neither IDPR nor its Board has been directly consulted on this project. We encourage the proponents to work with our staff in order to mitigate this visual impact.

We appreciate the opportunity to review this DEIS. If you have any questions about our comments, please contact Jeff Cook, Outdoor Recreation Analyst at (208) 514-2483.

Sincerely,

A handwritten signature in black ink that reads "Nancy C. Merrill". The signature is written in a cursive style with a large, prominent initial "N".

Nancy C. Merrill, Director
Idaho Department of Parks & Recreation

**Gateway West Transmission Line Project
DEIS Idaho Comment Form
Idaho SHPO Comments 10/19/2011**

Note Figure, Table, and map reference in comment column

Page	Par	Commenter	Comment	Response
2-203	4	Idaho SHPO	The second sentence in this paragraph seems to contradict our understanding of BLM authority on this project. SHPO review is conducted under Section 106 of the National Historic Preservation Act. For purposes of Section 106, the BLM is reviewing the entire project, regardless of land ownership. Is this different under NEPA?	
3.3-27	5	Idaho SHPO	Under <i>Prehistoric Resources by Segment and Alternative</i> , it states that the properties listed in Table 3.3-3 are those listed in the National Register of Historic Places, considered or assumed eligible for listing, or unevaluated. This should be restated in the title or in the footnotes for the table.	
3.3-37- 3.3-38		Idaho SHPO	As above, are the sites presented in Table 3.3-4 only those listed, eligible, or assumed eligible for the National Register or unevaluated? If so, this should be clarified on the table.	
3.3-34	2	Idaho SHPO	The geographic feature "Browns Bench" lies largely in Idaho. It should be described in the <i>Idaho Prehistoric Resource Overview</i> as well as in the Nevada overview.	
3.3-59	3	Idaho SHPO	City of Rocks should be described in this Section. Three of the alternatives pass close to this National Historic Landmark.	
3.3-68	1	Idaho SHPO	The BLM conducted the 15% sample survey to gather data that would inform the BLM's selection of a preferred alternative. Yet the only discussion of the 15% survey results in Idaho is presented in two sentences. How does this inform decisions? Overall, the DEIS provides little analysis of the archaeological information available—either previously recorded properties or properties identified during the 15% survey. This shortcoming needs to be corrected before preparation of the final EIS so archaeological data can be fully considered in selecting a preferred alternative.	
3.3-70		Idaho SHPO	CUL-8 should also state that the relevant state burial law will be followed for human remains discovered on non-federal lands.	
3.3-71	1	Idaho SHPO	Under the fourth bullet, the words "within it." should be deleted.	
General		Idaho SHPO	In reviewing the visual effects section for historic trails, we concentrated on the proposed routes. For the most part, it <i>appears</i> that the	

**Gateway West Transmission Line Project
DEIS Idaho Comment Form
Idaho SHPO Comments 10/19/2011**

Page	Par	Commenter	Comment	Response
			proposed routes would have less visual effect on emigrant trails than many of the alternatives, except near the following trail-related sites: (1) Big Hill; (2) Parting of the Ways; and (3) Three Island Crossing.	
3.3-128		Idaho SHPO	KOP C105 It is difficult to tell if Segment 4 (in Idaho) in the area of Oregon Trail's Big Hill will have a visual effect on that site. How can we evaluate visual effects for this segment if land owner access is denied?	
3.3-167- 3.3-172		Idaho SHPO	Alternatives 7H, 7I, 7J will adversely affect the setting of the California Trail and alternate trail segments (KOPs C22,23, 65-70 and others). From a cultural resources and historic preservation perspective, these alternatives should be dropped from consideration.	
3.3-173- 3.3-175		Idaho SHPO	The proposed alternative 7 passes very close to the Oregon/California Trails site of Parting of the Ways. In that location, proposed alternative 7 should be dropped from consideration. It is difficult to assess alternative 7C as there are no photo simulations from KOP C63 or KOP C64 toward alternative 7C. Its distance from Parting of the Ways seems adequate, but a photo simulation, especially from KOP C63, would be very helpful. Is it possible to develop an alternative that would swing to the north, closer to the freeway?	
3.3-197- 3.3-199		Idaho SHPO	Photo simulations should be provided for segments in the area south of the Oregon Trail site of Three Island Crossing (KOP C61). It is difficult to assess the effects of alternatives 8A or the proposed alternative 9.	
3.3-219- 3.3-220		Idaho SHPO	Once again, photo simulations should be provided for segments in the area south of the Oregon Trail site of Three Island Crossing (KOP C61).	
3.3-241		Idaho SHPO	Can a meaningful table be developed without using such a complex formula?	
3.3-243- 3.3-247		Idaho SHPO	Table 3.3-7. Why is an "Adjusted Impact Value" not provided for the proponent's proposed alternatives for the entire line? It is very difficult to draw conclusions from this table without those figures. This may be due to our lack of understanding of the table, but to the cold reader, this table is not very valuable.	



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY
444 Hospital Way #300
Pocatello, ID 83201

RETURN SERVICE REQUESTED

POCATELLO ID 832

25 OCT 2011 PM 4:11



Walter E. George, National Project Manager
Bureau of Land Management
Gateway West Project
P.O. Box 20879
Cheyenne, WY 82003

832003+7018





STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY



1/2

2011 OCT 31 AM 10: 00

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DOI-BLM
CHEYENNE, WYOMING

444 Hospital Way #300 • Pocatello, Idaho • 83201

C.L. "Butch" Otter, Governor
Toni Hardesty, Director

25 October 2011

Walter E. George, National Project Manager
Bureau of Land Management
Gateway West Project
P.O. Box 20879
Cheyenne, WY 82003

RE: Draft Environmental Impact Statement for the Gateway West Transmission Line Project

Dear Mr. George:

The Pocatello Regional Office of the Idaho Department of Environmental Quality (DEQ) has reviewed the Draft Environmental Impact Statement for the Gateway West Transmission Line Project with respect to its potential impacts to surface water quality in the Pocatello region. Consistent with the Federal Clean Water Act, Idaho's Water Quality Standards and Wastewater Treatment Requirements (WQS, IDAPA 58.01.02) have three basic components: beneficial use classifications for waters of the state; criteria to protect existing and designated beneficial uses; and an anti-degradation policy. DEQ's policy requires the maintenance of existing uses and the level of water quality necessary to protect those uses. Accordingly, the following comments are provided to help guide the alternatives analysis and decision making process to protect, maintain and restore water quality and beneficial uses in southeastern Idaho.

1. Idaho's 2010 Integrated Report has recently been approved by the Environmental Protection Agency Region 10 and can be found at: <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report.aspx>. This document is the latest compilation of information pertaining to the water quality status of all Idaho waters. It includes not only the §303(d) list of impaired waters (Section 5), but more broadly, the §305(b) list of the current condition of all state waters. Neither this document, nor its predecessor, the 2008 Integrated Report, are listed as references for the DEIS. The information contained in the report is important for the analyses conducted in the DEIS.

2. The separate listing of impaired and non-listed stream crossings in Tables D.16-1 and D.16-6 and in much of the discussion in section 3.16 implies that a higher level of



2/2

protection is required for those streams on the §303(d) list. While DEQ seeks to improve water quality and return beneficial uses to those waters listed as impaired, DEQ policy, as stated above, also requires the maintenance of existing beneficial uses and prohibits the degradation of water quality. Regardless of the regulatory status of the waterbody (whether or not the stream is impaired), appropriate best management practices shall be implemented to prevent degradation of water quality and negative impacts to beneficial uses.

3. DEQ feels it is imperative to include a discussion and proposal of a post reclamation strategy to ensure long-term functionality and maintenance of best management practices as site disturbances are reclaimed. This strategy should include scheduled implementation of BMPs, ongoing surveillance and inspection routines and documented and measurable goals for site stabilization.

Thank you for the opportunity to review and comment on the Draft Environmental Impact Statement for the Gateway West Transmission Line Project. If you have any questions or need clarification, please contact me at 208-236-6160.

Sincerely,

David Goings
Water Quality Scientist

cc: Lynn Van Every, Regional Water Quality Manager, DEQ Pocatello
Bruce Olenick, Regional Administrator, DEQ Pocatello
Theogene Mbabaliye, US EPA Region 10

From: info@gatewayeis.com
Sent: Tuesday, November 08, 2011 2:53 PM
To: Gateway BLM
Subject: A comment from gatewayeis.com

Name:
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Idaho Department of Environmental Quality

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Confidential:
No

DEIS Location:
chapter 3.20 section 3.20.1.5 page 3.20-8

Comment:

Air Quality (second paragraph 4th and 5th sentences) states the following:

"Figure 3.20-1 shows the current locations of the Idaho and Wyoming nonattainment areas, and other area of air quality concern. Idaho is in attainment with the exception of two PM10 nonattainment areas in the southeast corner of the state and the north Ada County CO and PM10 maintenance area."

This information is slightly inaccurate and needs to be modified to reflect the current situation/status. The Figure 3.20-1 is also inaccurate with its shading and needs to be modified.

The way it currently stands is that there are two NAA's in the Southeast Idaho portion of the state the Cache Valley PM2.5 NAA (which spans two States Utah and Idaho) and the Fort Hall PM10 NAA (Managed by the EPA and Shoshone-Bannock Tribes). There is also one area of concern

in SE Idaho the Portneuf Valley PM10 Maintenance area (area has been redesignated to attainment).

The current attainment/nonattainment/maintenance status in Southern Idaho (area of concern for the EIS) is as follows:

1. Cache Valley PM2.5 nonattainment area (NAA) - This nonattainment area spans two states (Utah and Idaho). In Idaho the NAA does not cover the entire Franklin County. It is hard to tell from your figure 3.20-1 whether or not this is the case, but DEQ believes that the portion of the transmission line that cuts through Franklin County, Idaho would not fall in the NAA boundary. It would be good if the figure showed the Cache Valley NAA spanning the two states or address the fact that the NAA crosses over into the Utah side (especially since graphic shows that portion of Utah. The shading of the area also appears to be wrong on the 3.20-1 figure showing up as an area of concern rather than a NAA. It might be beneficial to get a GIS overlay from DEQ showing the correct NAA boundaries for the Cache Valley NAA.
2. Portneuf Valley PM10 Maintenance Area - This area is currently listed as a maintenance area and has been redesignated to attainment with respect to the PM10 standard. This area is shaded incorrectly on the map as a nonattainment area and should be shaded as an area of concern since it is redesignated and listed as a maintenance area.
3. The Fort Hall PM10 Nonattainment Area - This area is managed by the Environmental Protection Agency and the Shoshone-Bannock Tribes. This area does not appear on the figure and is not discussed in the text. This area is still listed as a PM10 nonattainment area.
4. All of the shading in the Boise area should reflect area of concern only. There are currently no Nonattainment Areas in that area. The Boise details are as follows:

The Northern Ada County Area is in maintenance for CO and PM10, this area has been redesignated to attaining the standards and should be shown as an Area of concern.

The Treasure Valley Ozone and PM2.5 is currently just an area of concern. This area currently meets both air quality standards and is listed as an attainment area. This area is close to violated both ozone and PM2.5 and should be listed as an area of concern.

5. The Figure 3.20-1 needs to be fixed with shading for the areas of concern and nonattainment areas. The Fort Hall NAA needs to be added and DEQ suggested the correct legal description of the Cache Valley NAA be added to the map to show that the transmission line will fall outside of the NAA boundary

6. The correct way to type PM10 and PM2.5 is to subscript the numbers when using the chemical abbreviation. I did not provide my numbers this way through the comment system since, I could not find a way to subscript the numbers.

I hope that my comments make sense and are not too confusing. If you need further clarification or help obtaining a GIS overlay for the legal description of the Cache Valley please do not hesitate to contact at the information provided above.

Thanks for the opportunity to comment and provide clarification to the NAA's and areas of concern in the State of Idaho with respect to air quality.

From: info@gatewayeis.com
Sent: Tuesday, November 08, 2011 2:05 PM
To: Gateway BLM
Subject: 16862: A comment from gatewayeis.com

Name:
Melissa Gibbs

Organization:
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Confidential:
No

DEIS Location:
chapter 3.20 section 3.20.1.5 page 3.20-8

Comment:

Air Quality (second paragraph 4th and 5th sentences) states the following:

"Figure 3.20-1 shows the current location of the Idaho and Wyoming nonattainment areas, and other areas of air quality concern. Idaho is in attainment with the exception of two PM10 nonattainment areas in the southeast corner of the state and the north Ada County CO and PM10 maintenance area."

This information is slightly inaccurate and needs to be modified to reflect the current situation/status. The Figure 3.20-1 is also inaccurate with its shading and needs to be modified.

The current attainment/nonattainment/maintenance status in Southern Idaho (area of concern for the EIS) is as follows:


IDAHO DEPARTMENT OF FISH AND GAME

600 S Walnut / P.O. Box 25
Boise, Idaho 83707

C.L. "Butch" Otter / Governor
Virgil Moore / Director

Comments by the Idaho Department of Fish and Game on the Draft Environmental Impact Statement for the Gateway West Transmission Line Project

The Idaho Department of Fish and Game (Department) does not support or oppose this proposal. The purpose of the Department's comments are to assist decision-making authorities for this transmission line by providing technical information addressing potential effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. The Department, directed by policy of the Idaho Fish and Game Commission, has statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103(a)). Resident fish and wildlife are the property of Idaho's citizens and decisions affecting these resources concern all Idahoans.

Department staff have provided data, input and review during the preparation of the Draft Environmental Impact Statement (DEIS) under the State of Idaho's cooperating agency agreement with BLM. We appreciate the multiple opportunities to provide technical information to improve the DEIS through previous administrative review and find that many of our comments have been incorporated.

Mitigation

The Compass, the IDFG's strategic plan, describes what the Department wants to achieve in the next 15 years and how, in general terms, we intend to accomplish it. A primary goal of the Compass is to sustain Idaho's fish and wildlife and the habitats upon which they depend, recognizing that our technical input to other land managers is a key mechanism effecting sustainable wildlife habitat. Among the desired outcomes under this goal is no net loss of habitat and a recognized strategy to help meet this outcome is to seek mitigation for adverse impacts to fish and wildlife.

The DEIS implies a mitigation proposal was rejected by the state wildlife agencies (p. 3.11-71) but the Department perspective, also reflected in the DEIS, is that there was not sufficient technical effect assessment, particularly to sage-grouse habitat, to uphold a credible mitigation proposal. To date, the Department has not offered a policy conclusion about a mitigation proposal for this project. The Department understands that the Habitat Equivalency Analysis (HEA) will be used to aid in the assessment of compensatory mitigation for sage-grouse. The HEA is a method for calculating permanent or interim loss of habitat services from project related impacts. The HEA is focused on sage-grouse habitat impacted as a result of the Project and proposes to offset those impacts with acquisition and/or restoration of comparable habitat. We recognize development of the HEA is ongoing, with technical review and assistance from the Department and others. Notwithstanding work on the HEA, we are concerned that compensatory mitigation to offset effects to other species or habitats is not proposed in this DEIS and reference

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issues related to big game and Species of Greatest Conservation Need in the following detailed comment spreadsheet.

BLM Instruction Memorandum No. 2008-204 outlines the BLM policy for the use of offsite mitigation where “Offsite mitigation is supplemental to onsite mitigation and is used to enhance the BLM’s ability to fulfill its mission of providing multiple uses on the public lands, while ensuring its resource management objectives are met”. While the DEIS addresses potential impacts and practices to be used to avoid and minimize adverse effects, nothing is suggested to compensate for unavoidable impacts. The Department recommends that the BLM apply IM2008-204 policy to unavoidable impacts to fish, wildlife, and habitats resulting from the Gateway West Project.

Route Selection

The DEIS highlights the variable affects to wildlife species from proposed routes and alternatives, but does not make clear what factors will be used in the final route selection. Specifically it is unclear whether some potential impacts may be weighted more heavily than others in the final route selection. The Department is concerned that certain routes may have localized unmitigatable impacts to special status wildlife and that such impacts may not receive adequate consideration during the decision-making process. For example, Alternative 9E would have substantially greater effects to occupied sage-grouse habitat and bighorn sheep habitat than the proposed route or other Segment 9 alternatives. Effects resulting from Alternative 9E would be difficult to adequately mitigate for due to the level of impacts, particularly when considered within the proposed mitigation framework. The Department requests that additional clarification be added to the discussion of route selection.

Species of Greatest Conservation Need

Idaho’s Comprehensive Wildlife Conservation Strategy (CWCS) provides common framework that enables conservation partners to jointly implement a long-term approach for the benefit of Species of Greatest Conservation Need (SGCN). The strategy promotes proactive conservation to ensure cost-effective solutions instead of reactive measures enacted in the face of imminent losses. The Department is concerned that State of Idaho SGCN are not included in the assessment of impacts to special status species, or in proposed mitigation actions. Forest Service and BLM sensitive species overlap with some SGCN, but several are not addressed. The Department recommends that these be included in Section 3.11 Special Status Wildlife and Fish Species.

Sage-grouse Winter Concentration Areas

A seasonal protection is described for designated sage-grouse winter concentration areas and correctly notes that these areas have not been mapped or designated. The Department, in cooperation with the Idaho BLM state office, has recently completed an effort to model sage-grouse winter habitat areas. Several potential wintering concentration areas exist along some of the alternative routes. This data should be incorporated into the FEIS in conjunction with consideration of data from field surveys of these areas prior to construction to determine if implementation of TESWL-19 (page 3.11-67) is warranted. Department staff will work to provide this information during preparation of the Final EIS.

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Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
Page	Document Section	Comment
ES-25		Opening statement in paragraph two should clarify the context of "...minor effects on vegetation, soils, and waterbodies...including specifically sagebrush-obligate species..." While this may be accurate in the context of direct effects, the uncertainty with respect to indirect effects suggests this statement cannot be substantiated. Text should qualify this uncertainty or more clearly specify the context of the "effect."
2-144	Table 2.7-1, OM-30	Management authorities for several sensitive species fall under state jurisdictions. Unintentional taking of those species during construction and/or operations and maintenance should be reported to the appropriate state agency.
2-157	Table 2.7-1, WILD-1	BLM Information Bulletin No. ID-2010-039 <i>Seasonal Wildlife Restrictions and Procedures for Processing Requests for Exceptions On Public Lands in Idaho</i> should be identified in the DEIS as the guiding document for exemptions to seasonal wildlife restriction in Idaho.
2-156-	Table 2.7-1, WILD-1	It is unclear how WILD-1 and related proponent proposed mitigation measures for construction and operations and management on big game winter range (e.g., PGC-5, PGC-6, PGC-7) would relate as they appear mutually exclusive. The Department recommends that WILD-1 (with modifications recommended above) be used as the default for seasonal exemptions. The DEIS states that the agencies reject the proponent proposed monitoring for seasonal occupancy of big game winter ranges (page 3.10-26). The Department agrees that agency personnel should determine the presence or likely presence of big game in restricted areas. Also, please provide page reference for Wild-1 in general wildlife section.
2-155	Table 2.7-1 WILD-7	Markings on guy wires are designed to reduce bird strike mortality. Optimally, they should include non-federal lands as well as federal lands, recognizing that BLM can only direct their lands.
Throughout document	Table 2.7-1	Big game winter range headings include "critical" in the title. The State of Idaho does not recognize critical winter range, nor are we aware of any such designation by federal land management agencies. The term critical should be removed when referring to big game winter range in Idaho.
2-155 2-156 2-157 2-158 2-161	Table 2.7-1 PGC-4 PGC-6 PGC-9 PGC-13 PGC-17 PGC-21	Monitoring results should be provided to the appropriate state fish and wildlife agency in addition to the federal land management agencies.

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Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
Page	Document Section	Comment
	PGC-24 PGC-28 PGC-31 PGC-35 PMC-4	
2-160 2-158	Table 2.7-1 PRC-1 PRC-5 PRC-12 PRC-18 PRC-19	Monitoring results should be provided to the appropriate state fish and wildlife agency and the US Fish and Wildlife Service in addition to the federal land management agencies.
3.10-2 And Volume 3 appendix E.	3.1	Page 3.10-2 states that mapped areas of big game winter range as defined by state and federal agencies were used in the analysis area whereas page 3.10-25 states that spatial data on big game winter ranges have been provided by federal agencies. Figure E.10-4 Designated Big Game Winter Ranges, Idaho and Nevada appears to include State of Idaho data. The narrative should be corrected to accurately reflect that state data has been provided and used in analyses.
3.10-8, para 3	3.10.1.4	Remote Sensing – This section is unclear with regards to determinations of wildlife habitat “suitability” as it pertains to species distribution and habitat information provided by state wildlife agencies. Specifically, were any of these data amended based on the result of remote sensing?
3.10-9 and 3.10-10	3.10.1.4,	We are uncertain whether the habitat fragmentation methodology used in the DEIS was the most appropriate given the scale of the project. Focusing solely on number and size of patches with no assessment of other key principles like patch quality, patch isolation (distance between patches), or edge density may underestimate the effects of fragmentation as a result of project implementation. Further, it is unclear: 1) how the fragmentation information is incorporated into the impacts analysis, 2) will the information be or has it been used in project siting and 3) how this important issue will be addressed in a compensatory mitigation strategy for the proposed project.
3.10-15, para 5	3.10.1.5,	Check current scientific names of reptiles and amphibians. For example, Pacific treefrogs are in the genus <i>Pseudacris</i> . Several other species of amphibians have recently been reclassified including species that were formerly in the genus <i>Rana</i> (to <i>Lithobates</i>).
3.10-21	3.10.2.2,	Edge effects discussion focuses almost entirely on forested systems. Incorporating information from research conducted in sagebrush landscapes is relevant to this project (see Knick and Hanser 2011, Knick and Rotenberry 1997, Vender Haegen et al. 2000, Knick et al. 2008, Hanser and Knick 2011, and others).

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Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
Page	Document Section	Comment
3.10-34	3.10.2.2, WILD-10	The document acknowledges nesting birds are particularly sensitive to disturbance yet only prescribes a 30-foot pre-construction survey for nesting birds within the disturbed portion of the ROW. We are unaware of the source or rationale for this level of survey effort. Further, no nest avoidance distances are provided. Pre-construction survey efforts and avoidance distances should be clearly defined and included in the FEIS.
3.10-34,	3.10.2.2, (WILD-10, PRC-5, and others)	No flagging of nests should occur (see Rollinson and Brooks 2007). IDFG can provide information on inconspicuous techniques for marking nests upon request.
3.10-40	3.10.2.2, Operations, Habitat	For many species, "temporary" impacts will effect more than "several generations" given the time required for effective restoration of certain vegetation communities.
3.11-2 and 3.11-3	Table 3.11-1,	Incorrect citation for the Conservation Plan for the Greater Sage-grouse in Idaho. Should be Idaho Sage-grouse Advisory Committee (2006).
3.11-2 and 3.11-3	Table 3.11-1,	Incorrect description and characterization of Key Habitat designations in Idaho. See pages 3-12 and 3-13 in Conservation Plan for the Greater Sage-grouse in Idaho (Idaho Sage-grouse Advisory Committee 2006).
3.11-91, para 5	3.11.1.5,	If the dispersal of female sharp-tailed grouse from leks after mating is not well known, then the statement " <i>The sharp-tailed grouse broods, rears young, and winters within a short distance of the mating grounds...</i> " cannot be substantiated. Further, " <i>broods</i> " and " <i>rears young</i> " are the same activities. For more information on sharp-tailed grouse movements and home range see Meints 1991, Ulliman 1995, Boisvert et al. 2005.
	App C-3	General – The plant and wildlife conservation plan provides a basic planning framework for avoiding or minimizing impacts during construction. To facilitate implementation within the selected ROW route, the conservation plan (or supporting plans) will require more detail (e.g., preconstruction survey schedules/protocols, protection measure locations/schedules, and compliance monitoring/reporting procedures) and synchronization with a construction plan.
App C-3, Section 1.0, Pg. 2		Introduction – The second to the last sentence in this section states that the Plan addresses O&M activities. Clarify if this sentence correctly applies to this plan.
App C-3, Section 3.0, Pg. 5		Table 1 – Greater sage-grouse should have a regulatory status of candidate species.
App C-3, Section 4.2.1, Pg. 11		Land Management Plan – It is suggested that the plant and wildlife stipulations in RMPs and MFPs are not requirements and open to Proponent interpretation and modification as needed for Project

Keeping Idaho's Wildlife Heritage

<p align="center">Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011</p>		
Page	Document Section	Comment
		activities. Differentiate which stipulations affecting the Project are open to interpretation and which are definitive requiring RMP or MFP amendments.
App C-3, Section 4.2.2, Pg. 11		Stipulation Selection – Standardization of stipulations and protection measures for the Project is recommended where appropriate to meet species and habitat conservation needs and requirements. Clarify if RMP and MFP amendments will be required for proposed surface use stipulations interpretations, modifications, exceptions, and waivers.
App C-3, Section 4.2.2, Pg. 11		Stipulation Selection – It is generically stated that many seasonal restriction stipulations are designed to assume species presence and to “broadly bracket the period in which there could be adverse impacts.” We disagree with this characterization of the stipulations as this implies that the restrictions are unnecessarily long. Seasonal restrictions were conservatively identified to protect species from disturbance during known sensitive time periods.
App C-3, Section 4.2.2, Pg. 11		Stipulation Selection – Excluding an RMP’s or MFP’s species protection measures is appropriate if the proposed restrictions offer equal or greater protection from disturbance, not because they are “not practical from a project design and development perspective.” Appropriate species-, temporal-, and site-specific justifications must be provided if an RMP’s or MFP’s protection measures or stipulations are to be excluded or modified.
App C-3, Section 5.0, Pg. 13-20		General - Define “regular human activity” for the existing anthropogenic disturbances (including metrics such as distance) used to make animal habituation determinations for surface use stipulation waivers.
App C-3, Section 5.0, Pg. 13-21		General – Each of the PGC, PMC, PRC, PAC, and PPC measure categories are structured very similarly which often results in redundant text. We suggest systematically structured tables to explicitly present species-specific aspects of the measures (e.g., (1) survey buffer distances, (2) cutoff dates for big game seasonal periods, (3) raptor nesting seasons, (4) dates for surveys during “appropriate seasonal timeframes,” and (5) nest protection buffer distances) would clarify the information while simultaneously providing an opportunity to streamline text.
App C-3, Section 5.0, Pg. 13		Big Game – Big game animals can become habituated/acclimated to levels and types of existing anthropogenic disturbances for which they are regularly exposed. However, big game animals are uncommonly exposed to transmission line construction activities (e.g., those listed in 2.1.1) and unlikely to be habituated prior to the start of construction. Explain the basis to justify surface use stipulation waivers, and the Proponent’s approach to identify when animals might become habituated/acclimated to transmission line construction activities.

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Draft Environmental Impact Statement for the Gateway West Transmission Line Project Idaho Department of Fish and Game Section-specific Comments & Recommendations October 14, 2011		
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App C-3, Section 5.0, Pg. 13-15		Big Game – Specify anticipated big game survey methods/effort levels to ensure adequate detection likelihoods. Also, define the anticipated size and arrangement of survey areas relative to the selected ROW within which areas will be determined as occupied or vacant.
App C-3, Section 5.0, Pg. 13-15		Big Game – Construction is proposed to commence during big game protection periods in areas where none are present as determined after two consecutive weeks of surveys. Specify if weekly surveys will continue during a big game protection period after two consecutive weeks of big game absence and construction commences. Also, specify how PGC measures will be applied if big game animals return during a protection period even though construction might have commenced.
App C-3, Section 5.0, Pg. 13-15		Big Game – Big game detection surveys are to be conducted within a 1-mile buffer around active project facilities in “identified areas,” which will presumably correspond to “mapped habitat.” Verify that PGC measures will be applied to all identified areas/mapped habitat within the 1-mile buffer. Also, state how areas to be surveyed, and consequently to which proposed PGC measures will apply, will be identified/mapped prior to the detection surveys.
App C-3, Section 5.0, Pg. 13-15		Big Game – State the approach for applying PGC measures if big game animals are observed (e.g., incidental observations) during protection periods and within 1-mile of the ROW but outside of identified areas/mapped habitat.

Literature Cited

Boisvert, J. H., R. W. Hoffman, and K. P. Reese. 2005. Home range and seasonal movements of Columbian sharp-tailed grouse associated with Conservation Reserve Program and mine reclamation lands. *Western North American Naturalist* 65:36–44.

Hanser S.E. and S.T. Knick. 2010. Greater sage-grouse as an umbrella species for shrubland passerine birds: a multi-scale assessment. *In* Knick S. T. and Connelly J. W. (Eds), *Greater Sage-Grouse: Ecology and conservation of a landscape species and its habitats. Studies in Avian Biology Series (vol. 38).*

Idaho Department of Fish and Game Strategic Plan. 2005. *The Compass*. Boise, Idaho.

Knick, S.T., and J.T. Rotenberry. 1995. Landscape characteristics of fragmented shrubsteppe landscapes and breeding passerine birds. *Conservation Biology* 9:1059–1071.

Knick, S.T., J.T. Rotenberry, and M. Leu. 2008. Habitat, topographical, and geographical components structuring shrubsteppe bird communities. *Ecography* 31:389–400.

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- Knick, S.T. and S.E. Hanser. 2011. Connecting pattern and process in greater sage-grouse populations and sagebrush landscapes. *In* Knick S. T. and Connelly J. W. (Eds), Greater Sage-Grouse: Ecology and conservation of a landscape species and its habitats. Studies in Avian Biology Series (vol. 38).
- Meints, D. R. 1991. Seasonal movements, habitat use, and productivity of Columbian sharp-tailed grouse in southeastern Idaho. Thesis. University of Idaho, Moscow, ID, USA.
- Rollinson, N. and Brooks, R.J. 2007. Marking Nests Increase the Frequency of Nest Depredation in a Northern Population of Painted Turtles. *Journal of Herpetology* 41(1): 174-176.
- Vander Haegen, W.M., F.C. Dobler, and D.J. Pierce. 2000. Shrubsteppe bird responses to habitat and landscape variables in eastern Washington, U.S.A. *Conservation Biology* 14:1145–1100.
- Ulliman, M. J. 1995. Winter habitat ecology of Columbian sharp-tailed grouse in southeastern Idaho. Thesis. University of Idaho, Moscow, ID, USA.

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October 31, 2011

The Idaho Department of Lands (IDL) appreciates the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the Gateway West 500 kV transmission line project.

To reiterate our comments made during the scoping and Administrative DEIS review processes, IDL, at the direction of the Idaho State Board of Land Commissioners, manages the Endowment Trust Lands within the State. All Endowment Assets of the State of Idaho must, per the Idaho Constitution [Article 9], be managed "in such a manner as will secure the maximum long term financial return" to the Trust Beneficiaries. The Assets will be managed to provide a perpetual stream of income to the beneficiaries by:

- Maximizing long-term financial return at a prudent level of risk;
- Protecting future generations' purchasing power; and
- Providing a relatively stable and predictable payout.

In December 2007, the Land Board adopted the *State Trust Lands Asset Management Plan* addressing the overall management of Endowment Lands within Idaho. The IDL Annual Report also provides an overview of the mission as well as interesting statistical information that may be of interest. These documents are available on the agency website at www.idl.idaho.gov.

The Idaho Department of Lands also made the following general comments:

1. The department continually seeks revenue generating opportunities for the trust beneficiaries. Opportunities to cite supporting facilities on Endowment land are encouraged. Any use of Endowment Lands will require application for and approval of leases or term easements with fees based on current market rates. Easements may include multiple uses in some locations. Final location of any easements should be placed, wherever possible, in locations that will result in minimal negative impact to the function and productivity of Endowment land.

2. The ability of Idaho Department of Lands to manage the Endowment Assets for the maximum benefit of the beneficiaries will be impacted by this project. Among these impacts are:
 - a. Spread of noxious weeds. Area-specific management plans will be necessary to protect the condition of the state land and neighboring land owners;
 - b. Potential loss of access to Endowment Lands;
 - c. Increased trespass activity due to proximity of new roads to Endowment Land.
3. Alignment of the Transmission Line to capture renewable resources along the route should be given attention. Location of the Transmission Line in potential wind energy corridors or too far away from renewable energy production areas will result in a loss of the ability to capture these resources for the benefit of Endowment Beneficiaries as well as all residents of Idaho. While biological, visual and cultural resources are very important, collection of renewable resources should be a serious consideration as part of a value-based approach to project feasibility.
4. Fire management and suppression activities may be severely hampered by the Transmission Line construction and operation and result in loss of Endowment Land productivity. Specific fire management plans should be a pre-construction requirement.
5. Spanning or encroachment of navigable waters of the State would require either a submerged land lease or easement with the conditions to minimize environmental impacts or public use and navigation of the waters.

After review of the Gateway West DEIS, IDL submits these additional comments.

1. Major transmission line projects such as Gateway West and any accompanying infrastructure will be managed under a lease on endowment trust lands issued by IDL rather than by easement.
2. In Section 3.17-1, the document incorrectly states that any easement would need to be negotiated with the Idaho State Board of Land Commissioners. Negotiation of any easement or lease would occur with the Idaho Department of Lands as the administrative arm of the Board.
3. The location of the proposed route in Township 4 South Range 8 East (Segment 8, near MP 60 Midpoint to Hemingway) is unacceptable to the state. The proposed location would significantly diminish any potential development opportunities for the Endowment Trust Land. IDL recommends relocating this segment to 8d (Alternative not studied in detail) that would only impact the

4. northeast portion of this ownership block to protect the revenue generating ability of the Beneficiary.
5. State Trust Land along the proposed route on Segment 8 (between MP 90 and MP100 Midpoint to Hemingway) in Township 1 South Range 3 East and Township 1 North 2 East are identified as Peppergrass Element of Occurrence areas. Construction standards and practices should be adjusted to ensure compliance with the requirements for of the existing Candidate Conservation Agreement for Peppergrass between the Bureau of Land Management and the State of Idaho.
6. The project manager should be aware an IDL cropland lessee has experienced stray voltage issues from several existing transmission lines on endowment lands traversed by Alternative route 8a (Midpoint to Hemingway). The proposed route between Midpoint and MP 30 is preferred.
7. The proposed route between 4j. and 4k. (Wyoming to Populus) abruptly changes direction to the north to intersect with State Endowment Trust lands in Township 13 South Range 45 East. Both prior to and after these points, the proposed route closely parallels an existing power line. The location of the proposed line needs to stay as close to the Endowment ownership boundary as possible to minimize the impact to the larger parcel.
8. The proposed route between MP 180 and 200 (Wyoming Border to Populus) is unacceptable to IDL. The bifurcation of the management block by the proposed route unnecessarily encumbers the block as well as impacts future management opportunities. The Alternative Route Not Studied In Detail through this segment closely parallels an existing power line, would maintain the opportunity of future development in this large block of Endowment Trust Land. IDL recommends the Alternative Route be chosen for this location.
9. Consider the more direct, shorter route identified as Alternate Route 5c in the propose route of Segment 5 (Populus to Borah) beginning at 5g. to 5l. The proposed route negatively impacts the Endowment Trust Land.
10. In general IDL recommends that fire mitigation plantings or improvements to be designed into the project due to the common large fire occurrence throughout the length of this project in Idaho. Suggestions include intensive planting and fuel breaks around specific high value improvements such as substations, plantings of forage kochia and crested wheatgrass green strips on either side of the power line, or similar plantings to create a master fuel break within drainages.

The Idaho Department of Lands appreciates the opportunity the Bureau of Land Management has provided for submission of these comments.

Regards,

Kurt Houston
Division Administrator, South Operations

From: jmclain@blm.gov
Sent: Monday, October 17, 2011 7:31 AM
To: blm@gwcomment.com
Subject: Fw: Gateway West Transmission Line Project DEIS Comments
Attachments: pic18467.jpg; Gateway West DEIS CommentsR.docx

----- Forwarded by Joy McLain/WYSO/WY/BLM/DOI on 10/17/2011 08:30 AM -----

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10/13/2011 04:08
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Subject
Gateway West Transmission Line
Project DEIS Comments

I have attached the Idaho Department of Parks and Recreation's comments on the Gateway West Transmission Line Project Draft Environmental Impact Statement (DEIS). Our comments are in Microsoft Word (.docx). If you have any questions about our comments, please let me know.

Jeff Cook, Outdoor Recreation Analyst
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October 13, 2011

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Gateway West Project
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RE: Gateway West Transmission Line Project DEIS

Dear Planning Team:

The Idaho Department of Parks and Recreation (IDPR) staff reviewed the Gateway West Transmission Line Project Draft Environmental Impact Statement (DEIS). Idaho Power and Pacific Corp. are considering constructing a 500 kV transmission line from Glenrock, WY to Hemingway Butte, ID.

Our staff provided comments during the project scoping period on June 26, 2008. We were concerned about the effects this project would have on Bruneau Dunes State Park.

The proposed route and alternative routes bypass the park boundary; however, both the proposed route and alternative routes pass within 1/2 mile of Bruneau Dunes State Park boundary. Going around the park avoids Land and Water Conservation Fund 6 (f) (3) property (36 CFR 59.1), but we predict the transmission line will impact the visual quality of the park.

The visual quality analysis for the park is inadequate. A photo point and analysis was taken on the park roads (**KOP 401 (Figure E.2-10)**). This point is in part of the park where the towers would be less visible rather from the top of the big Bruneau Dune.

The main dune structure is a very popular hike within the park. The top of the dune is much closer (within two miles) and at similar elevation where transmission line would be located. The FEIS needs to analyze the visual quality from the top of the dune, as well as the park roads.

On Page 2-100, the DEIS makes a reference to "Bruneau Dunes County Park". Bruneau Dunes is a State Park. The correct reference is "Bruneau Dunes State Park"

On Page 2-101, the DEIS states "Consultation between representatives of the BLM, U.S. Air Force, Idaho Department of Parks and Recreation, and the Proponents has determined that the location of the Proposed Route within the restricted Military

Gateway West Transmission Line Project DEIS
October 13, 2011
Page 2

Operating Area and just to the south of Bruneau Dunes State Park is acceptable.” The IDPR was not consulted on this project, nor has our Board had any input on whether the proposed route or alternative routes is acceptable. The reference to our department should be removed from the DEIS.

In conclusion, the proposed routes and alternative routes will have a visual impact on Bruneau Dunes State Park. Neither IDPR nor its Board has been directly consulted on this project. We encourage the proponents to work with our staff in order to mitigate this visual impact.

We appreciate the opportunity to review this DEIS. If you have any questions about our comments, please contact Jeff Cook, Outdoor Recreation Analyst at (208) 514-2483.

Sincerely,

A handwritten signature in cursive script that reads "Nancy C. Merrill". The signature is written in black ink and is positioned above the typed name.

Nancy C. Merrill, Director
Idaho Department of Parks & Recreation



Suzi Pengilly
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v>

10/28/2011 09:34 AM

To "Gateway_West_WYMail@blm.gov"
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Subject Gateway West Transmission Line Project

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The Idaho State Historical Society is an extraordinary system of cultural and historic resources comprised of the Idaho State Historical Museum, State Archives, State Historic Preservation Office, and Historic Sites Program. We seek to inspire, enrich and engage all Idahoans by leading the state in preserving, sharing, and using history and cultural resources relevant to today to inform and influence the future.
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GatewayDEIS_Idaho SHPO Comments.docx

**Gateway West Transmission Line Project
DEIS Idaho Comment Form
Idaho SHPO Comments 10/19/2011**

Note Figure, Table, and map reference in comment column

Page	Par	Commenter	Comment	Response
2-203	4	Idaho SHPO	The second sentence in this paragraph seems to contradict our understanding of BLM authority on this project. SHPO review is conducted under Section 106 of the National Historic Preservation Act. For purposes of Section 106, the BLM is reviewing the entire project, regardless of land ownership. Is this different under NEPA?	
3.3-27	5	Idaho SHPO	Under <i>Prehistoric Resources by Segment and Alternative</i> , it states that the properties listed in Table 3.3-3 are those listed in the National Register of Historic Places, considered or assumed eligible for listing, or unevaluated. This should be restated in the title or in the footnotes for the table.	
3.3-37- 3.3-38		Idaho SHPO	As above, are the sites presented in Table 3.3-4 only those listed, eligible, or assumed eligible for the National Register or unevaluated? If so, this should be clarified on the table.	
3.3-34	2	Idaho SHPO	The geographic feature “Browns Bench” lies largely in Idaho. It should be described in the <i>Idaho Prehistoric Resource Overview</i> as well as in the Nevada overview.	
3.3-59	3	Idaho SHPO	City of Rocks should be described in this Section. Three of the alternatives pass close to this National Historic Landmark.	
3.3-68	1	Idaho SHPO	The BLM conducted the 15% sample survey to gather data that would inform the BLM’s selection of a preferred alternative. Yet the only discussion of the 15% survey results in Idaho is presented in two sentences. How does this inform decisions? Overall, the DEIS provides little analysis of the archaeological information available—either previously recorded properties or properties identified during the 15% survey. This shortcoming needs to be corrected before preparation of the final EIS so archaeological data can be fully considered in selecting a preferred alternative.	
3.3-70		Idaho SHPO	CUL-8 should also state that the relevant state burial law will be followed for human remains discovered on non-federal lands.	
3.3-71	1	Idaho SHPO	Under the fourth bullet, the words “within it.” should be deleted.	
General		Idaho SHPO	In reviewing the visual effects section for historic trails, we concentrated on the proposed routes. For the most part, it <i>appears</i> that the	

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			proposed routes would have less visual effect on emigrant trails than many of the alternatives, except near the following trail-related sites: (1) Big Hill; (2) Parting of the Ways; and (3) Three Island Crossing.	
3.3-128		Idaho SHPO	KOP C105 It is difficult to tell if Segment 4 (in Idaho) in the area of Oregon Trail's Big Hill will have a visual effect on that site. How can we evaluate visual effects for this segment if land owner access is denied?	
3.3-167- 3.3-172		Idaho SHPO	Alternatives 7H, 7I, 7J will adversely affect the setting of the California Trail and alternate trail segments (KOPs C22,23, 65-70 and others). From a cultural resources and historic preservation perspective, these alternatives should be dropped from consideration.	
3.3-173- 3.3-175		Idaho SHPO	The proposed alternative 7 passes very close to the Oregon/California Trails site of Parting of the Ways. In that location, proposed alternative 7 should be dropped from consideration. It is difficult to assess alternative 7C as there are no photo simulations from KOP C63 or KOP C64 toward alternative 7C. Its distance from Parting of the Ways seems adequate, but a photo simulation, especially from KOP C63, would be very helpful. Is it possible to develop an alternative that would swing to the north, closer to the freeway?	
3.3-197- 3.3-199		Idaho SHPO	Photo simulations should be provided for segments in the area south of the Oregon Trail site of Three Island Crossing (KOP C61). It is difficult to assess the effects of alternatives 8A or the proposed alternative 9.	
3.3-219- 3.3-220		Idaho SHPO	Once again, photo simulations should be provided for segments in the area south of the Oregon Trail site of Three Island Crossing (KOP C61).	
3.3-241		Idaho SHPO	Can a meaningful table be developed without using such a complex formula?	
3.3-243- 3.3-247		Idaho SHPO	Table 3.3-7. Why is an "Adjusted Impact Value" not provided for the proponent's proposed alternatives for the entire line? It is very difficult to draw conclusions from this table without those figures. This may be due to our lack of understanding of the table, but to the cold reader, this table is not very valuable.	

